



General Certificate of Education
Advanced Level Examination
June 2010

Law

LAW04

Unit 4 Criminal Law (Offences against Property) or Tort, AND Concepts of Law

Friday 25 June 2010 9.00 am to 11.00 am

For this paper you must have:

- a 12-page answer book.

Time allowed

- 2 hours

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Examining Body** for this paper is AQA. The **Paper Reference** is LAW04.
- Choose **one** scenario from two from **either** Section A (Criminal Law – Offences against Property), **or** Section B (Tort), **AND one** question from Section C (Concepts of Law).
In Section A **or** Section B, answer **both** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 85.

In Questions

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, marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:

- use good English
- organise information clearly
- use specialist vocabulary where appropriate.

Advice

- You are advised to spend no more than **one** hour on Section A or Section B. It is recommended that you spend 15 minutes planning your answer in Section C.

Section A Criminal Law (Offences against Property)

Choose **one** scenario from two on the theme you have studied for this unit.
Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 1

Vladic was a member of a gang of violent criminals, led by Luca. Vladic developed a very close friendship with Edna, his elderly neighbour, who tried to encourage him to become more law-abiding. As a result, Vladic had begun to regret his association with the gang. Luca became impatient with Vladic's increasing lack of interest in the gang's activities, and told him to "get some money off Edna quick or I'll beat her up". The following day, Edna gave £500 in cash to Vladic to pay into her bank account. He assured Edna that he would do so but, fearing that Luca would carry out his threat, Vladic handed over the money to Luca on his way to the bank.

Freda, another of Edna's friends, asked George, her neighbour, to water the plants in her kitchen while she was away on holiday, but told him not to go into her living room. The following day, however, George, having watered the plants, went into Freda's living room in order to watch television, and opened and ate a box of chocolates, which he intended to replace later. He then fell asleep on Freda's sofa, leaving a cigarette burning in an ashtray which fell on to the carpet and set it alight. Suddenly waking, George used a chair cushion to extinguish the fire. The cushion was only slightly damaged but the carpet was badly burnt.

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| 0 | 1 | Discuss Vladic's possible criminal liability for property offences arising out of his dealings with Edna and Luca. (25 marks) |
| 0 | 2 | Discuss George's possible criminal liability for property offences arising out of his activities in Freda's house. (25 marks) |

Total for this scenario: 50 marks

Scenario 2

Ken left some jackets for cleaning at Norma's dry cleaners. A week later, while he was walking to Norma's to collect the cleaned jackets, Ken decided to take them without paying the cleaning charge. This was because he was annoyed that Norma had overcharged him for previous dry cleaning. When Norma placed the jackets on the counter, Ken grabbed them and headed for the door. Norma tried to stop him going through the door but Ken pushed her out of the way and ran off. Norma was not injured.

Several days later, Ken visited a bar and sat at the table next to Toby. After Ken had drunk several lagers and after Toby had left the bar, Ken picked up off the floor Toby's bank card which had fallen out of his pocket. Ken memorised the details on the card before handing it in to the owner of the bar. On returning home, Ken used Toby's card details to buy a new mobile phone on the internet for £200, which came out of Toby's bank account.

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 Discuss Ken's possible criminal liability for property offences arising out of his activities in relation to Norma. *(25 marks)*
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 Discuss Ken's possible criminal liability for property offences arising out of his use of Toby's bank card details on the internet. *(25 marks)*

Turn over for the next section

Turn over ►

Section B Tort

Choose **one** scenario from two on the theme you have studied for this unit.
Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 3

Eric, who ran an IT business in an office on two floors, installed new flooring in the upstairs rooms. After he had completed the job, owing to his very poor quality work, some of the new flooring gave way and Eric's large photocopying machine crashed through the upper floor into the room below. Phil and Amy, who were salespeople visiting Eric on business, were standing directly under the path of the falling photocopier. It fell on Phil, causing him serious injuries, but it just missed Amy. Nina, a colleague of Phil and Amy, saw these events from an adjoining room. Both Amy and Nina were severely traumatised as a result.

Phil later bought a detached house in a quiet residential area. Jules, the owner of the neighbouring house, conducted a small welding business in the shed in his back garden at weekends. Phil became increasingly annoyed by the noise, despite the fact that a local estate agent had warned him of Jules' activities before Phil bought his house. When Phil complained to Jules, he started welding on Fridays as well.

Phil's mother gave him a new washing machine, manufactured by Whitegoods Ltd, which she had recently bought but no longer wanted. Later, when he used the machine, his expensive designer clothes, worth £300, were ruined after an electrical fault in the machine caused a small fire.

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Consider the rights and remedies, if any, of Phil, of Amy and of Nina against Eric in connection with the incident involving the photocopier. *(25 marks)*

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Consider the rights and remedies, if any, of Phil against Jules in connection with the noise and against Whitegoods Ltd in connection with his ruined designer clothes. *(25 marks)*

Total for this scenario: 50 marks

Scenario 4

Nathan visited Ali's hotel for a weekend break with his five-year-old son, Ben. While Ben was playing in a children's outdoor play area under Nathan's supervision, he cut his head by falling on to a very low wall made of sharp stone. While running down a hotel corridor in order to get help for Ben, Nathan slipped on some poorly-fitted floor tiles and broke his wrist. The tiles had recently been laid by a builder engaged by Ali.

In order to prevent repetition of various incidents of local teenagers trespassing into the hotel grounds at night, Ali had a high wall erected around the grounds. Nonetheless, Rob, a drunken teenager, got over the wall one night. While fooling around on an external fire escape on one of the hotel walls, he lost his grip, fell to the ground and suffered deep cuts.

Rob later received treatment for his injuries at the local hospital from Dr West, a newly qualified doctor. The treatment included the injection of a drug to prevent infection of the cuts. Dr West used an incorrect drug for Rob's injection and this caused him to suffer a stroke the next day. Immediately after treating Rob, Dr West had been required by a senior doctor to drive to another site of the hospital to treat victims of a serious accident. On the way, he failed to stop at a red traffic light while Tariq was crossing the road. Tariq just managed to avoid Dr West's car by hurling himself on to the pavement but, owing to his heart condition and the stress of the situation, he had a major heart attack and was in hospital for weeks.

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Consider the rights and remedies, if any, of Ben, of Nathan and of Rob against Ali in connection with the harm they suffered at the hotel. *(25 marks)*

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Consider the rights and remedies, if any, of Rob and of Tariq against Dr West and against the hospital. *(25 marks)*

Turn over for the next section

Turn over ►

Section C Concepts of Law

Answer **one** question only from this section.

It is recommended that you spend 15 minutes planning your answer in Section C.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

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Critically analyse the extent to which judges are able to display creativity in the operation of judicial precedent and the interpretation of statutory rules.

(30 marks + 5 marks for AO3)

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Critically discuss different possible meanings of justice and explore the relationship between law and justice.

(30 marks + 5 marks for AO3)

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Discuss the meaning of fault as a basis for criminal and/or civil liability. Explain and evaluate the imposition of liability without fault.

(30 marks + 5 marks for AO3)

END OF QUESTIONS

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