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(Specification 2160)

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

Report on the Examination

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Unit 4 (LAW04): Criminal Law (Offences against Property) or Tort, and Concepts of Law

General

As was the case with the 2010 and 2011 LAW04 examinations, many students performed well and there were many very good responses, demonstrating thorough learning and careful preparation. Students generally devoted sufficient time to both the substantive law and concepts sections, although some, in attempting their Concepts question first, spent far too much time on it and failed to leave sufficient time for the rest of the paper. The major deficiencies in the responses of weaker students to the substantive law questions continued to be the devotion of excessive time and detail to aspects which were not in issue in the problems set, and the failure to adequately read and/or reflect on the facts of the problems, leading to inaccurate explanations and analyses. In addition, students often fail to display a precise knowledge of the wording of relevant statutes, for example, the *Fraud Act 2006* and the *Occupiers' Liability Act 1984*.

SECTION A (OFFENCES AGAINST PROPERTY)

Scenario 1

Question 01

Students were required to address three areas in relation to Dan's possible criminal liability for property offences; (i) theft in relation to the parking permit, (ii) fraud by false representation and/or obtaining services dishonestly in relation to the permit, and (iii) making off without payment and/or fraud by false representation in relation to the meal in the café.

The theft issues. Many students were able to provide competent explanations and application of the various elements, and many responses were excellent. The crucial points were that Dan obviously assumed the rights of the owner and therefore appropriated the permit (*s.3 TA 1968*) by taking possession of and using it. It also constituted 'property' (tangible personality) and 'belonging to another' since, although, at the time that Dan found it, it was no longer in the possession or control of the person who had lost it, that person continued to retain a 'proprietary right or interest' [*s.5(1) TA 1968*]. Better students also pointed out that such a right is not lost by temporary losing of property and that it was highly unlikely that the owner had lost that right through abandonment, which requires an intention to abandon.

Many students assumed that the Council was the owner of the permit, whereas others assumed that it was owned by the loser and both views were accepted as arguable. In relation to dishonesty, many students correctly explained the ***Ghosh*** test, but only the very best saw the relevance to the problem of *s.2(1)(c) Theft Act*, which provides that D is not dishonest if he believes that the owner cannot be traced by taking reasonable steps. This provision is highly relevant to a 'finding' scenario, as good students were able to explain, and point out that, given that Dan ultimately handed in the permit at the Council offices, it was likely that he believed that the owner could be traced. Such students gained high marks.

It was interesting that many students mentioned *s.2(1)(c)* but dismissed it as inapplicable and thus demonstrated that they failed to see its significance. Some students did refer to *s.2(1)(c)* but explained it inaccurately, eg by saying that D is dishonest if he fails to take reasonable steps to trace the owner, rather than stressing the importance of D's belief as to whether the

owner can be traced or not. On the other hand, many students provided good explanations of the requirement of the intention to permanently deprive and that, although Dan ultimately handed the permit in, its 'goodness and virtue' had by then disappeared. Better students also pointed out that this was the effect of the wording of *s.6 Theft Act* that, even if D does not intend the owner to lose the property, he is deemed to intend to permanently deprive him of it if his intention is to treat the property as 'his own to dispose of regardless of' the owner's rights and that a borrowing of property gives rise to such an intention if it amounts to 'an outright taking or disposal'.

The fraud issues. Many students were able to explain and apply the elements of the *Fraud Act 2006* accurately and thus gained high marks. By displaying the parking permit in his car, Dan was making an implied representation (by conduct) that he was the owner of it, and this representation was clearly false since he knew that it was 'or might be, untrue or misleading' [*s.2(2) Fraud Act 2006*], since he knew the permit had been issued to someone else. He was clearly dishonest under the ***Ghosh*** principles and he intended 'to make a gain for himself or another', or to 'cause loss to another or to expose another to a risk of loss.' Better students were also able to explain the statutory provisions relating to the meaning of 'gain' and 'loss', ie that these relate to 'gain' and 'loss' only 'in money or other property' [s*.5(2)*], and that 'gain' includes 'keeping what one has', which was clearly relevant to Dan not having to pay for the permit.

As pointed out in previous Reports on the Examination, students achieving the highest marks were able to provide explanations and definitions which closely mirrored the wording of the *Fraud Act*. Some students adopted an alternative approach to fraud by correctly arguing that Dan was guilty of obtaining services dishonestly. Others argued both routes. Students should remember, however, three important points in relation to answering questions on obtaining. Firstly, a crucial element of this offence is that D must obtain the services 'by a dishonest act' [see *s.11(1) Fraud Act 2006*], ie the act whereby he obtains the services (in this scenario, Dan's act of displaying the permit) must be dishonest. This means that if D does not possess a dishonest intention at that time, the offence will not apply (although this requirement was satisfied in Dan's case). Very few students appreciated this point and thus failed to achieve the highest marks.

Secondly, students should beware that they do not confuse the requirements of *s.11* and fraud. For example, students sometimes incorrectly stated that liability under *s.11* requires that D intends to make a gain or cause a loss, which is a requirement of fraud but not of *s.11*.

Thirdly, students will achieve the highest marks only by offering explanations which are close to the wording of *s.11*. A common failing of some students is to use the language of fraud, making off and obtaining services interchangeably and without an accurate understanding of the language of *s.11*., eg making off requires that payment is 'required or expected', whereas *s.11* requires that the services are 'made available on the basis that payment' has been or will be made for them.

The making off without payment/fraud issues. Most students approached the question on the basis of making off only (*s.3 Theft Act 1978*) and were able to explain and apply the main elements. The *actus reus* elements were that a service had been 'done', that payment for the meal was 'required or expected' and that Dan had made off from the 'spot' where payment was required or expected. The relevant *mens rea* issues were whether Dan knew that payment was required, whether he was dishonest under the ***Ghosh*** rules and whether he intended permanently to avoid payment (***Allen***). Students generally correctly argued that Dan was guilty. On the other hand, a few students addressed the issue in the problem that the reason he left without paying was that he thought the meal was of poor quality. Of the students who addressed this issue, the better ones argued that he might not have been dishonest whilst others argued that the service had not been 'done'. Such arguments were

credited. Many students adopted an alternative approach in suggesting that Dan might be guilty of fraud by false representation, under *s.2 Fraud Act 2006*, on the basis that, when Dan ordered the meal, he was representing himself as an honest paying customer, and that, since he later decided not to pay for the meal, the representation became false.

Few students, however, failed to score the highest marks on the basis of the fraud argument since most failed to state that the representation must be false when it is made [*s.2(1) FA 2006*]. Since it was not false when Dan ordered the meal, he could be liable only on the basis of the argument that the representation continued to be 'made' for the whole duration of the meal, so that, when he ultimately decided not to pay, it then became false (see, for example, the pre-Fraud Act authority of ***DPP v Ray***).

Some students argued both making off and fraud, and were therefore given appropriate credit. Several students argued that Dan was guilty of obtaining services dishonestly under *s.11 Fraud Act 2006*. However, although awarded some credit, these students did not achieve the highest marks since it was clear that Dan did not obtain the meal by a dishonest act, given that, when he ordered the meal, his intention was to pay for it. Some students incorrectly submitted that Dan was guilty of theft, failing to recognise that he formed dishonest intent after he had eaten (appropriated) the meal and, therefore, when it was no longer property 'belonging to another'.

Question 02

Students were required to address three areas in relation to Ben's criminal liability for property offences; (i) theft and robbery, (ii) burglary and (iii) the defence of duress.

The theft and robbery issues. Many students gave reasonable explanations of the *actus reus* and *mens rea* elements of theft and robbery but, unfortunately, many addressed the theft issues too briefly by referring to them in the course of a discussion of burglary. In fact, Ben's liability for theft was fairly obvious and students who explained and applied the elements in detail scored good marks. On the other hand, many failed to see the significance of the fact that Gwen intended to throw out the rubbish bag (namely that this would not amount to abandonment since the bag was still in her possession and control).

The robbery issues were generally accurately addressed, ie the meaning of 'force' and the requirements that force must be used 'immediately before or at the time of the theft', and 'in order to' steal. Many students correctly argued that the force used on Gwen did occur at the time of theft and better ones relied on the idea of a 'continuing appropriation' to support this proposition. Many students also argued that Ben used force 'in order to steal' on the basis that he used it to 'make his escape'. Although this was credited, few sought to explain the relevance of 'escaping' to 'stealing'.

NB: many students, in attempting the theft aspect, sought to rely on their earlier discussion of theft in their answer to Question 01. This is a permissible technique but it must be used with caution. It was necessary for students, in their answers to Question 02, to explain elements relevant to Question 02 which were not central to Question 01 (for example, the 'belonging to another' issue in relation to the rubbish bag). Moreover, students had to apply to the facts of Question 02 any elements explained in relation to Question 01. Some students, unfortunately, relied excessively on their discussion Question 01 and lost marks accordingly.

The burglary issues. Students generally were able to provide competent responses to this aspect of the question and there were many good ones. It was necessary to explain the requirements of 'entry', 'trespasser', and 'building'/'part of a building'. The facts did suggest that Ben had Gwen's permission to go into her living room only, with the result that he was a trespasser in the bedroom, which was obviously 'part' of a building. Students who addressed

the above issues then correctly argued that Ben was guilty of burglary on the basis of both *s.9(1)(a)* and *s.9(1)(b)*. The former was because he possessed conditional intent to steal before he entered the bedroom (which is sufficient for burglary but not theft), and the latter since he committed theft of the money and the rubbish bag, and GBH after entry.

NB: as was pointed out in the 2010 Report on the Examination, students should be very careful in explaining the differences between *s.9(1)(a)* and *(b)*, ie that under the former, intention to commit (but not the actual commission of) the ulterior offences is required before entry whereas, under the latter, actual commission of theft and/or GBH after entry is required. Many students failed to clearly explain these points [eg by referring only to D's intention to commit theft and/or GBH in relation to *s.9(1)(b)*] and thus failed to gain the highest marks.

The defence of duress. Many students accurately explained and applied the elements of duress extremely well and thus gained good marks. Students generally argued that Ben would have believed that there had been a threat by Reggie of at least serious injury. However, better students suggested that the threat of 'big trouble' might not have reasonably conveyed this message, and that a threat to Ben and his family (people for whom he reasonably felt 'responsible') fell within the ambit of the defence. Better students also pointed out that, since the major decision in ***Hasan***, the belief must be reasonably held as well and genuine.

A further important issue was whether the threat would have caused a person of reasonable firmness to act as Ben did, although this seemed arguable, given that Reggie was a 'violent man'. It was unclear on the facts whether there was a reasonable opportunity for Ben to escape the consequences of the threat. However, many argued that, since the theft occurred on 'the following day' after the threat, he had the opportunity, for example, to go to the police, whereas others suggested that Ben might have thought that Reggie was 'watching' him all the time. Such arguments were credited. In this connection, many good students referred to ***Hudson & Taylor*** although others correctly pointed out that the correctness of this decision was doubted in ***Hasan***. It was also unclear on the facts whether Ben reasonably believed that Reggie would carry out the threat 'immediately or almost immediately' (***Hasan***) and students were entitled to speculate on this point.

Some students relied on the decision in ***Abdul-Hussain*** as showing that it is sufficient for the defence to succeed that D reasonably believes that the threat will be carried out 'imminently', although ***Hasan*** stressed the requirement of 'immediacy'. An issue which many students also addressed, and for which they received credit, was whether, since Ben had borrowed money from Reggie, he had voluntarily associated with a violent man and thus disabled himself from relying on the defence. This would depend on whether Ben knew of Reggie's violent nature when he borrowed the money, as many pointed out.

NB: students who discussed the possible liability of Reggie for blackmail gained no marks since the question clearly required students to discuss the liability of Ben and not Reggie. It is important that students read the questions very carefully, including the relevant instructions.

Scenario 2

Question 03

Students were required to address three areas; (i) theft in relation to the £20, (ii) fraud by false representation in relation to the £20 and (iii) blackmail in relation to Tom's demand to David.

The theft issues. Most students accurately explained and applied the essential elements of the *actus reus* (appropriation, property, belonging to another) and *mens rea* (dishonesty and intention to permanently deprive) and thus gained good marks. However, some failed to identify and explain the particular appropriation issue in the problem, ie that appropriation can occur despite the consent of V (***Gomez***, ***Lawrence***) and that this rule applies to an outright gift of property from V, the owner, to D (***Hinks***).

The fraud by false representation issues. Many students were able to identify, explain and apply the essential features of the offence and many good marks were awarded. Clearly, Tom made an express representation by the sign that he was homeless, and an implied representation by his manner of dress that he was destitute/poverty stricken, etc, and these representations were 'false', ie they were 'untrue or misleading' and Tom knew that they were or might be untrue or misleading [*s.2(2) Fraud Act 2006*]. Many students proceeded to discuss the requirements of dishonesty (***Ghosh***) and Tom's intention to make a gain for himself or another, or to cause loss to another or expose another to a risk of loss. It was obvious that these requirements were satisfied on the facts and many students explained why. Better students also provided at least some explanation of the meaning of 'gain' and 'loss' in *s.5* (eg that it must relate to 'money or other property', and that it includes 'getting what one does not have').

The blackmail issues. The question required students to consider whether Tom had made a 'demand with menaces', whether the demand was 'unwarranted' and whether he had made the demand 'with a view to gain for himself or another, or with intent to cause loss to another' [*s.21(1) Theft Act 1968*]. Most students were able to address the issues of 'demand' and 'menaces', although only better ones were able to address the meaning of 'unwarranted' reasonably successfully.

There was clearly a demand for payment of the £50 by David. Whether the demand was made with menaces would depend on whether the reasonable man 'of normal stability and courage' would give in to the demand (***Clear***). It was probably arguable that he would, given that he would probably prefer to avoid being reported to the police. If this was the case, it would not matter that David himself did not seem influenced by the threat (***Clear***), given that he 'ignored the threat and walked off'. The central issue was whether Tom's demand with menaces was 'unwarranted'. The statutory test here is what was Tom's actual belief? Did he believe that he had reasonable grounds for making the demand, and did he believe that the use of menaces was a proper means of reinforcing the demand? Given that Tom had been sexually assaulted by David in the past, it was arguable that he would believe that he had such reasonable grounds. In order to decide whether Tom believed that the use of the menaces was proper, it had to be asked whether he believed that his threat to David to report him to the police was morally or socially acceptable according to the general standards of society (see for example, ***Harvey***). This was a question of fact but, the fact that Tom would be acting lawfully in going to the police would assist his case.

Question 04

The three areas involved in the question were (i) basic and aggravated criminal damage in relation to Tom, (ii) basic criminal damage and the defence of lawful excuse in relation to Mark, and the issue of Tom's intoxication in relation to criminal damage, and (iii) Tom's possible liability to Fritz for making off without payment and/or fraud by false representation and/or obtaining services dishonestly.

The criminal damage issues in relation to Tom. The question required students to consider whether Tom was liable for basic and aggravated criminal damage. Students were generally able to explain and apply the elements of basic criminal damage contained in *s.1(1) Criminal Damage Act 1971* (*CDA*) in relation to the rubbish tip and the window frame of Ali's house. Many students provided good explanations of 'destroys' and 'damages' by referring to the various judicial authorities (for example, ***A v R, Morphitis v Salmon etc***). The rubbish tip was obviously destroyed, and the window frame was obviously damaged, eg since the fire would affect its value. Most students were able to explain that the rubbish tip was personal property, although very few realised that the window frame constituted real property since it was part of Ali's house.

Many students also correctly explained the *mens rea* requirement of intention or recklessness as to the damage and that, on the basis of the authority of ***R v G***, recklessness must be subjective. On the facts of the problem, it was probable that Tom did realise the risk of causing a fire by throwing the lighted match into the garden and many students made this point (although some merely suggested that Tom was reckless without explanation, thus not scoring high marks).

There was also an issue of aggravated criminal damage under *s.1(2) CDA*, and students generally pointed this out. Many of the students who did identify the aggravated offence correctly stated that such liability would be established only if Tom possessed intention or recklessness as to the endangering of the life of another. Good students also explained that the risk of danger to life must be caused by the criminal damage itself (***Steer***) and that all that was required was a possible risk to life without any danger (it was thus irrelevant to liability that no one was in the house at the time of the fire). Better students correctly argued that Tom might be liable, although this was unclear on the facts since it could not be clearly stated that Tom was consciously aware that he was endangering life.

NB: some students wrongly thought that the offence of criminal damage requires dishonesty.

The criminal damage and lawful excuse issues in relation to Mark/intoxication in relation to Tom's criminal damage. In relation to Mark, the issues were whether he was guilty of basic criminal damage in relation to the bed linen used to extinguish the fire and whether he could rely on the defence of lawful excuse under *s.5(2)(b) CDA*. Many students competently explained that the linen had clearly been damaged, relying on various relevant authorities, and that Mark was reckless in relation to the damage, although it was evident from the facts that he damaged the property intentionally.

It was pleasing to see that many students this year were able to identify at least the possibility of lawful excuse, although few explained the precise details. What *s.5(2)(b) CDA* requires for the success of this defence is that D destroys or damages property belonging to another in order to protect property, whether belonging to himself or another, and he believes that the property is in immediate need of protection and that the means of protection are reasonable in the circumstances. This defence was clearly arguable, especially since Mark knew that there was no one in Ali's house.

Some students argued, in addition, that *s.5(2)(a) CDA* might apply, ie that Mark might have believed that Ali would consent in the circumstances to the damage to the bed linen, and this received credit. In relation to Tom's intoxication in relation to criminal damage to the rubbish and the house, students were expected to explain that basic and aggravated criminal damage are crimes of basic, and not specific, intent (given that these can be committed recklessly). Under the ***Majewski*** principles, intoxication is not a defence to such crimes. It was thus irrelevant whether Tom was able to form the *mens rea*, given that getting drunk is said to supply the recklessness required for liability.

Making off/obtaining services/fraud by false representation in relation to Tom.
Students were able to get top marks by addressing Tom's possible liability, either for making off without payment (*s.3 Theft Act 1978*), for obtaining services dishonestly (*s.11 Fraud Act 2006*), by fraud by false representation (*s.2 Fraud Act 2006*) or by any combination of these. However, students who referred to more than one of these offences were obviously not expected to provide the same level of detail relating to each offence as those who referred to only one of the offences.

There were many good responses to this question. In relation to making off without payment, it was obvious that the provision of a taxi ride was a 'service done', that payment was 'required or expected', and that Tom made off from the spot where payment was required or expected. The decision in ***Brooks & Brooks*** makes it clear that 'makes off' simply means 'to depart', including the scenario where D is permitted to temporarily leave to get money. In addition, Tom must have known that payment was required, he obviously intended permanently to avoid payment (***Allen***) and he was dishonest on the **Ghosh** test. Regarding obtaining services by a dishonest act, one of the main issues was whether Tom obtained the taxi service 'by' a dishonest act, ie whether he had dishonest intent at the moment that he asked Fritz to drive him to the stipulated address. As many students pointed out, the fact that Tom had no money, and that he gave a false address, strongly indicated that he was dishonest from the start.

In relation to fraud by false representation, there were several representations made by Tom, ie the implied representation that he was a paying customer, the express representations as to his home address and that he could obtain money for the fare from a friend. Students relied on one or more of these in their answers. In addition, given the likelihood that he was dishonest from the outset, he knew that these representations were 'false or misleading', and he intended to make a gain for himself and cause a loss of the fare to Fritz. Students were given credit for considering whether Tom's intoxication was continuing at the time of the taxi ride and, if so, for explaining that it would provide a defence, given that making off/fraud and obtaining services dishonestly, are all crimes of specific intent.

SECTION B (TORT)

Scenario 3

Question 05

This question involved two areas; (i) the possible liability of Imran to Dale and Mick for negligent misstatement, and (ii) the possible liability of Goodview to Dale for product liability.

The negligent misstatement issues. Many students correctly began by explaining the generally restrictive approach of the law to allowing claims for economic loss in the tort of negligence, one of the main exceptions being a claim for pure economic loss caused by a negligent misstatement. A central feature of the problem was whether Imran owed a duty of care to Dale in relation to his giving of investment advice under the principles as originally established in ***Hedley Byrne v Heller***, and as developed in later authorities, in particular ***Caparo v Dickman***. Most students displayed a competent understanding of these principles and many responses were excellent.

According to ***Hedley Byrne*** and later authorities, D owes a duty of care to C in the making of a statement, in the absence of a contract, only if there is a 'special relationship' between them, or, according to ***Caparo v Dickman***, only if there is a 'relationship of proximity' (which has a similar meaning to that of a 'special relationship'). The main features of special relationship/proximity are that (i) the maker of the statement, D, possesses some special skill relating to the statement, (ii) D knows that it is highly likely that the claimant, C, will rely on the statement, (iii) C does rely on it and thereby incurs financial loss, and (iv) it is reasonable for C to rely on it. As regards element (i), students correctly argued that Imran, as an 'investment consultant', could be considered an expert.

Many students also considered the scenario in ***Chaudhry v Prabhakar***, which suggested that advice given by a friend might give rise to a duty. Requirement (ii) was clearly satisfied since Dale had asked Imran to specifically advise him about the investment of his money and, moreover, Imran must have realised that Dale would follow whatever advice he gave, especially given that they were friends. Whether it was reasonable for Dale to rely on Imran's advice would depend on all the circumstances. Many responses correctly suggested that it would not normally be reasonable to rely on advice given in a purely social situation. Several students correctly pointed out that (eg ***Hedley Byrne***, ***White v Jones*** etc) if the maker of the statement voluntarily assumes responsibility regarding the making of the statement, rather than staying silent, this supports the existence of a duty of care, and credit was given for this.

In relation to Imran's possible liability to Mick, many students correctly reasoned that a duty did not arise since there was no reason why Imran ought to have realised that Dale would communicate to Mick the advice given by Imran. In addition to addressing the issue of whether a duty of care arose, students were expected to explain the standard of care required of Imran, ie did he display the care, skill and expertise that would have been displayed by a reasonably competent investment consultant? Students were also expected to explain whether, in the circumstances, it was likely or not that he had met that standard, eg did the fact that Fortuna collapsed shortly after the advice was given show that Imran's research and knowledge was negligent? In relation to the remedy available, it was merely necessary for students to identify that Dale could recover damages for his loss, and that this is one of the areas where economic loss can be recovered in tort, although students who addressed the issue of measure of damages received credit.

The product liability issues. Students were able to achieve full marks by addressing product liability on the basis of either common law tortious negligence or the *Consumer Protection Act 1987*. A response on the basis of common law principles obviously required students to explain elements of the duty of care in relation to defective products and breach of duty. Many students showed a good understanding of the principles governing the duty owed by the manufacturer of the product (reasonable foreseeability, proximity etc) and the scope of persons to whom the duty is owed, whether a purchaser of the product (eg ***Grant v Australian Knitting Mills***), a consumer or user of it (eg ***Donoghue v Stevenson***).

Students were also able to show a competent or better understanding of the general negligence principles governing breach of duty (eg magnitude of the risk, likelihood of harm, etc). On the other hand, many failed to apply general principles governing breach of duty in relation to the statement in the problem that 'research carried out by the company prior to manufacture had not detected' the fault in the TV wiring circuit. This required students to consider, for example, the principle that a skilled person in any profession or area is only expected to display, at any moment in time, the knowledge which is generally possessed in that profession or area (see, for example, ***Roe v Minister of Health***). This means that a manufacturer will not be negligent for a defect in his product if the state of knowledge in his field is such that the defect could not have been discovered by careful research or testing. This is merely an aspect of the fundamental principle in negligence that a person is only expected to exercise reasonable care and skill, but no more. This might have applied in Goodview's case but, on the other hand, if careful research could have discovered the wiring defect, but that defect was not discovered because the research or testing was inadequate, Goodview would be liable.

Some students gained marks by pointing out that it may be difficult for a claimant to prove the precise manner in which a manufacturer was negligent, and that the doctrine of *res ipsa loquitur* can prove very useful in this respect (see eg ***Grant v Australian Knitting Mills***). One area, however, which students are generally failing to address, is the requirement of damage. The general rule is that a claim in the tort of negligence will succeed only if the claimant can show that he suffered physical damage as a result of the negligence, either in the form of personal injury (eg a broken arm), or damage to his property (eg a damaged car). On the facts of the problem, Dale could obviously establish personal injury and damage to property.

Many students chose to deal with product liability on the basis of the principles in the *Consumer Protection Act 1987*. In general, answers showed at least a competent understanding of the elements of the statutory claim ('product', 'defective' and 'producer'), and some students were able to provide a very detailed knowledge of the provisions. Students also generally recognised that the defective product must cause 'damage', which is defined in the Act to include the death or personal injury of the claimant or damage to his property, but excluding damage to the defective product itself [see *s.5(1) and s.5(2)*].

Unfortunately, many students failed to refer to the 'development risks' defence in *s.4(1)(e)*, which was clearly relevant on the facts of the problem (which stated that research carried out by Goodview did not reveal the defect in the TV wiring circuit). According to this provision, it is a defence for the defendant to show that 'the state of scientific and technical knowledge at the relevant time was not such that a producer of products of the same description as the product in question might be expected to have discovered the defect…' It would, of course, depend on the evidence whether this was the reason why Goodview failed to detect the fault. So far as the remedy available to Dale was concerned, it was sufficient for students to identify damages, but without any elaboration as to measure of damages.

Students were rewarded for referring to relevant authorities on the Act. Unfortunately, some students who dealt with the problem on the basis of the CPA revealed their confusion by

insisting that a manufacturer is liable under the Act only if negligence can be shown, thereby failing to realise that liability under the Act is strict.

Question 06

This tort question involved three areas; (i) the possible liability of Ed to Mo in the tort of negligence, (ii) Ed's possible liability to Jack under negligence/psychiatric injury principles and (iii) the possible vicarious liability of Luigi to Mo and Jack.

The liability of Ed to Mo. Many students achieved good marks by explaining and applying general principles of negligence. It is obvious that a lorry driver owes a duty of care to other road users and others in the vicinity, although many students explained in detail the principles of foreseeability and proximity, and the rule that it must be just and reasonable to impose a duty. Marks were awarded for this. It was, however, particularly important to decide whether Ed was in breach of duty by reference to the 'reasonably careful and skilled driver' principle and to possible 'risk factors', such as the degree of likelihood that harm would be caused by Ed's lack of care and the gravity of likely harm, etc. Many students adopted this approach, often referring to such authorities as ***Paris v Stepney*** and ***Bolton v Stone***, etc. Unfortunately, although students generally explained the nature of these factors, some failed to explain their significance in relation to the requisite degree of care that the law would expect, eg some students pointed out that it is highly likely that a lorry driver travelling at speed while texting will cause harm, without explaining the consequence that the law therefore requires a very high standard of care. Most students also examined causation and remoteness issues, and identified damages as the remedy, for which they received credit.

The liability of Ed to Jack. Students were required to consider Ed's possible liability in the tort of negligence for the possible psychiatric injury suffered by Jack. The first issue was to explain whether Jack was a primary or secondary victim. Most students argued that he was a secondary and not a primary victim, since the wall had already collapsed before he intervened with the result that he was no longer at risk of physical injury from the further collapse of the wall. Some students, however, did argue that there could have been further danger from the wall and thus applied the rules governing primary victims to Jack, and although this was less likely on the facts of the problem, such an approach received credit.

Having argued that Jack was a secondary victim, it was then necessary to explain that, in order to establish the duty of care, he would have to prove the various 'control factors' as established in ***McCloughlin v O'Brian*** and developed in ***Alcock v Chief Constable of South Yorkshire***. To begin with, Jack would have to show that he had suffered a 'recognised psychiatric illness' (eg post-traumatic stress disorder) and not merely anxiety or grief, that this illness was caused by a traumatic event or an 'assault on the senses' (***Sion v Hampstead Health Authority***) and that it was reasonably foreseeable that the person of 'normal fortitude' would suffer shock. It would also be necessary for Jack to prove the various aspects of 'proximity.' The real difficulty facing Jack was that, as a mere bystander/rescuer, he was not in a close loving relationship with Mo, although it was clear that he witnessed at least the aftermath of the incident, and with his own 'unaided senses'.

NB: it was necessary for students to consider whether Ed had committed a breach of duty in relation to Jack, but students generally argued that, if Ed was negligent in relation to Mo, he was also negligent in relation to Jack, and this approach was acceptable.

The liability of Luigi to Mo and Jack. Students were obviously required to explain and apply the principles of vicarious liability to the situations of Mo and Jack, and many students provided good answers. Most students correctly concluded that Ed was an employee, rather than an independent contractor, utilising tests established in authorities such as ***Ready Mix Concrete v Ministry of Pensions***. Students also correctly concluded that Ed committed the

tort of negligence while acting in the course of employment, and was not acting 'on a frolic of his own', since he was in the course of making a delivery authorised by Luigi. Many students correctly referred to authorities such as ***Century Insurance v Northern Ireland Road Transport Board*** to illustrate the rule that the employer is liable if the employee carries out an authorised act in a negligent manner. Many also noted that Ed's negligence occurred while failing to follow Luigi's instruction not to use a mobile phone while driving. However, many failed to explain the relevant rule in this context, ie that if the employee is carrying out an authorised act in a forbidden/unauthorised manner, he will be acting in the course of employment (***Limpus v London General Omnibus***, ***Rose v Plenty*** etc) whereas, if the employee's disobedience means that he is not carrying out the job he is employed to do, he is not in the course of employment (***Beard v London General omnibus***, ***Twine v Bean's Express*** etc). Students received credit for raising the issue as to when an employee's tort, which also constitutes a crime (eg a road traffic offence), is deemed to occur within the course of employment, some correctly stating that, according to ***Lister v Hesley Hall***, this will be the case if the employee's act is so closely linked to his employment that the employer ought to be liable.

Scenario 4

Question 07

Students were required to address two issues; the possible liability of Rafa for (i) private nuisance and (ii) under the Rule in ***Rylands v Fletcher***.

The nuisance claim. The majority of students attempting this question were able to accurately define the tort of private nuisance as 'the unreasonable interference with the use and enjoyment of land', and to identify the various factors referred to in the facts of the problem. These were relevant in determining whether the noise generated by Rafa's factory constituted an unreasonable interference with Bob's use and enjoyment of his land. The important features were the locality factor (Bob owned the only house in a noisy street, which, surprisingly, many students argued, was a residential area, whereas the opposite seemed to be the case), the duration of the interference (unclear on the facts), and malice (the increased activity at the factory following Bob's complaint). In this context, many students referred to relevant authorities such as ***Christie v Davey***, ***Hollywood Silver Fox Farm v Emmett***, ***Sturges v Bridgman***, ***Spicer v Smee***, ***Adams v Ursell***, etc. A common deficiency in students' approach to private nuisance, however, is the failure to explain that the test of annoyance and unreasonableness is an objective one. Would the hypothetical ordinary, sober and sensible person consider the defendant's activities excessive? Also, in applying the 'unreasonableness factors', the court has to balance the conflicting interests of neighbouring owners. This is the right of a landowner to use his land as he pleases, as opposed to the right of his neighbour not to have his use and enjoyment interfered with (although many better students **did** explain this important point).

One issue which many students also failed to address were firstly, whether an interference with 'recreational' activities of the claimant (eg Bob's listening to music) is actionable (***Hunter v Canary Wharf*** suggests that it **might** not be so, although the decision is not absolutely clear on this point). Moreover, many students also failed to consider whether any public benefit provided by D's activity (the fact that Rafa supplied equipment for hospitals) is a defence. ***Bellew v Cement Co*** decided that public benefit is not a defence to liability, but it may persuade the court to refuse or limit the grant of an injunction and to merely award damages (see, for example, ***Miller v Jackson*** and ***Adams v Ursell***). Most students considered the possible remedies available. Damages for loss of value of the land are recoverable but, where the nuisance involves a continuing interference with amenity, the court will often grant an injunction restraining the interference. Many students were able to

explain that the grant of an injunction is based on the court's discretion and is a flexible remedy. For example, the court may grant an injunction preventing all of the defendant's nuisance activities, or merely some of them (see, for example, ***Kennaway v Thompson***). On the facts of the problem, it might have been arguable that the court would grant an injunction in respect of night operations but not those during the day.

The Rylands v Fletcher claim. Students were generally able to explain and apply the main elements of the tort (a 'thing likely to do mischief if it escapes', accumulation, escape, non-natural user and foreseeability of damage), but few students were able to provide these explanations in any depth, and many responses resembled a list. As in previous examinations, students generally failed to accurately discuss the key requirement of non-natural user, tending to confuse it with the separate requirement that the Rule will not apply to a 'thing' which is naturally on the land and which has not been brought on to it. Students should be acquainted with the decision in ***Transco v Stockport***, in which Lord Bingham said that a non-natural use of land is one which is 'extraordinary and unusual'. For example, the reason why the accumulation of water in Rylands constituted a non-natural user was its unusually large quantity (see also ***Rickards v Lothian***, in which it was said that a non-natural user is 'some special use bringing with it increased danger to others, and must not merely be the ordinary use of land.'). Many students correctly explained that damage caused by an escape must be reasonably foreseeable, otherwise it will be too remote and irrecoverable (the ***Cambridge Water case***).

Question 08

Two issues were raised; (i) Kurt's possible claim against Bob under the *Occupiers' Liability Act 1984* and (ii) his possible claim against Dr Weeks for medical negligence.

The OLA 1984 issues. Students generally correctly explained that Bob was an occupier of premises, that Kurt was a trespasser (non-visitor) and that the legal position was governed by the *OLA 1984*. Unfortunately, as in earlier examinations, many students were unable to show more than a vague knowledge of the provisions of the Act. Students attempting questions on the *OLA 1984* should have an accurate knowledge of when the duty of the occupier arises and the nature of the duty. First, it is clear from *s.1(1)* that the duty arises only where the trespasser is injured 'by a danger due to the state of the premises' with the result that, if a trespasser is injured, not by a danger due to the state of the premises, but due to his own foolishness, the duty will not arise (see, for example, ***Tomlinson v Congleton BC***). Moreover the effect of *s.1(3)* is that the duty will arise only if the occupier knows or has reasonable grounds to believe that the danger exits, that he knows or has reasonable grounds to believe that a trespasser is or might be in the vicinity of the danger and that it is reasonable to expect the occupier to protect the trespasser against the danger. Students often stated that the occupier must **know** that there is a danger and that there is a likelihood of trespass, without recognising the important expression 'reasonable grounds to believe'. In this context, students should note the decision in ***Swain v Natui Ram Puri***, in which it was said that an occupier has reasonable grounds to believe that there is a danger, or that a trespasser is or might be in the vicinity of the danger, if he has actual knowledge of facts which provide grounds for the belief.

On the facts of the question, students generally correctly explained that the relevant danger resulted from the broken bottles, although students who also identified the tree branch as a possible danger were awarded credit for this. It was arguable that Bob knew or, at least, had reasonable grounds to believe that there was a danger created by the bottles, since he had thrown them out. It was also clearly arguable that he had reasonable grounds to believe that a trespasser might come into the vicinity of the danger since there had been previous incidents of boys climbing over his fence. By virtue of *s.1(4)*, the duty owed by the occupier is to take reasonable care to see that the trespasser does not suffer injury on the premises

because of the danger, although some students incorrectly referred to the duty under the *OLA 1957*. As to whether Bob was in breach of duty, students correctly explained that the occupier is expected to act as a reasonably prudent occupier. In this context, better students pointed out that, according to *s.1(5),* the duty may be performed by a warning of the danger or efforts by the occupier to deter trespassers, and that his failure to raise the height of the fence might indicate negligence.

Other relevant factors suggested by students were that Bob ought to have appreciated that the tree might constitute an 'allurement' to young trespassers, and that the cost of removing the danger of the bottles would have been small. Many students argued, in any event, that Kurt might be said to be guilty of contributory negligence in climbing the tree and credit was given for this.

NB: as was pointed out in last year's Report on the Examination, students displayed little evidence of relevant authority on this area (see, for example, ***Swain v Natui Ram Puri***, ***Scott v Associated British Ports***, ***Tomlinson v Congleton BC***, ***Keown v Coventry NHS Trust*** and ***Platt v Liverpool Council***.

The medical negligence issues. Students were obviously required to explain and apply principles of negligence, with particular reference to medical professionals. A hospital doctor's duty of care to a patient can be established on the basis of the ***Donoghue v Stevenson*** principle of reasonable foreseeability of harm. Some students simply stated that a doctor owes a duty of care to a patient as a matter of precedent, and this was viewed as acceptable. The main issues related to breach of duty and standard of care and, in this connection, it was possible to produce a competent answer by applying general negligence principles. Higher marks could be gained only by referring to various rules specifically dealing with medical negligence. Although many students showed a good understanding of these principles, thereby gaining high marks, many did not. Most students were able to explain the relevance of the standard of the hypothetical 'ordinarily competent' member of the medical profession, as stressed in the significant decision of ***Bolam v Friern Hospital Management Committee***.

Many students also went on to consider (although some did not) the further aspect of ***Bolam***, that if a doctor acts in accordance with a practice or opinion which is accepted as proper by a 'responsible body' of doctors, it is unlikely that the court will find him negligent. This was clearly relevant to the Dr Weeks scenario, since the problem stated that 'it was common medical practice to use' the drug in question. It was also important to consider the point in the problem that other doctors 'disapproved of' the drug because it sometimes caused breathing difficulties in patients. Better students addressed this point by correctly stating that ***Bolam*** further stated that a doctor will be held not to be negligent if he/she acts in accordance with an approved practice, even if other doctors take a contrary view, and this point was credited.

The highest marks, however, were gained only by those students who explained the principle in ***Bolitho v City & Hackney Health Authority*** that the court will hold that a doctor is negligent who has acted in accordance with a generally approved medical opinion/practice, but where that opinion/practice does not have a 'logical basis'. In particular, the court must be satisfied that the doctor in question has considered any risks involved in the practice and has arrived at a reasonable decision. On the facts of the problem, it was debateable whether the risk that the drug could cause breathing difficulties was outweighed by its benefit in quickly stopping bleeding, although students received credit for any arguable conclusion. Some students referred to the importance of *res ipsa loquitur* in this context, and this was credited.

Students were expected to explain and apply the 'but-for' test of causation in relation to Dr Weeks, and to explain that the harm to Kurt was probably not too remote on the basis of the **Wagon Mound** test. In relation to Kurt's loss of wages caused by his illness, students were credited when they explained that, although this loss constituted economic loss, it was recoverable as consequential, and not pure, economic loss since it was the direct result of physical damage, ie the injury to Kurt (see, for example, ***Spartan Steel & Alloys v Martin***). Students also received credit who considered whether the loss was too remote.

SECTION C (CONCEPTS)

Students were generally well prepared for the Concepts questions and there were many excellent answers. It is, however, worth repeating that the students who achieve the highest marks allocate their examination time appropriately between the substantive questions and the Concepts questions.

Question 09

This question required students to explain what is meant by 'balancing conflicting interests', to discuss the extent to which English law balances conflicting interests and to briefly consider whether it is important to do so. It was no surprise that far fewer students attempted this question than those who opted for fault or justice but, of those who did, there were many good responses. The key features to gaining high marks on this topic are clear and detailed analyses, and a carefully structured response.

Many students began their discussion by referring to the 'balancing' theorists, such as Bentham, Von Ihering and Pound, and such material was credited. It was important to include in this theoretical discussion the reason(s) why these writers regarded the balancing of interests as important, given that the question required students to briefly consider this issue. For example, Pound's view was that the aim of balancing conflicting interests is to build as efficient a structure of society as possible via the process of 'social engineering', whereas Bentham saw balancing as an aspect of utilitarianism in seeking to achieve maximum happiness through the securing of the common good rather than purely the selfish desires of individuals. Another view of the balancing of interests is the idea that it results in a more just society. Such a theoretical discussion should also have included a brief attempt to define the terms 'interest' and 'balancing'. For example, an 'interest' may be defined as a claim or expectation, whereas 'balancing' can include a compromise between conflicting interests or allowing one interest to override another.

What students then correctly proceeded to do was to select various legal scenarios in order to illustrate how conflicting interests are (or are not) balanced. Popular examples utilised by students included private nuisance (eg ***Christie v Davey***, ***Miller v Jackson***, ***Kennaway v Thompson, Hunter v Canary Wharf*** etc), the criminal process (eg issues of bail, treatment of suspects by the police, the criminal trial etc), terrorism issues (eg ***AvZ***, the ***GCHQ*** case, the ***Abu Qatada*** scenario etc), substantive law issues such as the defences of consent, and intoxication and the legislative process. What is crucial, however, is that students should utilise their selected examples in a structured way, rather than jumping from one unrelated example to another. How students do this is a matter of choice, eg by discussing tort examples, criminal process examples or examples demonstrating when public/social interests override individual interests, etc. What is also crucial is that students clearly explain the salient features involved in the selected scenario, the precise nature of the conflicting interests and the rule/process/doctrine which seeks to achieve the relevant balance. For example, a discussion of ***Miller v Jackson*** (a very popular scenario), should explain that C was seeking an injunction against a cricket club for private nuisance (for which the club was held liable), that the court had a total discretion whether it granted one or not, and that the

court refused to grant it on the ground that the individual interest of C to live free of interference should be overridden by the public interest in protecting recreation and sports. Many students who referred to this scenario failed to explain the precise interests involved (eg by merely referring to 'the public interest' and 'the private interest' without explanation) and/or failed to explain the relevant rule which allowed the court to engineer the balance, ie the discretion which the court has in relation to the grant of injunctions.

Another scenario selected by some students was the defence of intoxication, where students were able to explain the balance achieved by the rules in ***Majewski*** but not the precise competing interests involved, namely, the public interest in protecting innocent members of the public from drunken criminals and the individual interest or expectation that a person should not be deemed guilty of an offence when his intoxication prevents him from forming the relevant *mens rea*. The balance resulting from ***Majewski*** is, of course, that, in the case of a crime of specific intent, the private interest prevails and the defence applies, whereas, in the case of a crime of basic intent, the public interest prevails, and the defence does not operate.

Question 10

Students were asked to consider what is meant by 'justice', and to discuss whether English law achieves, or fails to achieve, justice. Many students were able to display a good knowledge of the different views on the meaning of justice and there were many excellent answers. The ideas of justice which students referred to included justice as basic fairness, equality of treatment and the distinction between different aspects of justice (for example, distributive/corrective, substantive/procedural, formal/concrete justice, etc). Many students also explained some of the important philosophical theories of justice, in particular, utilitarianism, Rawls' ideas of 'justice as fairness' behind 'the veil of ignorance', Marx, Nozick's theory of 'entitlement' and comparisons of natural law and positivism, etc. Better students showed excellent understanding of their selected ideas of justice by appropriate illustration, although weaker students produced very basic and undeveloped arguments.

Students were also rewarded for any attempt to evaluate any particular idea of justice. For example, better students often pointed out the problems with utilitarianism that it refuses to concern itself with lack of individual liberty and injustice, and that it is very difficult to measure one person's pleasure against another's pain. Others referred to the various difficulties in determining what a just distribution of benefits and burdens might be, whether 'to each according to' merit, rank, need, etc. Some students were also rewarded for referring to some of the recently publicised ideas of Michael Sandel, eg in relation to the views of Rawls.

The second part of the question required students to discuss the question whether English law achieves or does not achieve justice, and, although there were many excellent responses on this aspect of the question, responses were often relatively weak. As was pointed out in previous reports, students should remember that they will achieve high marks on this aspect only if they attempt to analyse selected examples in terms of a particular idea or ideas of justice (for example, utilitarianism), but not if they merely argue that a particular example shows that the law is unsatisfactory. Many students, for example, sought to criticise particular instances of actual or alleged miscarriage of justice (eg the ***Guildford Four***, ***Anthony Martin***, ***Stephen Lawrence***, ***Sally Clarke***, etc) as showing a failure of the law to achieve justice, but such instances will be fully rewarded only if they are analysed in terms of an idea or ideas of justice. For example, credit was given for showing that there was a denial of natural justice, or that a particular trial was unfair, or that evidence was gained by oppressive means, or by showing that several of such cases highlighted the failure of the legal system to provide adequate corrective justice once the appeal process had been exhausted. In this connection, some students gained good marks by pointing out that, ultimately, a system of more effective corrective justice was achieved by the establishment of

The Criminal Cases Review Commission.

Many students referred to various aspects of the legal process in order to show that justice is, or is not, achieved, for example, by explaining the significance of natural justice in preventing judicial bias, and allowing litigants an equal opportunity to present their case. Aspects of legal aid are also highly relevant to justice, given that they seek to provide a 'level playing field' in relation to accessing the legal process.

Many students also referred to sentencing in relation to the issue whether an accused is treated consistently with his fault and to procedures which seek to achieve corrective justice (eg appeals and judicial review, the significance of the **Criminal Cases Review Commission**, etc). Students often referred to aspects of the substantive law in order to show success or failure in seeking to achieve justice. Good examples of the substantive law which relate to justice were the common law of provocation in its failure to treat women differently from men (treating unlike cases in the same way) in the context of the 'sudden loss of self-control' rule, and the mandatory life sentence for murder (in treating all murderers, regardless of circumstances, in the same way) and students often scored high marks for using examples of this type. However, many examples from the substantive law used by students merely proved that the law referred to was merely unsatisfactory rather than conflicting with a particular idea of justice. Such examples received little or no credit, nor did examples which showed a lack of morality rather than injustice.

Question 11

The question required students to briefly explain the meaning of 'fault', to discuss the extent to which liability is based on fault and to consider the arguments for and against fault-based liability. The vast majority were able to provide competent responses and there were many excellent ones, using either criminal or civil examples and often both. Students generally adopted the correct approach of briefly providing possible definitions of fault, for example, blameworthiness, responsibility for wrongdoing, etc, and then proceeding to identify and analyse specific areas of law in order to demonstrate how they indicated the presence or absence of fault. In the context of the criminal law, many students analysed *actus reus* issues, in particular, the requirement of voluntariness and the defence of automatism, the general rule that an omission does not give rise to criminal liability and the exceptions to that rule (for example, where D has assumed responsibility to act, or where the duty to act arises because he had created a situation of danger, etc).

Many students also discussed different aspects of causation and the circumstances where D can be argued to be, or not to be, at fault, in relation to intervening acts such as an act of the victim or of a third party. Good students also subjected the 'thin skull' rule to criticism and correctly questioned whether decisions such as ***Blaue*** show sufficient fault for criminal liability, being based, in effect, on D's 'bad luck'. Students also analysed *mens rea* issues and argued that the different categories of *mens rea* (direct intent, oblique intent, subjective recklessness, etc) show different grades of blameworthiness which generally result in different sentences. Some students also contrasted subjective and objective recklessness, raising the question whether the latter (together with gross negligence) denoted sufficient fault to merit criminal liability. In this context, better students referred to the justifications for the overruling of ***Caldwell*** by the Supreme Court in ***R v G***.

Many students also analysed the various defences to criminal liability in order to demonstrate the total or partial absence of fault. Some students also validly suggested that 'constructive liability', where there is lack of correspondence between *actus reus* and *mens rea* (for example, in relation to *s.47* and *s.20 Offences Against the Person Act 1861* and constructive manslaughter), fails to demonstrate sufficient fault to warrant criminal conviction of a serious offence.

In the civil law context, students analysed relevant areas, such as the various aspects of the tort of negligence and occupiers' liability, emphasising the importance of reasonable foreseeability and the duty to act with reasonable care. The defences of contributory negligence and *volenti non fit injuria* were also considered in order to demonstrate the extent to which fault on the part of the claimant can wholly or partly affect his claim. Students were also expected to provide examples from the criminal law and/or the civil law contexts of no-fault liability. In relation to criminal liability, students correctly referred to examples of strict liability (eg ***Storkwain***, ***Alphacell***, ***Shah***, etc) and often also discussed the idea of absolute liability as illustrated by 'state of affairs' cases, such as ***Larsonneur*** and ***Winzar***. In the civil law context, students discussed relevant examples of no-fault liability, such as the *Consumer Protection Act 1987*, vicarious liability and ***Rylands v Fletcher***, often pointing out that the decision in ***Cambridge Water v Eastern Counties Leather*** can be said to have injected an element of fault into the Rule.

Some students also considered the tort of private nuisance and correctly explained that, in general, liability is strict (since the fact that the defendant exercised reasonable care will not provide a defence), but cleverly argued that liability can sometimes be argued to be fault-based, for example, where the defendant is malicious (as in ***Christie v Davey***). Evaluation of liability without fault required a discussion of the possible arguments, which may justify no-fault liability, and students generally sought to explain these to a greater or lesser degree.

The main arguments relied on by students to justify criminal strict liability were that such liability is for the protection of the public, that strict liability offences generally are 'not truly criminal' and do not result in social stigma, etc. On the other hand, most students also sought to put forward contrary arguments, for example, that liability without fault is not morally blameworthy, that strict liability offences do not necessarily protect the public, and that they attempt to require people to attain an impossible standard, etc. Students who based their response on the civil law argued that no-fault liability was often beneficial, for example, that no-fault manufacturers' liability enables a consumer to establish a claim without the difficulty of proving negligence in complex cases and that it avoids many of the practical problems involved in litigation (eg delay and expense). Many students further argued forcefully that, in view of such litigation problems, no-fault compensation schemes, which by-pass the tort system, should be adopted. Students argued that these should be either financed by the state (like the New Zealand model) or based on insurance or social security schemes.

Mark Ranges and Award of Grades

Grade boundaries and cumulative percentage grades are available on the Results Statistics page of the AQA Website: http://www.aqa.org.uk/over/stat.html.

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Convert raw marks into marks on the Uniform Mark Scale (UMS) by using the link below.

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