



General Certificate of Education
Advanced Level Examination
June 2013

Law

LAW04

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

Friday 14 June 2013 9.00 am to 11.00 am

For this paper you must have:

- an AQA 16-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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, **five** 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.

Choose **one** scenario from **either** Section A or Section B **AND one** question from 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

Tom was employed as a gardener by Enrique, a famous opera singer with a reputation for 'clean living'. On his return to work after a lunch break in which he had drunk several vodkas at a local pub, Tom found a letter which had fallen from Enrique's pocket on to the garden lawn. The letter revealed that Enrique had been convicted many years previously of the rape of a young girl. Seeing Enrique in the garden, Tom waved the letter at him and told Enrique that if he did not pay £10 000 for the return of the letter, Tom would sell it to a national newspaper.

Rosa hired George, Tom's brother, to install new kitchen units in her house. Rosa hired George only after he had lied to her that he was qualified to carry out any electrical work needed. Since Rosa was about to go on holiday, she gave George a key to get into her house to carry out the work. Rosa also gave George strict instructions that he was not to come into her house on Wednesday because Brenda, her cleaning lady, would be working there. However, George decided to ignore this instruction and went to Rosa's house on Wednesday. Whilst George was working in Rosa's kitchen, he had to re-position some electrical sockets. When removing one of the sockets, George saw that he had cracked the cover. Nevertheless, when putting it back, he gave it a further tap with a hammer, leaving some bare wires exposed. Brenda saw what George had done and criticised him for the poor quality of his work. George instantly became very annoyed and viciously pushed Brenda, causing her to hit her head on the sharp corner of a cupboard. As a result, Brenda suffered a serious head wound.

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 Discuss Tom's possible criminal liability for **property** offences arising out of his taking of the letter and what he said to Enrique. *(25 marks)*
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 Discuss George's possible criminal liability for **property** offences arising out of his lie to Rosa and his actions in Rosa's kitchen. *(25 marks)*

Total for this scenario: 50 marks

Scenario 2

Stavros, a member of a gang which regularly carried out violent robberies, told Mario, the leader, that he no longer wished to be involved with its activities. Mario reacted very angrily and told Stavros that, unless he stole £20 000 to fund the gang's operations, he would 'torture' Stavros's elderly mother. The following day, Stavros, realising that Mario was following him, went into a building society to see whether he could steal some money. Stavros snatched a bundle of £20 notes from Bob, a customer, as he was about to hand it over the counter to a cashier. Bob tried to stop Stavros leaving by grabbing his sleeve. Stavros pushed Bob away, but when he saw Dave, a security guard, come out of an office behind the counter, he dropped the money and ran out of the building. Bob was shaken but not hurt.

Dave's neighbour, Errol, owned a high brick wall which ran alongside the driveway where Dave parked his car. Dave saw that the bricks at the top of Errol's wall were obviously coming loose and he was very worried that they might fall on to his car and damage it. He was unable to contact Errol, who was away on business, so he removed the loose bricks and dropped them at the foot of the wall. In doing so, he cracked some of the bricks.

Dave received a leaflet from Jake stating that anyone aged over 60 could get their windows cleaned by him for half his usual price. Dave asked Jake for the 'over 60s service' although he was aged 57. Having cleaned Dave's windows, Jake charged him the reduced price.

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 Discuss the possible criminal liability of Stavros for **property** offences arising out of his activities in connection with the building society. *(25 marks)*
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 Discuss Dave's possible criminal liability for **property** offences in connection with Errol's wall and his dealings with Jake. *(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

Andy bought a large yard in a quiet, rural area. He used the yard to keep and maintain coaches to provide transport for school children and day-trippers. Rick, who owned the house next to the yard, was annoyed by the persistent noise and diesel fumes resulting from the operation of the coaches. After three months, Rick complained to Andy, who responded by causing even more disturbance by noise and fumes. In addition, Andy's coaches were often parked in the narrow public road adjoining the yard, causing obstruction to motorists. Andy bought a large supply of diesel oil. He stored the oil in a tank in the yard. The tank was situated near to Rick's garden. One night, some of the oil leaked from the tank and caught fire. The fire immediately spread to Rick's garden and destroyed his fence and greenhouse.

Rick paid Marco, a roofing contractor, to replace broken tiles on his roof. Marco placed his ladder against the roof guttering in order to climb up to inspect the roof. He was not aware that the guttering was rotten. Marco was halfway up the ladder when the guttering gave way, causing his ladder to slip. Marco fell and struck his head on the ground. He suffered cuts to his face and was briefly unconscious. On admission to hospital, Marco told Dr Jones what had happened. Dr Jones, who had only recently qualified, treated Marco's cuts but, without further examination, advised him to go home and rest. In doing so, Dr Jones ignored a commonly-held medical view that patients who had suffered unconsciousness should receive a brain scan. The following day, Marco suffered a stroke and partial paralysis due to undiagnosed head injuries sustained in the fall.

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Consider the rights and remedies, if any, of Rick and of the motorists against Andy.

(25 marks)

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Consider the rights and remedies, if any, of Marco against:

- Rick in connection with his injuries caused by falling from the ladder
- Dr Jones and the hospital in connection with his stroke and partial paralysis.

(25 marks)

Total for this scenario: 50 marks

Scenario 4

Sergio held a party at his new house to welcome his neighbours, including Carlos. During the party, Carlos told Sergio that he was studying for a degree in the history of pottery. Sergio then asked Carlos to advise him on the value of a vase which he had inherited from an aunt and which he wanted to sell. Carlos advised Sergio that it was worth about £50. The following week, Sergio sold the vase to Ben, a local antiques dealer, for £40 but Sergio later discovered that it was in fact very rare and worth £10 000.

Sergio's wife bought a new bicycle, manufactured by Drake, and gave it to Sergio. When Sergio was riding it at speed, the metal bicycle frame snapped and he crashed on to the road, breaking both legs and smashing his watch. The snapping of the frame was caused by a serious weakness in the metal used in its manufacture.

Ben owned a long garden, at the bottom of which was a derelict garage. Having seen young boys trying to get over his garden fence near to the garage, Ben placed a large notice on the fence which stated: 'Danger. Keep out'. Later, for a bit of fun, Alan, another young boy, climbed over the fence and on to the garage roof. The roof suddenly collapsed due to its rotten condition, causing Alan to fall and rip his legs open on jagged tiles. Pam, a friend of Alan's family, was passing by when she recognised Alan's voice as he screamed for help. She immediately called an ambulance. She then phoned Alan's mother, Jane, to tell her what had happened. Pam later saw Alan, in agony and covered in blood, as he was carried out of the garden on a stretcher. Jane arrived at the scene just as the ambulance was driving off. Both Pam and Jane suffered severe anxiety and shock.

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Consider the rights and remedies, if any, of Sergio against:

- Carlos in connection with the vase
- Drake in connection with the bicycle.

(25 marks)

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Consider the rights and remedies, if any, of Alan, of Pam and of Jane, against Ben in connection with their injuries.

(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.

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

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 Discuss the relationship between law and morals and consider whether the law **ought** to uphold moral values. *(30 marks + 5 marks for AO3)*
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 Discuss the extent to which liability in English law **is** and **should** be fault-based. *(30 marks + 5 marks for AO3)*
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 Critically analyse the extent to which judges **can** and **should** be creative in developing the law through the operation of the doctrine of judicial precedent and the interpretation of statutory rules. *(30 marks + 5 marks for AO3)*

END OF QUESTIONS

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