



General Certificate of Education  
Advanced Level Examination  
June 2014

## Law

## LAW03

### Unit 3 Criminal Law (Offences against the Person) or Contract Law

Thursday 12 June 2014 9.00 am to 10.30 am

**For this paper you must have:**

- an AQA 12-page answer book.

#### Time allowed

- 1 hour 30 minutes

#### Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Paper Reference** is LAW03.
- Choose **one** scenario from two on the theme you have studied for this unit. Answer all **three** 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 80.
- 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.

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Choose **one** scenario from two on the theme you have studied for this unit.

Read the scenario and answer all **three** questions.

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

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### **Criminal Law (Offences against the Person)**

**Total for this scenario: 75 marks + 5 marks for AO3**

#### **Scenario 1**

Beck and his gang believed that Aakil had 'disrespected' them. Just as Aakil entered a cinema, Beck sent him a text message which read, "We'll get you when you come out". Beck and his gang had no intention of going to the cinema but Aakil worried about the message for 20 minutes, and then ran out of the cinema and down the street. As he did so, he noticed Chas running behind him. Unknown to Aakil, Chas was a totally innocent stranger running to catch a bus. Aakil suddenly turned and struck Chas a powerful blow on the jaw, knocking him unconscious. Chas suffered bruising and hearing loss in one ear.

Darell was Aakil's elder brother. He knew about the dispute with Beck and his gang, and was enraged when Aakil told him about the text message. He immediately got a baseball bat and went looking for Beck and his gang. After about 45 minutes, he found Beck and Eddie, another member of Beck's gang. Darell tried to attack Beck with the baseball bat, but Eddie got in the way and received a vicious blow to his body. Beck dragged Eddie away but was determined not to involve the police or call an ambulance. However, when he finally saw that Eddie was in great pain, Beck decided to leave him outside an entrance to the local hospital. He did not realise that few people used that entrance. Eddie's body was not found until some hours later. He had died from a combination of his serious internal injuries and the exposure to the cold during the night.

**0 | 1**

Discuss the possible criminal liability of Beck arising out of the text message sent to Aakil. Discuss the possible criminal liability of Aakil for the injuries inflicted on Chas.

**[25 marks + 5 marks for AO3]**

**0 | 2**

Discuss the possible criminal liability of Darell for the murder of Eddie. Discuss the possible criminal liability of Beck for the involuntary manslaughter of Eddie.

**[25 marks]**

**0 | 3**

Write a critical evaluation of **two** of the general defences in criminal law, and suggest what reforms may improve **one** of your chosen defences.

**[25 marks]**

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**Total for this scenario: 75 marks + 5 marks for AO3**

## Scenario 2

Fran and George held a party in an upstairs room of a local public house to celebrate 40 years of marriage. Hannah, George's daughter, suddenly climbed onto the table during his speech and began kicking out around her. Guests ducked as she sent glasses flying in all directions. As Hannah staggered around, her stiletto heel penetrated George's hand, which he had rested on the table. This caused him great pain. Fran fainted, fell forward, and badly bruised her forehead when striking the edge of the table. Hannah discovered only later that someone had added a large amount of vodka to every soft drink that she had taken that evening.

Ivan was in a downstairs bar at the time, and was quite drunk. He heard shouting and screaming and tried to get into the upstairs room. This led to an argument with James, George's son. James lost his temper and pushed Ivan very roughly. Ivan stumbled and fell downstairs, suffering a bad neck injury. The ambulance which was called crashed into a car when taking him to hospital. Ivan was thrown across the ambulance. He died in hospital the next morning.

Later that day, many of the party guests developed food poisoning. All the guests subsequently recovered except Kate. Kate had recently had major surgery and was still in a weakened condition. She died a week after the party. Hannah had supplied the food for the party, and investigations showed that she had not bothered to keep raw meat separate from cooked meat during preparation. As a result, cross-contamination had occurred and had caused the food poisoning.

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Discuss the possible criminal liability of Hannah arising out of her behaviour on the table.

**[25 marks + 5 marks for AO3]**

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Discuss the possible criminal liability of James for the involuntary manslaughter of Ivan, and the possible criminal liability of Hannah for the involuntary manslaughter of Kate.

**[25 marks]**

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Write a critical evaluation of **two** of the general defences in criminal law, and suggest what reforms may improve **one** of your chosen defences.

**[25 marks]**

**Turn over for the next theme**

**Turn over ►**

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**Contract Law****Total for this scenario: 75 marks + 5 marks for AO3****Scenario 3**

Aminah paid £120 to Readelec for an eBook reader manufactured by Backlight. After two months, she was unable to read any more eBooks because the reader completely 'froze'. Readelec replaced the reader with a new one but insisted that Aminah sign a 'replacement of goods agreement'. The agreement included a statement that replacement readers were guaranteed for only six months. Aminah used the replacement reader for just over six months and then it, too, froze. By this time, she had downloaded eBooks worth a total of £300. Readelec rejected her demands for her money back, and compensation for the cost of the eBooks downloaded, pointing to the agreement which she had signed. Readelec suggested, instead, that she should complain to Backlight.

Aminah agreed to pay Roshan £700 to redecorate three rooms in her house. He stripped wallpaper from two rooms, but then told Aminah that he had made an error in the pricing and now needed a further £150. Aminah reluctantly agreed to pay the extra money. Whilst Roshan was working on the first room, Aminah noticed that he had not prepared the ceiling properly to prevent a water-stain showing through the new paint. She stopped him from doing any further work. She then hired Tariq to paint the outside of the house for £2000, including labour and materials. She paid £500 immediately, and agreed to pay the remainder when the work was completed. Tariq spent £400 on materials. He had completed half of the work, when he fell from his ladder and was seriously injured. The base of the ladder had moved when it sank into a depression in newly-turned soil. Aminah had not warned him about the danger.

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Discuss the rights and remedies available to Aminah against Readelec and against Backlight in connection with the eBook reader.

**[25 marks + 5 marks for AO3]**

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Consider the rights, duties and remedies of Aminah and Roshan arising out of the contract to redecorate the rooms, and of Aminah and Tariq arising out of the contract to paint the outside of the house.

**[25 marks]**

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Assess the strengths and weaknesses of the current law on agreement (offer and acceptance and associated rules) in contract, and consider what reforms may be proposed to remedy any deficiencies.

**[25 marks]**

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**Total for this scenario: 75 marks + 5 marks for AO3**

#### Scenario 4

Dave had a rugby shirt signed by a famous international player. During a coffee break with his workmates, Gary and Henry, they all discussed what the shirt was worth. Dave said, "Anyone who brings £200 in cash to my house can have it!". That evening, Gary texted Dave, saying, "I will bring £200 into work tomorrow for that shirt. No need to reply. Consider it sold." Henry found out about the text from a friend of Gary, and he showed Dave an envelope at work the next day, and said, "£220! I'll take that rugby shirt". Dave told Henry to hold on to the money whilst he talked it over with Gary. However, Gary had changed his mind about buying the shirt, so Dave told Henry that he would take the £220. Henry then also refused to go ahead with the deal.

Martin described himself as having 25 years of experience in all kinds of roofing repairs. In reality, he had worked in the building trade only as a general labourer. Joan checked some local websites, talked to some of Martin's previous customers, and then asked him to repair her leaking roof. Martin replaced 40 roof tiles and repaired the joints between brickwork and tiles. Joan paid him £500 and signed an 'invoice'. The invoice included a statement that Martin accepted no liability for any defective work and materials unless reported within one month. Two months later, Joan discovered that rain had been penetrating the poorly repaired joints, and had caused £300 worth of damage to electrical equipment stored in the loft. She also discovered that the replacement tiles were of very poor quality.

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 Consider what rights and remedies Dave has against Gary and against Henry in connection with the sale of the rugby shirt.
- [25 marks + 5 marks for AO3]**
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 Discuss Joan's rights and remedies against Martin in connection with the work on her roof.
- [25 marks]**
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 Assess the strengths and weaknesses of the current law on agreement (offer and acceptance and associated rules) in contract, and consider what reforms may be proposed to remedy any deficiencies.
- [25 marks]**

**END OF QUESTIONS**

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