



General Certificate of Education
Advanced Level Examination
June 2014

Law

LAW04

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

Tuesday 17 June 2014 1.30 pm to 3.30 pm

For this paper you must have:

- an AQA 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 **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

Earl was a cycling enthusiast who carried out bicycle repairs in his garden shed. Harry, Earl's neighbour, asked Earl if he could repair Harry's bicycle. Earl said, "Yes, if you pay me £50 when you collect the bicycle." Harry agreed to this arrangement. Later, however, Harry changed his mind and decided to take his bicycle back without paying. When Earl told Harry that he had finished repairing his bicycle, Harry entered the unlocked shed. He knew that Earl was away at the time. Harry was about to take his bicycle from the shed when Earl unexpectedly returned and rushed towards him. Harry pushed Earl, causing him to fall and cut his arm badly on a pair of garden shears. As Harry took the bicycle, Earl demanded his £50. Harry told Earl, "No way!"

Harry was employed by Bridget as a van driver. Earl knew that Harry had never passed a driving test. Earl threatened Harry that he would tell Bridget this, unless he paid him his £50. Harry thought that Earl would not carry out his threat and refused to pay him. However, Earl did tell Bridget and Harry lost his job.

Harry, having drunk a bottle of wine, sent an email to Paula applying for a job as a delivery driver. He claimed that he held a full driving licence. Paula did not receive the email because of a fault on her computer. The following day, Harry was allowed into a local football match at half-price by lying to an official at the football ground that he was partially sighted.

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Discuss Harry's possible criminal liability for **property** offences arising out of his dealings with Earl.

[25 marks]

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Discuss the possible criminal liability of:

- Earl for any **property** offence arising out of his threat to Harry
- Harry for any **property** offences arising out of his email to Paula and arising out of his statement to the official at the football ground and his watching of the football match.

[25 marks]

Total for this scenario: 50 marks

Scenario 2

Dev, a builder, was working on a block of flats. He gave £300 in cash to his workman, Ewan, to pay a local supplier for building materials. Ewan spent all the money on lottery tickets and scratch cards, winning nothing. When Dev found out what Ewan had done, he wanted revenge. Alex had previously been a member of Dev's violent gang but had recently developed a nervous illness which made him very frightened of Dev. Dev told Alex to "get Ewan quick, unless you want to see your old mum in hospital." The following day, Alex was driving his van along a major road. He saw Ewan's car driving in front of him. Alex deliberately drove his van into the back of Ewan's car, forcing Ewan to swerve, narrowly missing other vehicles. Ewan was unhurt, but his car was badly damaged.

Ewan moved away from the area and met Glenda, a rich, middle-aged widow. Because of his lack of money, Ewan made friends with Glenda and often stayed at her house. Ewan realised that Glenda was desperate to remarry. Hoping to get money from her, he promised to marry her. However, he had no intention of doing so. Glenda then transferred £50 000 into Ewan's bank account. When Glenda discovered that Ewan had been lying to her, she ended their relationship. She told Ewan, "Don't come here ever again!" Ewan, however, wanted Glenda's gold watch which he knew was in her bedroom. While she was out of the house, he entered by using the key which Glenda always left under a plant pot outside. He found the watch, picked it up, but instantly put it back when he heard Glenda return. He then left the house.

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Discuss the possible criminal liability of:

- Ewan for any **property** offences arising out of his spending of Dev's money
- Alex for any **property** offences arising out of his deliberately driving into Ewan's car.

[25 marks]

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Discuss the possible criminal liability of Ewan for any **property** offences arising out of his dealings with Glenda, **and** in connection with the gold watch.

[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

Dave paid Tom, a roofing contractor, to replace a brick chimney on his roof. When Tom was replacing the bricks in the chimney, he used the wrong cement mix. As a result, some of the bricks came loose and fell on Jess, a postwoman, as she was delivering Dave's mail. Jess had noticed that the bricks were loose and might fall, but had decided to ignore this risk.

Dave bought an old motorbike intending to repair it. He left it in his back garden. That night, Greg, aged 21, decided that he would burgle Dave's house. He entered the garden through a gap in the fence and fell over the motorbike in the dark, cutting his head on the handlebar.

Dave's father gave Dave a microwave oven, manufactured by Fastcook. When Dave used the oven, it exploded and caught fire due to a problem with the oven's electrical wiring. Dave suffered severe burns trying to put out the fire, which destroyed both the oven and Dave's toaster. Dave's neighbour, Steve, offered to drive Dave, as quickly as possible, to hospital. During the journey, Steve decided to overtake, at speed, some slow-moving cars and veered into the oncoming traffic lane. In doing so, he knocked down Maxim, a cyclist, who was weaving between cars. Maxim's legs were crushed and he was bleeding heavily. Alice, Maxim's girlfriend, arrived on the scene some minutes later and found him covered in blood and screaming in pain. Alice later suffered severe psychological problems.

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Consider the rights and remedies, if any, of Jess **and** of Greg, against Dave in connection with their injuries.

[25 marks]

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Consider the rights and remedies, if any, of:

- Dave against Fastcook
- Maxim **and** of Alice against Steve.

[25 marks]

Total for this scenario: 50 marks

Scenario 4

Adam bred pigs and chickens at his farm in a remote farming area. Robina, who knew all about the farm, built a house on adjoining land. Several months after moving into the house, Robina complained to Adam about the persistent unpleasant smell from the farm. She also complained about the persistent, early morning crowing of Adam's cockerels. Robina was an unusually poor sleeper and the crowing made this problem even worse. When Adam ignored her complaints, Robina held regular firework parties which annoyed both Adam and Dee, Adam's aunt, who often visited the farm.

Adam bought several barrels of poison to kill the very large number of rats on his farm. He stored the barrels in a shed near Robina's land. Although Adam tried to make sure that the poison did not leak, some poison did leak into Robina's garden and destroyed her valuable plants.

Conrad, Robina's brother, appointed Megan to work as a building surveyor. He paid Megan a monthly wage but Megan had to use her own car when visiting clients. Conrad instructed Megan not to give professional advice to family and friends. Megan's friend, Fez, asked her to inspect a local house which Fez was thinking of buying. After inspecting it, Megan told Fez, free of charge, that the house was in good condition and worth £150 000. Soon after buying it at that price, Fez found out that the house had defective foundations which would cost £50 000 to repair.

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Consider the rights and remedies, if any, of:

- Robina against Adam
- Adam **and** of Dee against Robina.

[25 marks]

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Consider the rights and remedies, if any, of:

- Fez against Megan
- Fez against Conrad.

[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 meaning of justice. Discuss whether the law achieves justice **and** whether it should seek to do so.

[30 marks + 5 marks for AO3]

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Explain the meaning of law and morality. Discuss whether the law does **and** should seek to uphold moral principles.

[30 marks + 5 marks for AO3]

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Explain what is meant by 'balancing conflicting interests'. Discuss whether the law balances conflicting interests **and** why it should seek to do so.

[30 marks + 5 marks for AO3]

END OF QUESTIONS

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