



General Certificate of Education
Advanced Level Examination
June 2015

Law

LAW03

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

Monday 15 June 2015 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.

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.

Criminal Law (Offences against the Person)

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

Scenario 1

Alvin took drugs prescribed by his doctor for illness and drank a number of glasses of whisky. He then went to a café and sat down at a table. He suddenly felt a great rage. He turned towards Bela, who was sitting at the next table, and shouted very loudly at her. Bela was a very timid and anxious person and she immediately fainted. For months afterwards, she was unwilling to leave her house. Alvin walked away from the café and then kicked out wildly at Claire, the first person he passed. Claire was 45 years old but suffered from weak bones. The kick resulted in a bad break to her ankle. Alvin could not remember anything that happened after he shouted at Bela.

Bela's brother, Deepak, was very upset by the effect of the incident on Bela. He began to experience increasingly strong feelings of despair but refused to seek medical help. His wife left him to live with another man and Deepak lost contact with his children. One day, he was in his garden when he overheard Erik, his neighbour, joking on the telephone about Bela and Deepak. Erik said that they deserved everything that had happened to them. He also said that he had helped Deepak's wife to keep her new relationship a secret from Deepak until she left him. Deepak walked angrily around his house for about 15 minutes until he saw Erik go out. He hurried after Erik and caught up with him at a busy road junction where Erik was waiting to cross. He punched Erik very hard on the back of his head. Erik fell into the road, bounced off a slow moving car, and was struck and killed by another car which was overtaking at speed in a dangerous manner.

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 Discuss Alvin's liability for criminal offences in relation to Bela and to Claire.
[25 marks + 5 marks for AO3]
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 Discuss Deepak's criminal liability for the murder of Erik.
[25 marks]
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 Write a critical analysis of the law on murder and voluntary manslaughter. Discuss any reforms that may be desirable.
[25 marks]

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

Scenario 2

Francesca was in a bar with Giles. She had already drunk a lot of vodka. She went to get more drinks but, when she returned, she found that Haley was about to sit down with Giles. Francesca turned away in anger and then threw a pint of beer over her shoulder without looking. She walked off still holding the glass. At that moment, Haley had turned her back and was taking off her coat. The beer splashed her coat sleeve. Haley shouted at Francesca and they agreed to “sort it out outside”. Once outside, Francesca thrust the glass at Haley’s face. Haley managed to duck and the glass broke against Isaac, who happened to be close behind her. Isaac suffered a cut to his neck.

In the confusion, Francesca ran off and snatched a bicycle from Jordan, a 14-year-old boy. Jordan caught up with Francesca and began punching her and trying to wrestle the bicycle away from her. Francesca kicked out hard at Jordan, striking him in the face. Jordan stumbled and fell, and fractured his skull on the kerb. Kwame, a stranger to the area, saw Jordan fall and immediately telephoned for an ambulance. Kwame correctly named the bar but gave the wrong location. The ambulance was directed to a bar of the same name but some distance away. As a result, the ambulance took an hour to reach Jordan, who died in hospital later that day.

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 Discuss Francesca’s liability for criminal offences in relation to Haley and to Isaac.
[25 marks + 5 marks for AO3]
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 Discuss the criminal liability of Francesca and of Kwame for the involuntary manslaughter of Jordan.
[25 marks]
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 Write a critical analysis of the law on murder and voluntary manslaughter. Discuss any reforms that may be desirable.
[25 marks]

Turn over for the next theme

Turn over ►

Contract Law

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

Scenario 3

Maya's daughter, Nirmala, had just moved into a new house. To help her, Maya paid £600 to Lightbloc for the supply and fitting of six window blinds in the bedrooms. To cut out as much light as possible, Maya insisted on deep blue 'blackout' blinds. The invoice supplied to Maya included a statement that "... in the event of any complaint about goods supplied or work undertaken, repair, replacement or refund (subject to payment of a maximum of 20% of the contract price) will be entirely at Lightbloc's discretion."

After the six blinds had been fitted, Nirmala complained that four of them did not block out sufficient light. This was because two were very light blue in colour and made of inadequate material. The other two had been cut too small, and fitted with gaps down the sides.

Lightbloc also manufactured and supplied windows. Oliver arranged to pay £15 000 for Lightbloc to supply and fit new windows to his house. He paid a deposit of £1500 and agreed to pay the remainder of the money on completion of the work. He agreed with Lightbloc that the frames would be constructed of a named hardwood which Lightbloc imported from another country. There were well-known environmental concerns about the forests where the hardwood grew. Both Oliver and Lightbloc had problems which caused delays in starting the work. Before the work could begin, all imports of the hardwood were banned. It remained lawful to use existing stocks, but Lightbloc allocated its existing stocks to other, more profitable, work. As a result, Lightbloc had none of the hardwood available for Oliver's contract. By that time, Lightbloc had incurred costs of £2000 in preparing to deal with the work. Oliver did not want frames made of other wood which Lightbloc had available.

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 Discuss the rights and remedies available to Maya and to Nirmala against Lightbloc in connection with the supply and fitting of the window blinds.
[25 marks + 5 marks for AO3]
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 Discuss the rights, duties and remedies available to Lightbloc and to Oliver arising out of the circumstances in which Lightbloc was unable to supply and fit the hardwood window frames.
[25 marks]
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 Write a critical analysis of the law relating to clauses which attempt to exclude or limit liability for breach of contract. Suggest any reforms that may be desirable.
[25 marks]

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

Scenario 4

Peter advertised widely in the media, offering various subscription deals to 'Vision', his politics magazine. One deal provided a subscription for three years and required payment of £100 to be made by 30 April. Orders received after that date would be charged at £150. Ray sent an order with a cheque for £100, which he posted on 25 April. His order was not delivered until the afternoon of 30 April because of a postal delay. It was then too late to put the cheque into the bank. Peter processed the order but would not supply any magazines until Ray paid a further £50. Sara paid £75 for a two-year subscription but, after 13 months, was informed that unexpected increases in costs made it absolutely necessary to charge an extra £15. Peter would not send any more magazines until the additional payment was made. Tom wrote some book reviews for 'Vision'. A few months later, Peter told Tom that he could have a free, one-year subscription to 'Vision', in recognition of the reviews he had written. Tom received no magazines.

Tom advertised himself as a personal trainer for fitness and health. He also sold expensive 'recovery' drinks which he claimed would significantly reduce recovery times after training sessions. In fact, though harmless, the drinks were no more effective than drinking water. Vicki signed a contract in which she agreed to pay £20 per session for 20 training sessions over five weeks. One clause in the contract stated that Tom would not be liable for any injuries suffered by Vicki. Another clause stated that precise start and finish times could not be guaranteed. Vicki also paid £60 for a pack of 'recovery' drinks. All four sessions in the first week started 30 minutes late, causing Vicki significant inconvenience. The sessions had also been too strenuous, causing Vicki to suffer from a back injury, which prevented her from working. She also discovered that the drinks were of no use whatsoever.

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- Discuss the rights and remedies available to Ray, to Sara and to Tom against Peter in connection with the subscriptions to 'Vision' magazine.
- [25 marks + 5 marks for AO3]**
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- Discuss the rights and remedies available to Vicki against Tom in connection with the contract for personal fitness training, and in connection with the contract for the purchase of the drinks.
- [25 marks]**
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- Write a critical analysis of the law relating to clauses which attempt to exclude or limit liability for breach of contract. Suggest any reforms that may be desirable.
- [25 marks]**

END OF QUESTIONS

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