

A-level LAW

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

Friday 24 June 2016

Morning

Time allowed: 2 hours

Materials

For this paper you must have:

- an AQA 12-page answer book.

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

Tom was an internet software designer. He shared an office with Harry, his personal assistant. Tom dismissed Harry for poor timekeeping and told him 'never to come back to the office'. Harry left but felt outraged and furious with Tom. Harry immediately returned to the office, entering through the unlocked door. He then pushed Tom, causing him to fall and cut his head badly on the sharp edge of a cabinet. Harry also threatened Tom that he would tell the police of Tom's 'violent criminal past' unless he gave him his job back. As Harry was leaving, he took some papers from a desk. The papers contained Tom's plans for new software. Harry decided to keep the papers since he thought they might be valuable.

Later, Harry drank several large glasses of whisky. He then decided that Tom had treated him so unfairly that he was 'entitled' to use Tom's plans to make money. Harry told Anna, a businesswoman he knew, that the plans were his own. He also told her that if she paid him £20 000 to develop the software, he would give her a half share of the profits. Harry had no intention of developing the software but Anna agreed to Harry's proposal. The following day Anna paid £20 000 to Harry. Harry used the money to buy a car.

When Tom discovered what Harry had done, he went to Harry's house during the night. Tom threw a petrol bomb through a downstairs window which broke the glass and set fire to some furniture. Dan, Harry's 'best mate' and lodger, happened to be returning from a party just as the fire started. He feared that Harry was asleep upstairs and put out the fire with Harry's coat which was hanging up. As a result, the coat was ruined. Dan later discovered that Harry was not in the house.

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Discuss the possible criminal liability of Harry for **property** offences arising out of his activities in relation to Tom.

[25 marks]

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Discuss the possible criminal liability of:

- Harry for any **property** offences arising out of his dealings with Anna
- Tom for any **property** offences arising out of his breaking the glass of Harry's window and setting fire to his furniture
- Dan for any **property** offence arising out of his putting the fire out with Harry's coat.

[25 marks]

Turn over for the next scenario

Total for this scenario: 50 marks

Scenario 2

Dave was the violent leader of a gang. Serge was a member of the gang. Arfan, a car dealer, had cheated Dave out of £5000 in connection with a 'deal'. Dave knew that Serge lived near to Arfan. Dave told Serge that, unless he stole money from Arfan 'very soon', he would give Serge a 'serious going over'.

The following night, Arfan invited Serge to a party at his house. As Serge went into the house, Arfan told him that he could go into any room except his 'private study'. When Serge got a text from Dave saying, 'Don't forget or else', Serge decided to try to find money to steal. While everyone seemed to be enjoying the party, Serge went into Arfan's 'private study' through its unlocked door. Serge looked through a wallet to see if it contained any money but, finding none, he put it back. He also took a bundle of £50 notes from a desk. Serge did not know that Arfan himself had stolen the money. Fatima, Arfan's wife, unexpectedly came into the study. Serge panicked and ran into her, causing her to lose her balance slightly. Serge left the house with the money.

Ken employed Serge in his shop. Ken was also a member of a social club which put on various forms of live entertainment. One Friday afternoon, Ken left the shop early, leaving Serge in charge. Serge, who suddenly realised he was short of money, took £50 from Ken's cash till without his permission. Serge intended to replace it from wages he would get the following week. Serge also 'borrowed' Ken's club membership card which was valid for two more days and which Ken had mistakenly left in the shop. Serge intended to return the card the following Monday. Serge spent the £50 and used Ken's club membership card to gain free admission to several concerts at the club over the weekend. The concerts would normally have cost him £40. Serge returned Ken's club membership card on Monday, but it had expired.

0 3

Discuss the possible criminal liability of Serge for **property** offences arising out of his activities in Arfan's house.

[25 marks]

0 4

Discuss the possible criminal liability of Serge for **property** offences arising out of his taking and use of Ken's £50 **and** his club membership card.

[25 marks]

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

Jenny, a property developer, asked her friend Reesh, a surveyor, to give her a written report on whether a plot of land would be 'OK for building'. He advised her, free of charge, that the land was 'OK' and, on his advice, she bought it for £100 000. She later found out that the land was worthless due to a chemical contamination of the soil which Reesh had failed to detect.

Jenny was texting while driving along a busy road. She lost control of her car and crashed into a lamp post. Carlos was high up a ladder nearby cleaning windows and the vibrations from Jenny's crash caused the ladder to move. Carlos fell to the ground and broke both legs. Lisa, Carlos's girlfriend, arrived on the scene several minutes later and found Carlos screaming in pain and covered in blood. She comforted Carlos while he waited for an ambulance. Lisa suffered severe psychological distress for months afterwards.

Tina bought and moved into a house in a quiet village next to Hamid. She grew plants in her garden which she used to manufacture 'health products' in her garage. Production involved using noisy machinery for five days each week. Tina also used fertilizer, to help the plants grow, which she stored in large piles next to Hamid's fence. For several months Hamid was forced to endure the constant noise from the machinery and the disgusting smell from the fertilizer. Tina's activities also ruined a holiday visit by Hamid's friend when he stayed with him for a week. Hamid then decided to get 'revenge' on Tina by regularly playing loud music to annoy her.

On a separate occasion, fertilizer from Tina's garden blew into Hamid's pond, poisoning his valuable fish.

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Discuss the rights and remedies, if any, of:

- Jenny against Reesh
- Carlos against Jenny
- Lisa against Jenny.

[25 marks]

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Discuss the rights and remedies, if any, of:

- Hamid and his friend against Tina regarding the smell and the noise
- Tina against Hamid regarding the loud music
- Hamid against Tina regarding his poisoned fish.

[25 marks]

Total for this scenario: 50 marks

Scenario 4

Jack bought an old, uninhabited house for renovation. Before starting the work, Jack boarded up the windows and doors and placed prominent 'Danger' signs outside the house to stop local youths getting in in the evenings. Nonetheless, Sam, aged 14, managed to kick down some of the boarding to get inside. While he was fooling around on a staircase, part of it collapsed due to rotting wood. He fell heavily on to the floor and suffered severe cuts to his legs.

Later, Jack paid Leo, an electrical contractor, to replace the electric wiring in the house. As Leo was stapling some cable along a skirting board, he severely grazed his hand on a rusty nail. Leo suffered blood poisoning as a result. Jack also paid Ruben to take away the heavy rubble resulting from the work to the house. While Ruben was loading a pile of rubble onto his lorry close to the house, roof guttering fell on him, injuring his shoulder. The guttering had been poorly attached to the roof by an expert roofer engaged by Jack.

Jack began painting the inside of the house using paint his mother had given him. He suffered breathing difficulties due to toxic fumes from the paint. This caused him to fall from his step ladder. As he fell he also spilt paint from the tin he was holding which ruined his carpet. The carpet was worth £500. Glossy plc manufactured the paint which was later found to contain a dangerous substance which caused the toxic fumes.

Jack was treated for his breathing difficulties by Dr Tan, a hospital doctor who had qualified only a month earlier. Dr Tan had been told by the hospital he must be supervised by a consultant when treating patients. While waiting for a consultant to arrive, Dr Tan injected Jack with the wrong drug to regularise his breathing. As a result, Jack had a stroke and partial paralysis. Unknown to Dr Tan, Jack had a rare health problem, causing Jack's stroke and the paralysis to be much more severe than would otherwise have been the case.

0 7

Discuss the rights and remedies, if any, of:

- Sam against Jack in respect of his injuries
- Leo and Ruben against Jack in respect of their injuries.

[25 marks]

0 8

Discuss the rights and remedies, if any, of:

- Jack against Glossy plc in respect of his breathing difficulties and the damage to his carpet
- Jack against Dr Tan in respect of his stroke and partial paralysis
- Jack against the hospital in respect of his stroke and partial paralysis.

[25 marks]

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 legal rules and moral principles. Analyse the extent, if at all, to which law **should** be based on moral principles.

[30 marks + 5 AO3 marks]

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Explain the meaning of 'balancing conflicting interests'. Discuss the extent to which the law does balance conflicting interests **and** briefly consider why it should seek to do so.

[30 marks + 5 AO3 marks]

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Discuss how far judges are able to develop the law through the operation of judicial precedent and in statutory interpretation. Discuss the arguments **for** and **against** whether judges should have this ability to develop the law.

[30 marks + 5 AO3 marks]

END OF QUESTIONS

There are no questions printed on this page.

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