

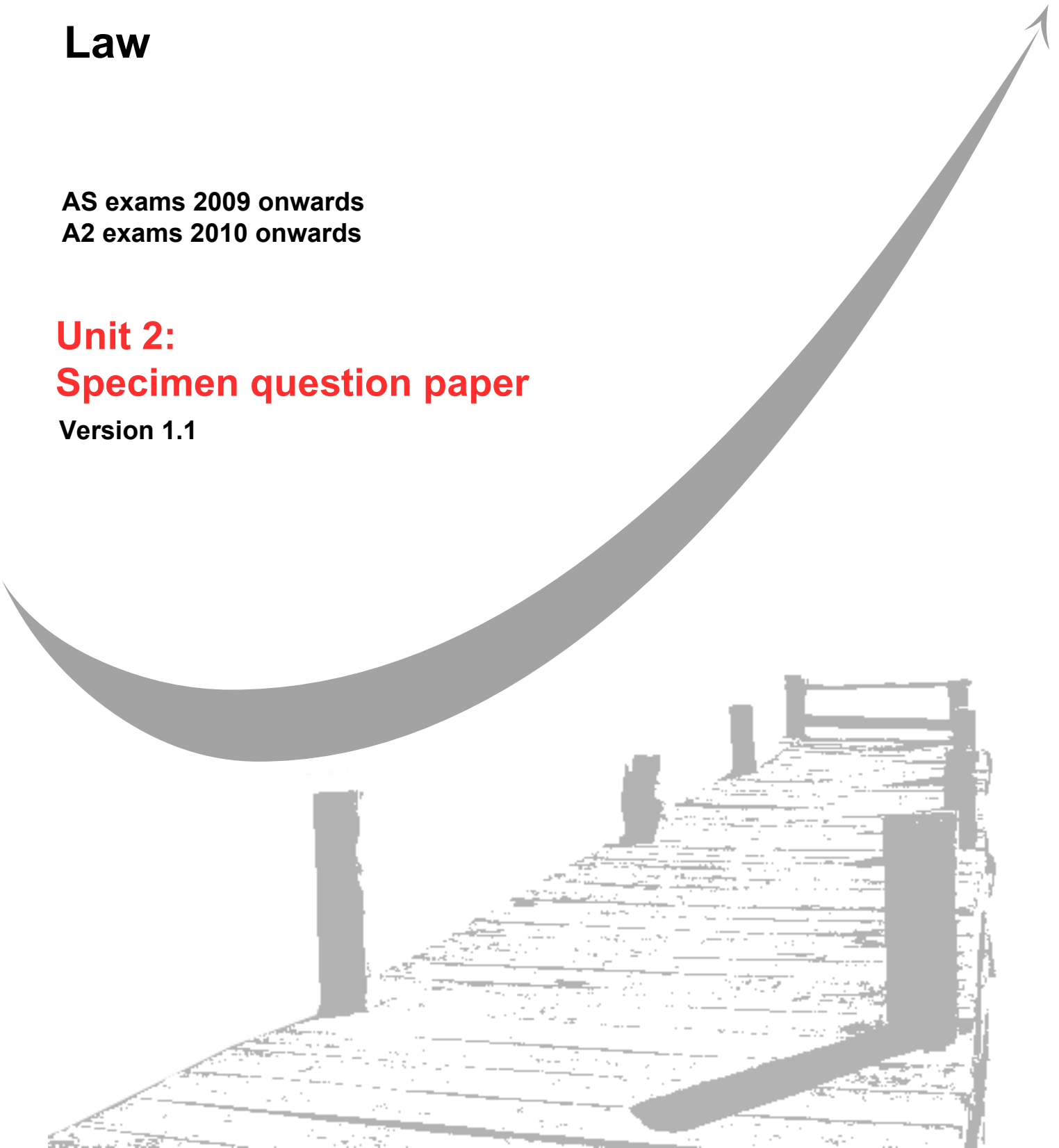
GCE
AS and A Level

Law

AS exams 2009 onwards
A2 exams 2010 onwards

Unit 2:
Specimen question paper

Version 1.1



General Certificate of Education
Specimen Question Paper
Advanced Subsidiary Examination



LAW
Unit 2 The Concept of Liability

LAW02

Date Time

For this paper you must have:

- a 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 *Examining Body* for this paper is AQA. The *Paper Reference* is LAW02.
- Answer **two** questions.
- Answer Question 1 and **either** Question 2 **or** Question 3.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 95.
Five of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets

SECTION A: INTRODUCTION TO CRIMINAL LIABILITY

Total for this question: 45 marks

- 1 Jenny had an argument with her boyfriend, David. This resulted in David hitting her with a cricket bat. Jenny suffered a very badly broken leg that needed surgery. David, who has several previous convictions for violence, denies that he was involved.
- 1 (a) Criminal offences usually require *actus reus* and *mens rea*, although some crimes are crimes of **strict liability**.
- (i) Explain, using examples, the meaning of the term *actus reus*. (7 marks)
 - (ii) Explain, using examples, the meaning of the term *mens rea*. (7 marks)
 - (iii) Explain, using examples, the meaning of the term **strict liability**. (6 marks)
- 1 (b) (i) Taking into account the explanations given in your answer to 1(a), discuss the criminal liability of David for the injuries suffered by Jenny. (10 marks)
- (ii) Outline the procedure that would be used following David's arrest and charge up to the start of his trial. (5 marks)
- 1 (c) (i) Briefly explain the range of sentences available to the criminal courts if David were to be convicted of an offence. (5 marks)
- (ii) Briefly discuss the range of factors the court may take into account before he is sentenced. (5 marks)

Answer **either** Section B **or** Section C.

SECTION B: INTRODUCTION TO TORT

Total for this question: 45 marks

- 2 Having bought herself a cheap sail board, Olga decided to teach herself to windsurf on a lake near her home. After several hours' practice, she began to tire and decided to have one last attempt at crossing the lake. She failed to notice Petra, who was fishing from a boat on the lake. Unfortunately, Olga crashed into the boat, which capsized, and Petra lost her fishing equipment, worth £3000, in the lake.
- 2 (a) Negligence requires proof of **duty**, **breach** and **damage**.
- (i) Explain, using examples, the meaning of the term **duty of care**. *(7 marks)*
 - (ii) Explain, using examples, the meaning of the term **breach of duty**. *(7 marks)*
 - (iii) Explain, using examples, the meaning of the term **damage**. *(7 marks)*
- 2 (b) Using the explanations given in your answers to 2(a), discuss whether Olga has been negligent towards Petra. *(10 marks)*
- 2 (c) Assuming Olga was found to be liable in negligence,
- (i) identify which court would hear Petra's claim and outline the procedure that would be followed before a trial; *(7 marks)*
 - (ii) outline how the court would calculate an award of damages, if appropriate, to Petra in the situation given. *(7 marks)*

Turn over for the next section

Answer **either** Section B **or** Section C.

SECTION C: INTRODUCTION TO CONTRACT

Total for this question: 45 marks

- 3** Umar wanted to buy a large quantity of mobile phones for his shop. He phoned Mobiles plc, who agreed to supply him with a quantity of phones for £60 000. Mobiles plc immediately realised they had been using an old price list and tried to contact Umar on the phone, but failed to do so. Mobiles plc therefore posted a new one to Umar, which he received on the next day. Mobiles plc refused to supply the phones at £60 000 and Umar refused to pay the revised price of £70 000. Mobiles plc's new prices were the same as other suppliers of the phones.
- 3** (a) A valid contract requires an **offer** to be **accepted**.
- (i) Explain, using examples, the meaning of the term **offer**. *(7 marks)*
- (ii) Explain, using examples, the meaning of the term **acceptance**. *(7 marks)*
- 3** (b) Using the explanations given in your answer to 3(a), discuss whether Umar has made a valid contract with Mobiles plc. *(10 marks)*
- 3** (c) Assuming there is a valid contract between Umar and Mobiles plc, Mobiles plc may be in breach of that contract. Briefly explain the meaning of **breach of contract** and discuss whether Mobiles plc is in breach of its contract with Umar. *(7 marks)*
- 3** (d) Assuming Umar claimed for breach of contract,
- (i) identify which court would hear the case and outline the procedure that would be followed before a trial; *(7 marks)*
- (ii) outline how the court would calculate an award of damages to Umar in the situation given. *(7 marks)*

END OF QUESTIONS