



GCE A level

1254/01

LAW – LA4

**UNIT 4: UNDERSTANDING LAW IN CONTEXT:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 1: CONTRACT AND CONSUMER LAW**

P.M. TUESDAY, 1 February 2011

2½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions from Section A and **one** question from Section B.

Write your answers in the separate answer book provided.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded that assessment will take into account the quality of written communication used in your answers.

You are reminded that this paper contains a synoptic element in Section B and will test understanding of the connections between the different elements of the subject.

UNIT 4 : UNDERSTANDING LAW IN CONTEXT

OPTION 1: CONTRACT AND CONSUMER LAW

SECTION A

*Answer **two** questions from this section.*

1. Evaluate the civil remedies available for a consumer under the general law of contract for breach of a contractual term. [25]

2. Critically examine the role of Ombudsmen in protecting consumers. [25]

3. Evaluate the cancellation rights of consumers in a case where a consumer may be pressurised by a doorstep salesman to sign an agreement. [25]

4. To what extent can Section 75 of the Consumer Credit Act 1974 be considered a vital provision for consumers where a supplier of goods or services refuses to meet its obligations under the contract or becomes insolvent? [25]

SECTION B

Answer one question.

5. Study the text below and answer the questions based on it.

“*Office of Fair Trading v Abbey National plc (2008)* is concerned with terms imposing certain bank charges and the Unfair Terms in Consumer Contracts Regulations 1999. It illustrates two significant advances in consumer protection over the last decade or so, one cultural and one legal. On the cultural front it shows the power of the internet to galvanise consumer activity, with many consumers being prompted to try to reclaim bank charges by the information and formal documents supplied by consumer advocates on the internet. On the legal front, the foundation of those claims is basically the Regulations which provide for terms in contracts between consumers and sellers or suppliers to be found unfair and not binding on the consumer.”

Source: Macdonald (2008) Modern Law Review

- (a) Explain the application of the Unfair Terms in Consumer Contracts Regulations (1999) in promoting fairness of the standard terms encountered by consumers. [11]
- (b) Evaluate the mechanisms available for promoting reform for the enforcement of Consumer Law. [14]

6. Study the text below and answer the questions based on it.

“About 7,000 people in Great Britain die each year from accidents in the home, over a tenth of them from fires. This is comparable to the number killed on the roads. In addition over 100,000 receive hospital in-patient treatment for home accident injuries. No central statistics are kept for those not admitted to hospital but it is estimated that in England and Wales 650,000 receive out-patient care in hospitals and 500,000 attend their general practitioner for treatment.

Apart from the toll of human suffering which these figures represent, there are substantial economic costs, both direct – through damage to property, as in the case of the 50,000 or so fires in the home each year – and indirect – e.g. the cost of medical treatment and hours lost from work.

This Consultative Document is concerned with ways of reducing the cost and suffering caused by home accidents. It considers how information, publicity and education on causes of home accidents and means of avoiding them can be improved; and in particular it discusses how the law can best ensure that goods which reach consumers are as safe to use as the public may reasonably expect.”

Source: Consumer Safety: A Consultative Document (Green Paper, Cmnd 6398, 1976)

- (a) Explain the legal approaches taken to promote the safety of goods for consumers in the law of England and Wales. [11]
- (b) Evaluate the role of U.K. Regulations and Directives in promoting the safety of goods to consumers. [14]