



GCE A level

1253/01

LAW – LA3

**UNIT 3: UNDERSTANDING SUBSTANTIVE LAW:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 1: CONTRACT AND CONSUMER LAW**

A.M. WEDNESDAY, 25 January 2012

1½ 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.

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.

Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.

You are reminded of the importance of including knowledge from all areas of the course where appropriate including the Legal System of England and Wales. Part (b) of each question will test understanding of the connections between the different elements of the subject.

Option 1: Contract and Consumer Law

Answer two questions.

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

Albert owns a shop specialising in selling sporting trophies. On Monday he placed an advertisement in the local paper which stated: “Special offer hand crafted sporting trophy for sale by local sculptor Paula Davies one only £3,000”. Later that day Ben a keen golfer telephoned Albert and said “I will take the sculpture for £2,500”. Albert replied, “I cannot take less than £2,800 but I will not sell it to anyone else before Saturday. Let me have a reply by midday on Friday if you want it”. On Wednesday Colin went to Albert’s shop to view the sculpture. As it was so exceptional he paid Albert £3,000 for the sculpture and took it away with him. On Thursday Ben met Colin’s brother who told him that Colin had bought an amazing new sporting trophy which he thought had been made by the famous Paula Davies. Ben rushed home and put a letter in the post to Albert agreeing to pay £2,800 for the trophy. The letter was correctly stamped and addressed but due to a mix up at the sorting office it did not arrive with Albert until Saturday.

- (a) In the light of the reported case law and other sources of law, advise Ben. [14]
- (b) Explain the doctrine of precedent in the development of the law in the above scenario. [11]

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

Cynthia runs a small business from her home. She needed a quiet fast printer that was cheap to run. She contacted Edward who works for a specialist printer supply called Print-it Co. She explained her needs and Edward recommended the printer model “Super XLX”. Cynthia emphasised that she knew nothing about printers and that it must be quiet as her small baby was in the house and she did not want to disturb the baby when sleeping. She also said that unless it was cheap to run she would not even ask the price.

Edward told her that the price was £500.

The printer was not quiet, fast or cheap to run and as a result Cynthia was not able to use it and lost a valuable contract to print posters for a new theatrical production.

- (a) In the light of reported case law and other sources of law, advise Cynthia as to whether there was a misrepresentation. [14]
- (b) Explain the importance of statutory interpretation in the development of the law relating to misrepresentation. [11]

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

Andrea is a firm believer in complementary therapies and she set up a business marketing these therapies. She placed an advertisement in the Daily Post stating that: “If used in the manner stated, Andrea’s complementary therapies will ward off the common cold. In token of my belief in their effect I have deposited £5,000 with the Black Sheep Bank and a sum of £100 will be paid to any dissatisfied customer”. Fred and Elinor each purchased one of Andrea’s complementary therapies on the strength of the advert. Fred used the therapy and followed the instructions to the letter but unfortunately caught a cold. Elinor gave Andrea’s complementary therapy to a friend, Simon, who had not seen the advert but nevertheless used it and contracted a heavy cold.

- (a) Advise Fred and Elinor as to whether or not they can claim some of the deposited funds. [14]
- (b) Explain the mechanisms available outside of litigation in resolving this dispute. [11]

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

Geoffrey owns a printing business which prints out free advertisements to domestic houses. Whilst delivering his free adverts to houses in his local town of Newtown he fell and broke his leg. His best friend Richard (a postman) told him that he would help him out and offered to take the free adverts with him whilst delivering his letters. After 4 months Geoffrey recovered and then told Richard that in consideration of his efforts he would pay for a holiday in mid Wales. On the strength of this promise Richard booked a holiday for £1,000. Shortly afterwards Geoffrey and Richard quarrelled and Geoffrey threatened not to pay the full cost of the holiday.

- (a) In the light of the reported case law and other sources of law, advise Richard as to the legal position. [14]
- (b) Taking into account his prospects of success, explain the available sources of assistance for Richard in funding his litigation. [11]