



GCE A level

1253/03

LAW – LA3

**UNIT 3: Understanding Substantive Law:
Freedom, the State and the Individual
OPTION 3: Freedom of the Individual and
Protection of Human Rights**

A.M. THURSDAY, 6 June 2013

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.

Candidates are required to answer **two** questions.

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.

Answer two questions.

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

Eighteen-year-old Rollo opened a current bank account, and was issued with a silver-coloured debit card. On his way to use the cash machine for the first time, he took the card from his pocket and fingered it as he walked along the street. Police Constable Nabb saw something that looked metallic in Rollo's hand, and thought that it might be a knife. He knocked Rollo to the ground and then kneeled on Rollo's back to subdue him while he searched Rollo's jacket for weapons. Finding only the debit card, he pulled Rollo to his feet, and told him that he was arresting him in order to establish his identity. Rollo was taken to the police station, where he was refused permission to phone his family or speak to a solicitor. The police took his fingerprints and a sample of his DNA. After thirty-eight hours in police custody, Rollo was told that the police had established his identity and that he was free to leave.

- (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- (b) Explain what sources of legal advice and funding might be available to Rollo if he wishes to sue the police. [11]

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

Dexter and his wife, Connie, organised a sponsored dog walk to raise money and gain publicity for a local charity, Shelter for Abandoned Dogs (SAD). Around a hundred people turned up with their dogs to walk the "Mutt Mile", escorted by Sergeant Ham and PC Bone. Half way along the route, they were confronted by a group of around twenty people belonging to an organisation which calls itself Ban All dogs (BAD). The members of BAD behaved in a hostile manner towards the SAD supporters, shouting insults and threats of violence. Sam, Fred and Martin had come armed with eggs and rotten fruit, which they threw at the SAD supporters. One of the eggs, thrown by Martin, struck Connie in the face. Another member of BAD, Rufus, released a rabbit into the midst of the SAD supporters, which caused chaos as the SAD supporters struggled to control their dogs. Dexter lost his temper and rushed at Martin, knocking him to the ground. Alarm spread quickly among the SAD supporters, many of whom were crying and screaming in fright. While Sergeant Ham was preoccupied in rescuing the rabbit, PC Bone decided to take charge of the situation, and instructed the SAD supporters to terminate the walk and disperse. The SAD supporters ignored her and chanted "Walk the Mutt Mile!" Things eventually calmed down when Connie borrowed the largest and fiercest-looking dog she could find, and chased the members of BAD away down the road.

- (a) In the light of reported case law and other sources of law, consider whether any public order offences may have been committed. [14]
- (b) Explain the powers of the police to grant bail. [11]

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

A crime reporter with the Daily Dirt, Alice Papp, became friendly with Detective Chief Inspector Laura Snout, who was part of a team investigating a serious fraud. The investigation had reached a stage where the police were on the verge of seeking arrest warrants against a number of well-known figures in the banking world, and it was essential to maintain the secrecy of the investigation in order to prevent any of the suspects from escaping abroad. Laura told Alice, in strictest confidence, when the arrests were planned to take place. Alice then passed this information to her editor, Martha Mutton, without telling Martha how she had come by the information. Martha published the information in the Daily Dirt before all of the arrest warrants had been obtained, with the result that one of the main suspects escaped before he could be apprehended by the police. Alice, Laura and Martha have now been informed that they may be prosecuted under the Official Secrets Act 1989.

- (a) In the light of reported case law and other sources of law, consider whether any offences may have been committed by Alice, Laura or Martha. [14]
- (b) Explain the route of appeal from the Crown Court if any of the three are convicted. [11]

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

Dogsbreath Productions created a successful weekly children's television show, *Inside Emma*, which used hi-tech medical equipment to explain to youngsters how the human body works. The show won several awards for its educational value, and its young presenter, Emma, became a national celebrity. The editor of the Daily Slur, Vitupia Stabb, obtained photos of Emma taken outside an alcohol treatment clinic during the filming of an episode designed to warn young viewers of the dangers of binge-drinking. Vitupia published the photos under the headline: "What Really Goes on Inside Emma", together with an article claiming that Emma was a secret alcoholic. A Twitter mob quickly formed and bombarded Dogsbreath Productions with demands that Emma should be sacked from the show. Dogsbreath Productions took fright and promptly terminated Emma's contract. The Minister for Youth, Ambrosia Fitt, made a speech in Parliament praising Dogsbreath Productions for "doing exactly the right thing", and later repeated this comment during a live television interview.

- (a) In the light of reported case law and other sources of law, consider whether Emma may be able to sue for defamation. [14]
- (b) Explain the role of the jury in civil cases. [11]