



**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. FRIDAY, 17 January 2014

1 hour 30 minutes

#### **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.

#### **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 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 3: Freedom of the Individual and Protection of Human Rights**

*Answer two questions.*

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

A woman went up to PC Tumbrill in the street and told him that she had just seen her neighbour, Karen, who she knew to be unemployed, walking down the street with a carrier bag full of clothes that she could not possibly have had the money to pay for. PC Tumbrill caught up with Karen and ordered her to show him the contents of her bag. From Karen's appearance and the value of the clothes in the bag, PC Tumbrill thought that the woman who had tipped him off was probably right in assuming that Karen had stolen the clothes. He therefore arrested Karen and took her to the police station. Karen was placed in a cell and left there for ten hours. Her request to be allowed access to legal advice was refused. She was then interviewed for a further fourteen hours without a break. Karen claimed that the money to pay for the clothes had been given to her by her mother, but the police refused to check her story or allow Karen to contact her mother on the ground that her mother would probably lie to protect Karen. Eventually, after Karen had been in custody for thirty-six hours, she was charged with theft and released on bail.

- (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 the powers of the police to grant bail. [11]

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

Kate is a civil servant working for the Ministry of Defence. Kate was instructed to prepare a press release which revealed the date of a planned British attack in the Middle East. Kate was specifically instructed not to release the information to the press until the following week, in order to safeguard the troops involved. However, Kate was going on holiday the next day, so she sent the press release in an email to her friend Martha Mutton, the editor of the Daily Probe, and told her not to print it until the specified day. Martha could not resist the chance of a scoop, and printed the information four days early.

- (a) In the light of reported case law and other sources of law, consider whether Kate and Martha may have committed any criminal offence. [14]
- (b) Explain how a jury would be selected if Kate or Martha were to be tried in the Crown Court. [11]

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

Following some unpleasant racist incidents, Parveen and Hari organised a march to call for peace and reconciliation. The march was to be followed by an open-air gathering in the town centre with music and dancing to celebrate harmony between different cultures. Around a thousand people took part in the march. As they approached the town centre, the police officer in charge of the march, Superintendent Ahmed, received information that a rowdy group of individuals known to be responsible for previous racist attacks was on its way to the town centre to confront the marchers. Superintendent Ahmed therefore gave instructions to the marchers to alter their route to avoid going anywhere near the town centre. Parveen and Hari protested that this would make it very difficult for people to take part in the planned gathering. Superintendent Ahmed told them that, with great regret, he had banned the gathering as well. In the town centre itself, police officers ordered everyone who had already arrived for the gathering to leave the town centre immediately. Those who objected were arrested for taking part in a banned assembly and brought before the magistrates the following day.

- (a) In the light of reported case law and other sources of law, consider whether the police were acting within their powers. [14]
- (b) Explain the route of appeal from the magistrates' court. [11]

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

Jenny Jones, a professor of geology, wrote a book about climate change in which she claimed that this was mainly caused by changes in the earth itself rather than by human activity. Jenny's former teacher from the days when she was an undergraduate, Professor Stone, was asked to write a review of the book for the Daily Probe, a serious broadsheet newspaper. In his review, Professor Stone wrote: "Jenny Jones' book displays all the charm which has enabled her to succeed in an academic career despite her complete lack of intelligence. Like the professor herself, it looks pretty on the outside but turns out to be full of empty-headed nonsense on the inside." Martha Mutton, the editor of the Daily Probe, felt that it was in the public interest that a dispute between two eminent professors on such an important subject as climate change should be given greater publicity than to be tucked away in the review column of the paper. She therefore devoted half a page to the review, under the headline: "Clash of the Boffins – Stone Slams Jones Over Climate Change." The story was picked up by a national television network, with the result that Jenny was sacked from her job at the university.

- (a) In the light of reported case law and other sources of law, consider whether Jenny could sue for defamation. [14]
- (b) Explain how a civil action differs from a criminal prosecution. [11]

**END OF PAPER**