

General Certificate of Education
June 2003
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 9 June 2003 Morning Session

In addition to this paper you will require:
an 8-page answer book.

Time allowed: 1 hour

Instructions

- Use blue or black ink or 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 LAW3.
- Answer **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
- Mark allocations are shown in brackets.
- You will be awarded up to 5 marks for the quality of your written communication. You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The degree of legibility of your handwriting and the level of accuracy of your spelling, punctuation and grammar will also be taken into account.

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Answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Read the scenario and answer **all** parts of the questions which follow.

Criminal Law

1

Total for this question: 25 marks

Stephen used to work as a doorman at a nightclub. His job required him to control entry to the club and deal with troublemakers.

One wet night, there was a long queue to enter the club. Stephen saw Pravin, a celebrity guest, approaching and made space for him to enter. Marion, Pravin's companion, tried to enter the club as well. Stephen did not realise she was with Pravin and tried to stop her going in. First Stephen shouted at Marion, and then he leant round the door and pulled her out by the collar of her coat. Marion slipped on the wet floor and fractured her skull against the doorframe.

- (a) Stephen is likely to be prosecuted for the incident involving Marion. At his trial, the prosecution will have to prove *actus reus*, including **causation**, and *mens rea*. Explain what is meant by these **three** terms. (15 marks)
- (b) Discuss the criminal liability of Stephen for the injuries suffered by Marion. (10 marks)

Tort

2

Total for this question: 35 marks

Alan is a professional lorry driver. He was driving on the motorway just after dawn one summer morning when he fell asleep. As a result, his lorry crashed into a taxi that had broken down and was parked on the hard shoulder. Fortunately the taxi driver, Bella, was not injured as she was calling for help from an emergency telephone some distance away. However, her taxi was completely destroyed. Alan was very fortunate not to be injured.

Carol lives in a house near the motorway. She heard the sound of the crash involving Alan and set off, with her binoculars, towards the crash scene so she could get a better look. On the way to the motorway, she fell into a ditch and broke her arm.

- (a) Bella and Carol are considering suing Alan for negligence and their solicitors have mentioned to them the requirements of **duty**, **breach** and **damage**.
- (i) Taking these into account, discuss Alan's liability to Bella for negligence. (20 marks)
- (ii) Briefly discuss whether or not Alan owes Carol a **duty of care**. You may refer to the relevant part(s) of your answer to Question 2 (a)(i). (5 marks)
- (b) Assuming Alan is found liable in negligence to Bella, explain how the court would calculate the **damages** to be awarded to her. (10 marks)

END OF QUESTIONS