

General Certificate of Education
June 2006
Advanced Level Examination



LAW

LAW4

**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

Monday 19 June 2006 1.30 pm to 2.45 pm

For this paper you must have:

- a 12-page answer book

Time allowed: 1 hour 15 minutes

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 LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
10 of these marks are for the Quality of Written Communication.
- The marks for questions are shown in brackets.
- You are reminded of the need for good English and clear presentation in your answers. All questions should be answered in continuous prose. Quality of Written Communication will be assessed in all answers.

Answer **one** question from two on the theme you have studied for this unit.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

Total for this question: 75 marks

- 1** Andy and Ben drew attention to themselves by their rowdy behaviour in a bar. Colin and his large group of friends moved menacingly towards Andy and Ben, who immediately jumped up and began to look for an escape. To try to gain more time, Andy said loudly to Ben, “Get the gun out.” In fact, as both Andy and Ben knew, there was no gun, but Colin and his friends stopped and moved back a little. Andy and Ben then separated as they ran off. As Andy turned a corner at full speed, he found Dora, a pedestrian, in his path. Andy barged straight into her and knocked her over. Dora fell heavily, breaking her arm and cutting her legs on a bottle which broke as she fell onto her shopping bag.

Meanwhile, Colin threw a stone at Ben as he chased him, and struck him in the back. Ben stumbled into the road as Elaine was approaching in her car. Elaine was a learner driver being supervised by her friend, Freddy. In a sudden panic in trying to avoid Ben, Elaine pressed the accelerator pedal instead of the brake, and lost control of the car, which crashed into a wall, killing Freddy.

- (a) Discuss the criminal liability of Andy in connection with the incident in the bar and the injury to Dora. *(25 marks)*
- (b) Discuss the criminal liability of Colin and of Elaine for the involuntary manslaughter of Freddy. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

OR

In relation to involuntary manslaughter, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

OR

In relation to non-fatal offences against the person, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

Total for this question: 75 marks

- 2 Helen was in a club when someone put a drug into her 'soft' drink whilst her attention was distracted. Shortly afterwards, her movements on the dance floor became wild and unpredictable. Joanne, who was also dancing, slipped whilst trying to avoid colliding with her, and suffered a broken finger when trampled on by other dancers. Eventually, Ian, a member of the security staff, tried to escort Helen from the dance floor. Laughing, she 'pushed' him in the face. However, she was still holding a glass, which broke and caused permanent damage to Ian's eyesight.

George, who was also in the club, suffered from a personality defect which tended to cause him to exaggerate in his own mind the behaviour of others around him. This often made him angry at the thought that they were making fun of him. On a number of occasions during the two hours that he was in the club, he saw Kim look at him and make some remark to her friends, at which they all laughed. As he was about to leave the club, George noticed Kim at the top of a staircase. He immediately went over and pushed her violently. She fell very awkwardly, broke her neck, and died.

- (a) Discuss Helen's criminal liability for the injuries to Joanne and Ian. *(25 marks)*
- (b) Discuss George's criminal liability for the murder of Kim. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

OR

In relation to involuntary manslaughter, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

OR

In relation to non-fatal offences against the person, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

Turn over for the next question

Turn over ►

Contract Law**Total for this question: 75 marks**

- 3 Liz's father, Mike, decided to help his daughter to sell her car by arranging for part of the car's bodywork to be re-sprayed. He agreed to pay Nigel £800 to do the work. However, after work on the car had started, Nigel told Mike that more preparation was required than he had expected, and that he would need to be paid an extra £200. Mike refused to pay the extra, and Liz had to do so to get the car back. When it was returned, there were some paint stains on the car seats. Nigel pointed out that a notice at his cash desk clearly stated that he accepted no liability for any damage caused to vehicles whilst on his premises.

Liz advertised the car (which was four years old) for sale in a newspaper, stating that it had a 'full service history'. Peter inspected the car and agreed to buy it for £4500. After Peter had paid and had been given all the documents, he discovered that there was no service record for one year. Without the full service history, the car was worth £500 less than he had paid for it. Liz insisted that, when she bought it, the record for that year had been complete, but she was unable to find it. Peter decided that he did not want the car.

- (a) Discuss the rights, duties and remedies of Liz, of Mike and of Nigel in connection with the agreement for the re-spraying of Liz's car, and the damage to the seats. (25 marks)
- (b) Having regard to the relevant rules on misrepresentation and on breach of contract, consider the rights and remedies which may be available to Peter in connection with his purchase of the car from Liz. (25 marks)
- (c) Choose **one** of the following:

Relating your answer to the rules on offer and acceptance, what criticisms would you make of the rules on formation of contracts? (25 marks)

OR

Relating your answer to the rules on consideration, what criticisms would you make of the rules on formation of contracts? (25 marks)

OR

Relating your answer to the rules on intention to create legal relations, what criticisms would you make of the rules on formation of contracts? (25 marks)

Total for this question: 75 marks

- 4 Sam placed an advertisement in a computer magazine, which read, “Demon Printer for sale at £450. I supply printer cartridges at £40 each, £160 for five.” Rob sent an e-mail message to Sam which stated, “I will pay you £400 for your Printer. Can you deliver tomorrow? Please confirm sale by 6 pm tonight. Send me five printer cartridges.” At the end of his message was his address and his mobile telephone number. Sam sent Rob both an e-mail message and a mobile telephone text message which stated, “The Printer is yours for £400. Pick it up any time tomorrow. Printer cartridges on their way.” Rob received only the text message, which was timed at 5.45 pm but which he did not see until 8 pm. By that time, he had assumed that Sam was not interested in selling the Demon Printer to him and had bought one elsewhere. Subsequently, Sam was able to sell his Demon Printer for £320. Rob returned the printer cartridges when they were delivered and refused to pay for them.

Rob intended to attend a three-day computer sales fair in Southtown. Hotel accommodation was rapidly booked up for the three days in question and Rob had to pay a deposit of £150 to the Queen’s Hotel to secure a room for the three days, the total cost being £450. The Queen’s Hotel paid out £30 per guest to supply specially designed writing paper and other gifts bearing each guest’s name. Two days before the fair was due to take place, the police received intelligence that there was a serious terrorist threat to the event, and the fair was cancelled.

- (a) Consider what rights and remedies, if any, are available to Rob and to Sam arising out of the dealings over the Demon Printer and the printer cartridges. *(25 marks)*
- (b) Having regard to the relevant rules on termination of contracts by breach and by frustration, consider the rights and remedies which may be available to Rob and to the Queen’s Hotel if Rob refuses to stay at the hotel and to make any further payment, and demands the return of his deposit. *(25 marks)*
- (c) Choose **one** of the following:

Relating your answer to the rules on offer and acceptance, what criticisms would you make of the rules on formation of contracts? *(25 marks)*

OR

Relating your answer to the rules on consideration, what criticisms would you make of the rules on formation of contracts? *(25 marks)*

OR

Relating your answer to the rules on intention to create legal relations, what criticisms would you make of the rules on formation of contracts? *(25 marks)*

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