



General Certificate of Education
Advanced Subsidiary Examination
June 2009

Law

LAW02

Unit 2 The Concept of Liability

Specimen paper for examinations in June 2010 onwards

This question paper uses the new numbering system and new AQA answer book

For this paper you must have:

- an AQA 12-page answer book.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black 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 LAW02.
- Answer questions on **two** scenarios.
- Answer **all** questions on Scenario 1 (Section A), and choose **either** Scenario 2 (Section B) **or** Scenario 3 (Section C) and answer **all** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work that you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 94.
- In Questions

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 and

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 two marks will be awarded for AO3, and so you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

Section A Introduction to Criminal Liability

Answer **all** questions on Scenario 1.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this question: 47 marks

Scenario 1

George shared a flat with Nina. Whilst Nina was out, Khalid came round to play a video game with George. Nina intensely disliked Khalid. George was losing and began accusing Khalid of cheating. Khalid lost his temper and smashed his game controller into George's face. George's face was deeply cut and started to bleed heavily. George ran out of the flat to look for help.

Shortly afterwards, Nina came back into the flat. Believing it was George returning, and without looking, Khalid waved the blood-stained controller and shouted, "Get out!" Nina was frightened by this, as she had experienced Khalid's anger before and knew he had several previous convictions for violence.

Nina turned to escape, but in her haste to get away she fell down the stairs. She suffered a sprained ankle and severe bruising. Khalid rushed to help as he was horrified at having hurt her.

Criminal liability depends on proof of *actus reus*, including the principles of causation, and on proof of *mens rea*, unless the offence is one of strict liability. The law also requires that *actus reus* and *mens rea* must coincide (the contemporaneity rule).

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|-------|--|-----------------------------|
| 0 1 | Explain the meaning of the term 'causation'. | (7 marks) |
| 0 2 | Explain the meaning of the 'contemporaneity rule'. | (5 marks) |
| 0 3 | Briefly explain the meaning of the term 'offence of strict liability'. Outline the reasons these offences exist. | (7 marks) |
| 0 4 | Discuss the criminal liability of Khalid for the injury suffered by George. | (7 marks) |
| 0 5 | Discuss the criminal liability of Khalid arising out of the incident with Nina. | (7 marks) |
| 0 6 | Outline the meaning of bail and the grounds on which Khalid might be refused bail in this case. | (5 marks) |
| 0 7 | Outline the aims of sentencing and the factors that the court might take into account in sentencing Khalid, if he were to be found guilty. | (7 marks + 2 marks for AO3) |

Choose **either** Scenario 2 (Section B) **or** Scenario 3 (Section C) and answer **all** questions on the scenario you choose.

Section B Introduction to Tort

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this question: 47 marks

Scenario 2

Ajay gave Tom, a car mechanic, a lift so that he could collect some second-hand car parts, including a battery. Tom put the parts and the battery in the boot of Ajay's car. Ajay did not know what Tom had put in the boot as he knew nothing about cars. However, Ajay drove to Tom's house very carefully, as he did not want to damage the expensive sound system that was installed in his boot.

Unfortunately, Tom had not secured the battery properly. It fell over, and acid spilled out. Ajay did not notice this and burned the skin on his hands as he helped to lift out some parts. As a result, he could not work as a chef for three weeks, and lost £900 in wages. The acid also damaged the sound system, causing £2000 worth of damage.

Negligence requires proof of duty, breach and damage.

- 0 8** Explain the meaning of the term 'duty of care'. (7 marks + 2 marks for AO3)
- 0 9** Breach of duty requires the defendant to have failed to reach the standard of the reasonable man. Describe **three** risk factors that can be taken into account by the courts in determining the standard of care required. (7 marks)
- 1 0** Damage involves the principles of causation and remoteness of damage. Explain the meaning of the term 'remoteness of damage'. (7 marks)
- 1 1** Using the explanations given in your answer to Question 08, discuss whether Tom owes a duty of care to Ajay. (7 marks)
- 1 2** Using the explanations given in your answer to Question 09, and assuming that Tom did owe a duty of care to Ajay, discuss whether or not Tom was in breach of his duty. (7 marks)
- 1 3** If Ajay were to proceed with a court case to recover damages from Tom, the case would eventually be allocated by the court to a track. Outline the different tracks and indicate the track to which Ajay's case would be allocated. (5 marks)
- 1 4** In some negligence cases, the principle of *res ipsa loquitur* applies. Outline the meaning and effect of *res ipsa loquitur* and outline how it might apply in this case. (5 marks)

Choose **either** Scenario 2 (Section B) **or** Scenario 3 (Section C) and answer **all** questions on the scenario you choose.

Section C Introduction to Contract

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this question: 47 marks

Scenario 3

Matt owned a number of computer game shops. On 1 September, he contacted his supplier, CGQ Ltd, by e-mail, requesting a price for 1000 of the eagerly-anticipated Mark Six consoles and 5000 games designed to work on the console. He wanted them to be delivered in time for the release date of 7 November. CGQ Ltd replied immediately, giving a price of £270 000. Matt then telephoned CGQ Ltd and offered £250 000, which they refused. He then asked for prices from other suppliers, but all of them quoted a higher price.

On 8 September, he sent an e-mail to CGQ Ltd stating that he was willing to pay £270 000. CGQ Ltd e-mailed back, agreeing to deliver the goods by 6 November for £270 000. By that date, none of the goods had been delivered to him and Matt had to buy them from another supplier for £350 000 in order to fulfil his existing orders from his own customers.

A valid contract requires an offer and acceptance, an intention to create legal relations and consideration. If one party to the contract does not do what has been agreed, there is likely to be a breach of contract.

- 1 | 5** Explain the ways in which an offer can come to an end. *(7 marks)*
- 1 | 6** Explain the meaning of 'intention to create legal relations'. *(7 marks)*
- 1 | 7** Explain the difference between **actual** breach and **anticipatory** breach of contract. *(7 marks + 2 marks for AO3)*
- 1 | 8** Discuss whether Matt has a valid contract with CGQ Ltd and, if so, when that contract came into existence. *(7 marks)*
- 1 | 9** Assuming there was a contract between Matt and CGQ Ltd, briefly explain what is meant by consideration, and identify the consideration in this situation. *(7 marks)*
- Assume that CGQ Ltd had breached its contract with Matt.
- 2 | 0** Identify which court would probably hear Matt's claim, and which track the case would be allocated to. Outline **one** opportunity there would be for settlement of the dispute without going to court. *(5 marks)*
- 2 | 1** Assuming CGQ Ltd is found liable, outline how the court would calculate an award of damages and briefly explain how much Matt might be awarded as damages. *(5 marks)*

END OF QUESTIONS