



General Certificate of Education
Advanced Level Examination
January 2010

Law

LAW03

**Unit 3 Criminal Law (Offences against the Person)
or Contract Law**

Thursday 28 January 2010 9.00 am to 10.30 am

For this paper you must have:

- a 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 LAW03.
- Answer **one** question from two on the theme you have studied for this unit.
- Do all rough work in your answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 80.
Five of these marks will be awarded for your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

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

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

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

Criminal Law (Offences against the Person)

Total for this question: 75 marks

- 1** Encouraged by their friends whilst they were all being rowdy, Henry and Jack took part in a ‘boxing match’ in which each had one glove and both wore blindfolds. During the match, Henry had struck Jack twice in the face, leaving him with red marks and a small swelling under his eye. Jack then took out a knife which he had hidden in his pocket. Before anyone could intervene, Jack lashed out in Henry’s direction but missed him and, instead, inflicted a deep cut on the arm of Karim, one of the friends who was watching. The cut required a large number of stitches.

Mike, Jack’s father, had found it increasingly difficult to cope with the stress of modern life, including Jack’s wild behaviour. Mike had developed a strong (but wholly unjustified) belief that he was being followed wherever he went, and that his life was in danger. Walking on the upper level of the shopping centre one day, he noticed Pete, who lived in the neighbourhood. Mike and Pete had recently had a number of arguments. Mike immediately assumed that Pete was “following” him, and shouted at him to go away. Pete shouted back, “If you keep on like that, someone will get you, you stupid old idiot.” Pete then walked off but, a few minutes later, Mike suddenly ran at him and pushed him over the railing. Pete fell to the lower level, where he struck his head very heavily and died.

- (a) Consider the liability of Henry for the injuries to Jack, and the liability of Jack for the injuries to Karim. *(25 marks)*
- (b) Consider the liability of Mike for the murder of Pete. *(25 marks)*
- (c) In recent years, there has been much dissatisfaction with the current law of murder and voluntary manslaughter. Explain the reasons for this dissatisfaction and consider what proposals have been made for the reform of the law. *(25 marks)*

Total for this question: 75 marks

- 2 Rob was the leader of a gang, of which Steve was also a member. Rob was furious with Steve for not carrying out his orders. He called Steve on his mobile phone but Steve's mother, Irina, answered. Rob told her to tell Steve to be at the meeting place in an hour's time or he would come round and "cut" Irina. Steve got the message and went to meet Rob, who punched him very hard in the face, breaking his eye-socket. He also stamped on Steve's hand when Steve fell, breaking three of his fingers. When Steve was carried into an ambulance called by a passer-by, he was dazed and, believing that he was still being attacked, pushed Ted, a paramedic, from the ambulance, causing Ted to suffer a sprained ankle.

Having drunk a large amount of vodka and taken some drugs, Rob and other members of his gang were out late at night when they saw Vincent, a member of a rival gang. With Rob in the lead, shouting about killing Vincent, they began to chase him. After about two minutes, Vincent suddenly collapsed and fell to the ground. Rob reached him first and was about to kick him, but then said to the others, "Leave it. He looks bad. Better let someone else take care of it." They then all ran off. Vincent was an asthmatic and the stress of the chase had triggered an intense asthma attack from which he died. Prompt medical attention might well have saved his life.

- (a) Discuss the possible liability of Rob arising out of the phone call to Irina and out of the injuries inflicted on Steve. Discuss Steve's possible liability for the injury suffered by Ted. *(25 marks)*
- (b) Discuss the possible liability of Rob for involuntary manslaughter in connection with the death of Vincent. *(25 marks)*
- (c) In recent years, there has been much dissatisfaction with the current law of murder and voluntary manslaughter. Explain the reasons for this dissatisfaction and consider what proposals have been made for the reform of the law. *(25 marks)*

Turn over for the next question

Turn over ►

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

- 3 Amy placed an advertisement in the local newspaper, stating that she had three spare tickets for sale at £200 each for a concert to take place in two weeks' time. The advertisement appeared in Monday's paper and stated that she would sell one ticket each to the first three people to contact her agreeing to pay in cash. The advertisement included her address, her telephone number and her mobile telephone number. Bavna saw the advertisement and posted a letter to Amy at 9 am on Monday with a cheque for £200. The letter was delivered at 9 am on Tuesday. At 10 am on Monday, Charlie left a message on Amy's answerphone saying that he would buy a ticket. Amy could not understand the message because of a defect in the recording of the message. At 2 pm on Monday, Doug sent a text message to Amy's mobile phone. Amy did not read this message until 10 pm on Monday. At 4 pm on Monday, Emma went to Amy's house and said that she would buy all the tickets for £800. Amy agreed and sold the tickets to her. At about 11 am on Tuesday, Amy contacted Bavna, Charlie and Doug to tell them that she had sold the tickets.

Greg had agreed with Realsounds, the concert promoter, that he would perform at the concert for £5000, £600 to be paid in advance and the remainder after the performance. Greg spent £300 on equipment for the concert and hired two backing musicians for a further £800. Realsounds had employed Hassan to provide security services before and during the concert, including the security of the concert building itself. The night before the concert was due to take place, Hassan left a window in the building unlocked and someone got in and started a fire which resulted in extensive damage to the building. Realsounds was forced to cancel the concert.

- (a) Having regard to the rules on offer and acceptance in contracts, consider the rights and remedies, if any, of Bavna, of Charlie and of Doug in relation to the tickets for the concert. *(25 marks)*
- (b) Having regard to the rules on termination of contracts by breach and by frustration, consider the rights and remedies of Realsounds against Hassan, and of Greg and of Realsounds arising out of the damage to the concert building and subsequent cancellation of the concert. *(25 marks)*
- (c) Consider whether there are any criticisms that may be made of the rules on offer and acceptance in contract and discuss what reforms might be desirable. *(25 marks)*

Total for this question: 75 marks

- 4 Harold, who was 70 years old and in poor health, lived next door to John, who was 65 years old and had recently retired from his job as an electrician. John often visited Harold and had meals with him. When Harold told John that his lighting system seemed to be faulty, John said that he would look at it. Before he could do so, Harold became ill and spent a week in hospital. On his return, Harold found that John had done some work on the lighting, for which Harold promised to pay £200. However, Harold never paid John because he argued with him about another matter and they ceased to be friends. Subsequently, Harold agreed to pay Krypton Engineers £6000 to re-wire his house after they did a free survey which stated that the existing wiring presented a significant fire risk. Before work began, Harold discovered that Krypton Engineers had told a number of his neighbours exactly the same thing, and he now had doubts about the truth of the survey.

Harold bought a new sofa for his living room for £1000 from Lesters. The sofa that he saw in the shop was dark green but the one delivered was of a lighter shade of green, which he did not like. Lesters agreed to replace the sofa but charged Harold a second delivery fee of £20. When the sofa arrived, Harold was unwell, so he paid little attention to it. However, when Harold did inspect it properly a week later, he found that, despite being the correct colour, it was slightly stained and the material was frayed in one or two places at the back. When Harold complained, Lesters pointed out that, when Harold bought the sofa, he had signed a document which provided that any complaints must be made within three days of delivery. However, as a ‘goodwill gesture’, they offered to refund £50.

- (a) Taking into account **the rules on formation of contract**, consider what rights and remedies, if any, are available to John, arising out of the work done by John on Harold’s lighting, for which Harold subsequently promised to pay.

Taking into account **the rules on misrepresentation in contract**, consider whether Harold can avoid going ahead with the contract with Krypton Engineers. *(25 marks)*

- (b) Consider Harold’s rights and remedies in connection with his purchase of the sofa from Lesters. *(25 marks)*
- (c) Consider whether there are any criticisms that may be made of the rules on offer and acceptance in contract and discuss what reforms might be desirable. *(25 marks)*

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