General Certificate of Education
Advanced Level Examination
January 2011

Law LAW03

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

Thursday 27 January 2011 9.00am to 10.30am

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 LAW03.
- Choose **one** scenario from two on the theme you have studied for this unit. Answer all **three** questions on the scenario you choose.
- 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 cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 80.
  In questions **0 1**, **0 4**, **0 7** and **1 0**, five marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
  – use good English
  – organise information clearly
  – use specialist vocabulary where appropriate.

Choose **one** scenario from two on the theme you have studied for this unit.

Read the scenario and answer all **three** questions.

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

Criminal Law (Offences against the Person)

Total for this scenario: 80 marks

Scenario 1

Andy, Gary and their friends had been drinking heavily in a bar one night when Chris and his friends came in. There was a lot of ill feeling between the two groups, and Chris began making loud and insulting remarks about Andy's girlfriend, Debbie, who was also Gary's sister. While Chris's group were laughing about it, Andy suddenly threw a bottle of beer at Chris. Chris was not aware of this until the bottle struck the wall just behind him and shattered, causing him to jump away instinctively. At that moment, Edward, a customer unconnected with either group, panicked and tried to run out of the bar. However, the floor was now wet with beer and he slipped and fell straight on to the jagged edge of the broken beer bottle. The resulting damage was so severe that he lost his sight in one eye.

The two groups left the bar almost immediately, and a series of running fights took place. Eventually, Gary, shouting about the insults to his sister, chased Henry, Chris's friend, close to a 20-metre high cliff above the town beach. There, Gary took out a knife he had been carrying and threatened Henry, forcing him back on to the very edge of the cliff. Henry made a grab at Gary. Gary felt in danger of being pulled over the cliff and struck out at Henry with the knife. Henry lost his footing and fell on to rocks below. Gary ran off, leaving Henry's body to be found the next day.

0 1 Consider the possible criminal liability of Andy arising out of the incidents in the bar. *(25 marks + 5 marks for AO3)*

0 2 Consider the liability of Gary in connection with Henry's death. *(25 marks)*

0 3 Write a critical analysis of any **two** of the general defences (insanity, automatism, intoxication, consent, self-defence/prevention of crime). Include in your answer a consideration of any proposals for reform of **one** of your chosen defences. *(25 marks)*

Total for this scenario: 80 marks

Scenario 2

Leon was a bodybuilder who frequently took 'supplements' to improve his physique. This had caused him to experience intense paranoia (feelings that everyone was against him) and unpredictable rages, during which he was barely conscious of what he was doing. Whilst walking in the park one day with his strong, aggressive dog, he was overwhelmed by such feelings when Michael's small dog barked persistently at him. Leon began to shout, and gestured as if to release his dog, which by now was in a frenzy. Suddenly, Leon's dog was free, and it attacked Michael, savaging his leg. Michael's wife, Pat, witnessed the attack from a distance and suffered mild depression for months afterwards.

Leon and his friend, Phil, often tested each other out by having informal wrestling matches. However, Phil was always a little worried about these matches, because Leon could easily become excessively violent. During one such match, Leon suddenly succeeded in hurling Phil across the room, causing him to strike his head heavily against a wall. Feeling rather sick, Phil found his way home where he spent the next two days in bed before finally going to the Accident and Emergency department of his local hospital. There, he was examined by Sally, an overworked doctor. After a brief examination, she concluded that he had only trivial injuries and sent him away with painkillers. In fact, he had suffered major injuries to his skull and brain, and he died the next day.

0 4 Discuss the possible criminal liability of Leon arising out of the incidents in the park. *(25 marks + 5 marks for AO3)*

0 5 Discuss the possible liability of Leon and of Sally for the involuntary manslaughter of Phil. *(25 marks)*

0 6 Write a critical analysis of any **two** of the general defences (insanity, automatism, intoxication, consent, self-defence/prevention of crime). Include in your answer a consideration of any proposals for reform of **one** of your chosen defences. *(25 marks)*

Turn over for the next scenario

Contract Law

Total for this scenario: 80 marks

Scenario 3

Arden Electrical Superstore (AES) published advertisements in its store, and in the local newspaper, informing customers of a sale starting on 1 May. The advertisements included a prominent statement that the first three customers through the doors would each be able to buy a £600 television set for only £50. Ben camped out at the store for two nights in order to be first in the queue, and CCTV clearly showed him as the first to enter the store when the doors were opened on 1 May. However, the CCTV also showed him being pushed back into third place before he reached the counter. When he offered his £50 for a television, he was dismayed to be told that, whilst he had been camping out, new advertisements had appeared in the local newspaper and around the store, informing customers of a change in the arrangements. The advertisements now stated that the first customer would get a free television, but the second and third customers would have to pay half price (£300).

Catherine bought a games console for £400 from AES as a birthday present for her nephew, David. However, she put it away unopened until David's birthday two months later. When David opened it, he was disappointed to find that the casing was dented and marked in places. Still worse, he found that it simply would not play some games. When David took the console back to AES, he was told that nothing could be done because David had not bought it. It was also pointed out to him that AES terms and conditions clearly stated that any faults in goods must be reported within two weeks of purchase.

0 7 Having regard to the rules on offer and acceptance in contracts, consider the rights and remedies, if any, of Ben against AES in connection with the purchase of the television set. *(25 marks + 5 marks for AO3)*

0 8 Consider the rights and remedies, if any, of Catherine and of David against AES in connection with the games console. *(25 marks)*

0 9 Choosing any aspect of formation of contract, consider how satisfactory the law is in that area and discuss any appropriate proposals for reform. *(25 marks)*

Total for this scenario: 80 marks

Scenario 4

Farukh and Giri were both keen cricketers and members of the Signal Cricket Club (SCC). The Club needed to modernise its shower facilities, so SCC approached Farukh, a plumber, and asked him if he would assist. SCC told Farukh that Giri, a builder, had already agreed to do some building alterations for expenses only. On hearing this, Farukh agreed to do the plumbing for expenses only (about £200). In reality, Giri had merely said that he might consider doing the work for expenses only, and he later agreed a commercial price for the job with SCC. When Farukh discovered this, he refused to do the plumbing.

Instead, SCC engaged Mark to do the plumbing, agreeing to pay £3000 for the work. Mark began the work five weeks late, resulting in facilities being unavailable for the first two weeks of the cricket season. When Mark had finished, it was found that there was a poor water flow to some of the showers. SCC also found that the tiles had been applied unevenly in some places, and that they were of poor quality. Mark pointed out that SCC had signed an agreement which provided that Mark's liability for any defects in the work would be limited to 5% of the total contract price.

1 0 Consider what rights and remedies, if any, are available to SCC arising out of the refusal by Farukh to do the work for expenses only, which he had agreed with SCC.
(25 marks + 5 marks for AO3)

1 1 Consider the rights and remedies of SCC against Mark in connection with the work done on the showers. *(25 marks)*

1 2 Choosing any aspect of formation of contract, consider how satisfactory the law is in that area and discuss any appropriate proposals for reform. *(25 marks)*

END OF QUESTIONS

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