



General Certificate of Education
Advanced Level Examination
June 2011

Law

LAW03

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

Wednesday 22 June 2011 9.00 am to 10.30 am

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

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, **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: 75 marks + 5 marks for AO3

Scenario 1

Adam was on bad terms with his neighbour, Barry. After an argument between them, Adam threw a heavy plant pot across the garden fence in the direction of Barry's greenhouse. The plant pot shattered against a wall where Barry was standing. Brick dust and fragments of the pot entered Barry's eyes and caused irritation which lasted a few days. Some days later, Barry's son, Chris, who had been drinking in a bar, saw Adam in the street and immediately punched him, knocking him to the ground. He then stamped repeatedly on Adam's leg. In agony, Adam managed to take a craft knife from his pocket and slash Chris's ankle, causing him to stop. Adam's leg was broken in the attack.

A few months afterwards, Adam suffered an unexpected reaction to the drugs he was still taking for persistent pain in his leg. Shouting loudly and wildly, he began banging on Barry's front door. At the time, Barry's wife, Diane, was upstairs alone. She was terrified that Adam would get in by the unlocked back door, so she rushed downstairs to lock it. In doing so, she tripped on a loose stair carpet, fell down the stairs and struck her head on the tiled floor below. Adam's wife, Frances, heard the noise. She went to try to drag Adam away, but looked through the window and saw Diane lying on the floor. Frances entered the house and spent about 45 minutes trying to revive Diane, but gave up when Diane remained unconscious. Because she was worried that Adam's involvement would be discovered, Frances did not summon help. A few hours later, Barry returned home to find Diane dead on the floor.

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 Consider the possible criminal liability of Adam and of Chris arising out of the incidents in the garden and in the street. *(25 marks + 5 marks for AO3)*
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 Consider the possible liability of Adam and of Frances in connection with Diane's death. *(25 marks)*
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 The non-fatal offences against the person have been subjected to frequent criticism. Explain and discuss these criticisms, and suggest what reforms might be desirable. *(25 marks)*

Total for this scenario: 75 marks + 5 marks for AO3

Scenario 2

George, whose behaviour was often very odd, had recently become friendly with Harry. Harry had recovered from an earlier addiction to drugs, but his brain had suffered some damage and he was subject to very large mood changes. Harry persuaded George that George's girlfriend would love him all the more if he had her name tattooed on his neck. George agreed and Harry carved the name into George's neck with a knife. When he did so, Harry knew that he had not cleaned the blade after he had used the knife in soil in the garden. Harry then told George that he wanted to "put a scare into" Janet, an elderly woman who lived nearby. At about three in the morning, he telephoned her and told her to look out of her window. When she did so, Harry was in the street holding the knife against George's throat (with his co-operation) but gesturing at Janet. Janet became very anxious and depressed and had to have medical treatment. Some days later, George developed serious blood-poisoning from an infection resulting from the name-carving.

Whilst Harry was out in town one night, he saw his girlfriend, Katie, engaged in a very passionate kiss with Matt, a chef in the restaurant where Katie worked. When he later confronted her with this, she said that, though she liked Matt very much, it was the first time that they had ever kissed. Harry brooded on this for a few days. He then happened to see a bill for Katie's mobile phone which indicated that she had been sending lots of texts to Matt for some time. Furious, Harry immediately rushed over to the restaurant. After exchanging insults with Matt, he set fire to the kitchen area where Matt was working. The fire spread to Matt's clothing and caused such serious burns that he later died.

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- Discuss the possible criminal liability of Harry arising out of the incidents involving George and Janet. *(25 marks + 5 marks for AO3)*
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- Discuss the possible liability of Harry for the murder of Matt. *(25 marks)*
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- The non-fatal offences against the person have been subjected to frequent criticism. Explain and discuss these criticisms, and suggest what reforms might be desirable. *(25 marks)*

Turn over for the next scenario

Turn over ►

Contract Law**Total for this scenario: 75 marks + 5 marks for AO3****Scenario 3**

Andrew was the sponsor of a local youth football team, the manager of which was Ben. Andrew arranged to buy a set of 18 shirts for the team from Clarksons. The shirts were to have Andrew's logo printed on the front and numbers printed on the back, and were to be sent to Ben when ready. The shirts were delivered three weeks before the season started. After they had been worn in the first two games, and then washed, Ben noticed that four of the shirts had shrunk significantly. Additionally, the printed numbers on two further shirts had begun to lift off. On being notified of this, Clarksons pointed out a statement in the brochure from which Andrew had ordered the shirts. The statement said that Clarksons were entitled to repair or replace any faulty items at their sole discretion. Clarksons offered to replace the four shirts which had shrunk and to re-print the numbers on the other two. However, Ben had lost confidence in Clarksons shirts and wanted to acquire a new set of shirts from a different supplier.

Dan organised a youth football tournament to be held over two days in May. Forty teams entered at a fee of £50 per team, payable in full in advance. Dan paid £400 to Grasslife so that Grasslife would mark out the pitches the day before the tournament was due to take place. He also ordered footballs from Sportgear for £200, payable on delivery. In the weeks leading up to the tournament, there was a lot of rain, though Dan allowed training to continue on the pitches. However, two days before the date of the tournament, Dan decided to call it off because most of the pitches had become unfit for play. He refused to refund any entry fees, and sent the footballs back to Sportgear without paying for them. In turn, Grasslife refused to refund the £400 to Dan.

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 Consider the rights and remedies, if any, of Andrew and of Ben against Clarksons. *(25 marks + 5 marks for AO3)*
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 Consider the rights and remedies, if any, of Dan, of Grasslife, of Sportgear, and of the participating teams, arising out of the cancelled football tournament. *(25 marks)*
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 Choosing any aspect(s) of contractual terms, consider how satisfactory the law is in that area and discuss any appropriate proposals for reform. *(25 marks)*

Total for this scenario: 75 marks + 5 marks for AO3

Scenario 4

In a bid to boost sales, *The Reporter*, a daily newspaper, informed readers that it would be printing a coupon in each of the next 12 editions together with a quiz. If readers correctly completed the quiz and sent both the quiz and all 12 coupons to the newspaper by 1 June, they would be entered in a draw. The first prize was a year's free subscription to the newspaper, and there were money prizes of up to £200 for the next 50 winning entries to be drawn out. Etta sent in an entry which was disqualified because there was a delay in the post and it was not delivered until 2 June. Ferdy and Gary, who shared a house, agreed to submit one entry between them. Each bought some of the newspapers but Ferdy sent the entry in his name. He won £200 but refused to share any of it with Gary. Helen submitted an entry which was rejected because *The Reporter* had decided to abandon the promotion after discovering that its sales figures had rapidly improved. Before she posted her entry, Helen had heard a rumour that no more entries were being accepted.

Jack was a dealer in antique furniture. Kamal advertised his services as an expert repairer and restorer of all kinds of furniture. Jack entered into a deal for a year with Kamal, by which he agreed to pay £500 to Kamal to ensure that he would be available to do any repair and restoration work required by Jack. Any work done was to be paid for separately. Kamal's terms of work included a statement that his maximum liability for any faulty work would be limited to the charge for the work itself. Jack asked Kamal to do work on an antique table for £300. Properly restored, the table would be worth £5000. Because of errors made by Kamal when he did the work, the table's value was reduced to £2000. Jack then realised that Kamal had no expertise in the repair and restoration of antique furniture.

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 Consider what rights and remedies, if any, are available to Etta, to Gary and to Helen arising out of the sales promotion by *The Reporter*. (25 marks + 5 marks for AO3)
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 Consider the rights and remedies available to Jack arising out of:
- his agreement to pay £500 to Kamal to ensure Kamal's availability for repair and restoration services
 - the work done by Kamal on the antique table. (25 marks)
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 Choosing any aspect(s) of contractual terms, 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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