



General Certificate of Education
Advanced Level Examination
June 2011

Law

LAW04

Unit 4 Criminal Law (Offences against Property) or Tort AND Concepts of Law

Thursday 23 June 2011 1.30 pm to 3.30 pm

For this paper you must have:

- an AQA 16-page answer book.

Time allowed

- 2 hours

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 LAW04.
- Choose **one** scenario from two from **either** Section A (Criminal Law – Offences against Property), **or** Section B (Tort), **AND one** question from Section C (Concepts of Law).
In Section A **or** Section B, answer **both** 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 85.
In questions

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 and

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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.

Advice

- You are advised to spend no more than **one** hour on Section A or Section B. It is recommended that you spend 15 minutes planning your answer in Section C.

Choose **one** scenario from **either** Section A or Section B **AND one** question from Section C.

Section A Criminal Law (Offences against Property)

Choose **one** scenario from two on the theme you have studied for this unit.
Read the scenario and answer **both** questions.

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

Total for this scenario: 50 marks

Scenario 1

While Eddie was walking to a local football match, he decided to carry out violent attacks on supporters during the game. After buying his ticket, Eddie entered the stadium, a structure made of brick with a metal roof. As Dan, one of the rival supporters, was running down some steps during the half-time interval, Eddie pushed him. Dan fell heavily on one of the steps and was knocked unconscious. Eddie, pretending to help, took Dan's wallet from his coat, intending to keep it. However, when a stadium official came to help Dan, Eddie put the wallet back. He then went to the stadium bar and put a foreign coin from his pocket into a vending machine for a bar of chocolate, but the machine rejected the coin.

Dan's brother, Colin, ordered a meal in a restaurant. During the meal, he drank several glasses of wine. When he was presented with the bill at the end of the meal, he suddenly realised that he had left his money at home. While the waiter was not looking, Colin left the restaurant without settling the bill. When he got to his car, which he had parked in a nearby street, he found that it had been blocked in by a badly-parked van. As a result, he was unable to drive away. To 'get his own back' on the driver of the van, Colin loosened the nuts on one of the van's wheels.

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| 0 | 1 | Discuss Eddie's possible criminal liability for property offences arising out of his activities in connection with the football stadium. (25 marks) |
| 0 | 2 | Discuss Colin's possible criminal liability for property offences arising out of his activities in connection with the restaurant and the van. (25 marks) |

Total for this scenario: 50 marks

Scenario 2

Fez, a painter and decorator who had a reputation for violent conduct, envied Luke's apparent wealth. Fez threatened Tom, a 17-year-old boy who occasionally worked for him, that he would "end up in hospital" unless he stole property from Luke. Later that day, Tom saw Luke in the street using a mobile phone which, unknown to Tom, Luke had stolen. Tom violently grabbed the phone from Luke's hand and ran off. When Tom was out of Luke's sight, he examined the phone, thought it was of poor quality and threw it over a garden fence. Soon afterwards, while Fez was painting the door of a house, he saw Luke driving down the crowded street and threw paint onto the windscreen of his car.

Luke had a 'contact' in the entertainment industry from whom he could often obtain event tickets which he then sold to his friends at a profit. Pierre asked Luke to get him two tickets for a forthcoming concert. Luke told him that he would get them for £300 from his 'contact'. In fact, the 'contact' had previously told Luke that tickets for this concert were already sold out. Pierre gave £300 to Luke "to get the tickets", but Luke used it to pay for a holiday. Later, Pierre threatened to tell Luke's wife about Luke's new girlfriend unless he repaid him the £300.

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Discuss the possible criminal liability for **property** offences of the following:

- Tom in connection with the mobile phone
- Fez in connection with the car.

(25 marks)

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Discuss the possible criminal liability for **property** offences of the following:

- Luke in connection with the tickets and the £300
- Pierre in connection with his threat to Luke.

(25 marks)

Turn over for the next section

Turn over ►

Section B Tort

Choose **one** scenario from two on the theme you have studied for this unit.
Read the scenario and answer **both** questions.

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

Total for this scenario: 50 marks

Scenario 3

Galid had recently bought a house in a quiet village. He began to hold noisy, late-night, barbecue parties every Saturday. Fred, his neighbour, asked Galid to keep the noise down. When Galid ignored this request, Fred lit a large, smoky bonfire in his garden whenever Galid held a party. On one occasion, Galid bought fireworks for a firework party in his garden. Galid lit a firework and it landed on the garden shed of his neighbour, Will. The shed was completely destroyed by fire.

Galid asked his friend, Abbas, a retired builder, to advise him about the damp in his garage walls. Abbas told him that the damp was so bad that the garage would have to be pulled down and rebuilt. Galid followed Abbas's advice at a cost of £20 000. Galid later discovered that the damp could have been effectively treated by a chemical at a cost of only £5000. While putting up shelving in his new garage, Galid suffered an electric shock and burns while using an electric drill. The drill had been a birthday present from his brother. Later testing showed that the drill had faulty wiring due to defective assembly by the manufacturer, Electrofix.

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Consider the rights and remedies, if any, of the following:

- Fred against Galid, in connection with the late-night parties
- Galid and his guests against Fred, in connection with the bonfires
- Will against Galid, in connection with the destruction of the shed. *(25 marks)*

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Consider the rights and remedies, if any, of Galid against Abbas in connection with his financial loss and against Electrofix in connection with his injury. *(25 marks)*

Total for this scenario: 50 marks

Scenario 4

Karl was the owner of a health club. Yvonne, a club member, was using one of the fixed exercise bikes when one of its pedals broke off, resulting in injury to her ankle. All the exercise bikes had recently been installed and checked by a specialist firm engaged by Karl. There were also complaints from several members that the diving board in the club's swimming pool appeared unstable. Karl put up a large sign on the swing doors to the swimming pool, stating, "Danger. No entry until further notice." Matt, a club member, ignored the notice and went into the swimming pool area. He ran on to the diving board, which collapsed due to a defect in the support structure. As a result, Matt fell heavily and suffered head injuries.

Some months later, Karl suffered serious injuries in a car accident. He was operated on by Dr Casey at the local hospital. While Karl was recovering in the hospital, he received a visit from his fiancée, Becca. Suddenly, Karl's wounds burst open along the line of the stitches. Karl was rushed back to the operating theatre, screaming in pain and covered in blood. Becca immediately phoned Karl's mother, Liz, to tell her what had happened. Becca and Liz suffered severe shock.

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Consider the rights and remedies, if any, of Yvonne and of Matt against Karl in connection with their injuries at the health club. *(25 marks)*

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Consider the rights and remedies, if any, of Karl, of Becca and of Liz against Dr Casey in connection with the harm they suffered. *(25 marks)*

Turn over for the next section

Turn over ►

Section C Concepts of Law

Answer **one** question only from this section.

It is recommended that you spend 15 minutes planning your answer.

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

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Discuss the meaning of justice. Critically analyse the extent to which the law is successful in achieving justice, and discuss the difficulties which it faces in seeking to do so. *(30 marks + 5 marks for AO3)*

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Consider the view that there is a close relationship between law and morality. Examine the debate as to whether the law **should** reflect moral values, and discuss issues which show the continuing importance of that debate. *(30 marks + 5 marks for AO3)*

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Analyse the extent to which judges are able to develop the law through the operation of the doctrine of judicial precedent and in the interpretation of statutes. Discuss whether judges **should** be able to develop the law. *(30 marks + 5 marks for AO3)*

END OF QUESTIONS

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