



General Certificate of Education
Advanced Level Examination
January 2012

Law

LAW03

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

Wednesday 25 January 2012 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

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: 75 marks + 5 marks for AO3

Scenario 1

Adrian and Ben were at home watching a 'cage fighting' (martial arts) DVD, having spent all morning drinking beer and whisky. They agreed to a fight in which they would try to copy the moves they had been watching. Adrian succeeded in securing an arm-lock on Ben, who indicated to Adrian that he accepted defeat. However, Adrian continued to apply pressure and Ben's arm was broken. The break was relatively minor, but Ben was left with a permanent restriction in movement when his arm was further damaged by poor treatment at the hospital.

Returning from visiting Ben in hospital that evening, Adrian found himself walking past Charles and Dora, who were both aged 80. By now, Adrian was tired and was feeling annoyed about the day's events. He kicked away the walking stick being used by Charles. Charles fell and suffered a deep cut to his forehead which bled a lot. Seeing this, Dora became very frightened, and had to receive treatment for anxiety and depression for months afterwards. Emma had witnessed the incident from a distance and she ran over to stop Adrian causing any further harm. However, George, another witness to the incident, had also gone to assist Charles and Dora. Emma mistook George for Adrian. She immediately slapped George twice, very hard, causing his face to sting.

- | | |
|---|---|
| 0 | 1 |
|---|---|

 Discuss the possible criminal liability of Adrian for the injuries to Ben.
(25 marks + 5 marks for AO3)
- | | |
|---|---|
| 0 | 2 |
|---|---|

 Discuss the possible criminal liability of Adrian arising out of his conduct in relation to Charles and to Dora. Discuss the possible criminal liability of Emma for her conduct in relation to George.
(25 marks)
- | | |
|---|---|
| 0 | 3 |
|---|---|

 Despite some recent reforms, there are still criticisms to be made of the current law on murder and voluntary manslaughter. Consider relevant criticisms of that law, and suggest any reforms that may be appropriate.
(25 marks)

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

Scenario 2

When James repaired the brakes of the car owned by his neighbour, Harry, he was distracted by a conversation with his wife and forgot to tighten the bolts on one wheel. Shortly after Harry drove the car away, he saw his friend, Kim, walking towards him on the grass verge of the road. She was followed at a short distance by her friend, Lauren. As a joke, Harry decided to give Kim a bit of a scare by speeding up and driving at her. Kim realised that it was Harry and began to laugh. At that moment, the car wheel came off and the car veered off the road and into Kim, causing fatal injuries. Meanwhile, Lauren had hastily flung herself into a hedge, where her face and arms were ripped by thorns, leaving permanent scars.

Afterwards, Kim's father, Mike, began to suffer from anxiety and stress and became depressed and irritable. Unknown to him, Nora, his wife, began an affair with Oliver. One day in a bar, Mike overheard Oliver boasting to some friends about his physical abuse of women, and identifying Nora as his latest woman, "whose stupid daughter got herself run over and killed". Stunned, Mike brooded on this for about 45 minutes before he suddenly rushed over to Oliver, pushed him off the bar stool, and stamped three or four times on his head. Oliver had a previously undetected weakness of the skull and he suffered massive damage to his brain. Doctors treating him for his injuries decided that nothing more could be done. Oliver was pronounced dead after his life-support machine was switched off.

- | | |
|---|---|
| 0 | 4 |
|---|---|

 Discuss the possible criminal liability of Harry for the injuries to Lauren. Discuss the possible criminal liability of Harry and of James for the involuntary manslaughter of Kim. *(25 marks + 5 marks for AO3)*
- | | |
|---|---|
| 0 | 5 |
|---|---|

 Discuss the possible criminal liability of Mike for the murder of Oliver. *(25 marks)*
- | | |
|---|---|
| 0 | 6 |
|---|---|

 Despite some recent reforms, there are still criticisms to be made of the current law on murder and voluntary manslaughter. Consider relevant criticisms of that law, and suggest any reforms that may be appropriate. *(25 marks)*

Turn over for the next scenario

Turn over ►

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

Anna saw an advertisement in which Quickstep, a dance academy, promised personal tuition in small groups by highly qualified and experienced dance teachers. Anna later signed a contract by which she agreed to pay £300 for 12 lessons in ballroom dancing. The contract included a clause which stated that Quickstep would not be liable for any personal injury or damage to property that occurred during the lessons. Anna was very disappointed to find that, after three lessons, she had made little progress. She felt that this was because the group was very large and the teacher, who seemed very young and inexperienced, tended to concentrate on those who already showed good dancing skills. Towards the end of the third lesson, the teacher did attempt to demonstrate part of a dance with her. However, moving too quickly for her to keep in step, he succeeded only in causing Anna to fall. In doing so, she hurt her back and tore her dress.

To help Anna over her disappointment, Cal, her father, bought her a new coat costing £200 from Barleys Fashion Store (BFS). BFS did not have in stock Anna's preferred colour in her size, so the coat had to be ordered in Anna's name, and delivered to her house. When Anna tried it on, she discovered that the colour was of a slightly different shade. BFS supplied a replacement but charged a delivery fee of £15. The replacement coat was of the right shade but did not fit well. Additionally, the seams on the sleeves appeared to be poorly stitched. Because Cal had spent over £150, he was given a voucher promising a 10% discount on his next purchase from BFS. No time limit was stated on the voucher, but when Cal attempted to use it a month later, he was told that the discount was now no longer available.

- 0 7** Consider the rights, duties and remedies of Anna and of Quickstep, in view of the statements in Quickstep's advertisement and Anna's experiences in the first three lessons. *(25 marks + 5 marks for AO3)*
- 0 8** Taking into account that it was Cal who purchased the coat, discuss Anna's rights and remedies against BFS. Discuss Cal's rights and remedies against BFS in connection with the discount voucher. *(25 marks)*
- 0 9** Consider what criticisms may be made of the current rules on making an agreement in contract (offer and acceptance issues) and suggest any appropriate reforms. *(25 marks)*

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

Scenario 4

Eric was a plumber who had often done work for his neighbour, Dave, sometimes for payment, and sometimes as a favour for the cost of the materials only. Whilst Dave was away on business for a few days and no one was in the house, water pipes froze and then burst. Eric was unable to contact Dave, but he had a key to the house. He vacuumed up water with hired equipment and repaired the burst pipes. On his return, Dave promised to pay Eric £350. Dave also said that he thought that installing an outside tap would be a good idea. Eric asked him how much he would pay for the tap, and Dave said, "not more than £150". Without consulting Dave any further, Eric installed the outside tap the next day, whilst Dave was out. When he returned home, Dave was so annoyed to discover that the work had been done that he not only refused to pay anything for it, but also refused to pay the £350 that he had promised for the earlier work.

Eric agreed with Fastbuild that he would install the plumbing in six flats that they were shortly to begin building. He was to be paid £10 000 for the work. £1000 was to be paid immediately and the remainder on completion. In preparation, Eric bought materials from Plumbserve at a cost of £2000. Shortly after Fastbuild began digging the foundations, it was discovered that the site contained toxic deposits and all work was stopped indefinitely. It was about a month before Eric inspected the materials that he had bought from Plumbserve. When he did so, he found that many had surface and superficial damage, though all would function properly. Plumbserve refused his request for replacements, on the grounds that a notice, prominently displayed at their sales counter, informed all purchasers that any complaints about materials must be made within two weeks of purchase.

- | | |
|---|---|
| 1 | 0 |
|---|---|

 Consider the rights and remedies, if any, of Eric against Dave in connection with the work arising out of the burst pipes, and the installation of the tap.
(25 marks + 5 marks for AO3)
- | | |
|---|---|
| 1 | 1 |
|---|---|

 Discuss the rights, duties and remedies of Eric and of Fastbuild arising out of the indefinite stopping of the building work, and discuss Eric's possible rights and remedies against Plumbserve.
(25 marks)
- | | |
|---|---|
| 1 | 2 |
|---|---|

 Consider what criticisms may be made of the current rules on making an agreement in contract (offer and acceptance issues), and suggest any appropriate reforms.
(25 marks)

END OF QUESTIONS

There are no questions printed on this page

There are no questions printed on this page

There are no questions printed on this page