



General Certificate of Education
Advanced Level Examination
June 2012

Law

LAW04

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

Friday 22 June 2012 9.00 am to 11.00 am

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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, **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

Dan found a Council car parking permit, valid for a further 28 days, on the pavement. Though he intended to hand the permit into the Council offices, he first displayed it in his car for several days to obtain free parking, which should have cost £70. After the permit had expired, Dan did indeed hand it in at the Council offices. The following day, Dan ordered a meal in Gwen's café. When he started to eat, he was so disgusted with the quality of the meal that he changed his mind about paying, and left without doing so.

Gwen engaged Ben, an electrician, to repair the electrical wiring in the downstairs living room of her house. Ben owed £1000 to Reggie, a violent man. Reggie knew that Ben was working at Gwen's house. Reggie told Ben that there would be "big trouble" for him and his family unless he stole money from Gwen in order to reduce the debt. The following day, while Ben was working in Gwen's living room, she left the house to go shopping. Ben immediately remembered Reggie's threat and went upstairs to see whether there was anything worth stealing. While searching Gwen's bedroom, he found, and decided to keep, £50 and a black rubbish bag containing some old, but expensive-looking, clothes which Gwen had decided to throw out. When Gwen suddenly returned and confronted Ben in the bedroom, he pushed her over as he ran out with the money and the rubbish bag. Gwen fell heavily against a wardrobe and broke her arm.

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Discuss Dan's possible criminal liability for property offences arising out of his obtaining and using the parking permit and his failure to pay for the meal. *(25 marks)*

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Discuss Ben's possible criminal liability for property offences arising out of his activities in Gwen's house. *(25 marks)*

Total for this scenario: 50 marks

Scenario 2

Tom sat on a street corner in torn and dirty clothes, with a sign which falsely stated that he was homeless and needed money for accommodation. Sunitra, a passer-by, took pity on him and gave him £20. Later, Tom saw his former friend, David. Their friendship had ended when David had sexually assaulted him. Tom now threatened David that he would report the sexual assault to the police unless David gave him £50. David ignored the threat and walked off.

Tom had spent all his money drinking in a bar, and he had become very drunk. As he was passing Ali's house, he lit a cigarette and threw the lighted match into Ali's garden, setting alight a large pile of rubbish which Ali had left near to the front of the house. When Tom was some distance down the road, Ali's neighbour Mark, seeing that the fire had spread to the wooden window frame of Ali's house, and knowing that Ali and his family were out shopping, extinguished the fire with bed linen hanging on Ali's washing line. As a result, the bed linen was badly burnt.

Suddenly feeling very tired, Tom hailed a passing taxi, although he had no money for the fare. Tom asked the driver, Fritz, to drive him to an address which he pretended was his home. On reaching his destination, Tom lied to Fritz that he could get money for the fare from a friend. Fritz agreed to let Tom go and get the money while Fritz waited. However, Tom failed to return.

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 Discuss Tom's possible criminal liability for property offences arising out of his dealings with Sunitra and with David. *(25 marks)*
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 Discuss the possible criminal liability of Tom and of Mark for property offences arising out of the incidents involving the fire, and of Tom in relation to his activities involving Fritz. *(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

Dale's friend, Imran, was an investment consultant and both of them were members of a tennis club. While they were at the club, Dale asked Imran for advice on the investment of £100 000. Imran advised Dale, free of charge, to invest all the money in Fortuna Co, which Dale later did. Without Imran's knowledge, Dale also told his neighbour, Mick, of Imran's advice. Mick then invested £10 000 in the company. Two months later, the company collapsed and Dale and Mick lost all their money.

Rocco, the manager of the tennis club, bought a TV set, manufactured by Goodview, for use by members in the club bar. When Dale was at the club, he switched on the TV, which exploded. Glass from the shattered TV screen cut Dale's face and damaged his clothes. The explosion was caused by a fault in the TV wiring circuit. The wiring circuit had recently been developed by Goodview, although research carried out by the company prior to manufacture had not detected this fault.

Ed was a lorry driver employed by Luigi. Luigi had told all his drivers not to use their mobile phones while driving. Ed was driving at speed on a busy road to make a delivery and was sending a text on his mobile. Ed lost control of his lorry, which swerved and crashed into the front wall of Mo's roadside cottage. As the wall collapsed, part of it fell on Mo. Jack, who had been driving behind Ed, ran into the cottage to help. He lifted the brickwork off Mo, who was screaming in pain from a broken leg and who was also covered in blood. Jack later suffered severe panic attacks.

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| 0 | 5 | Consider the rights and remedies, if any, of Dale and of Mick against Imran, and of Dale against Goodview. (25 marks) |
| 0 | 6 | Consider the rights and remedies, if any, of Mo and of Jack against Ed for their injuries. Consider whether Luigi may also be liable for those injuries. (25 marks) |

Total for this scenario: 50 marks

Scenario 4

Rafa owned a small factory which produced equipment for hospitals. The factory was situated in a busy street with many shops, and it generated considerable noise, mainly in the afternoons. This annoyed Bob, the neighbouring owner of the only house in the street. He was particularly irritated that it interfered with his listening to music. The noise problem became even greater when Rafa, following a complaint by Bob, sometimes operated the factory at night. On one occasion, chemicals, which Rafa had purchased for use in his production process and stored near to the boundary of Bob's garden, leaked out of their containers. As a result, Bob's flowers and vegetables were ruined and the soil in his garden was contaminated.

Bob had recently considered raising the height of his fence because local boys had been entering his garden, but he had not yet done so. One night, Kurt, aged 15, scrambled over Bob's fence and climbed up his apple tree to steal apples. A branch gave way and Kurt fell to the ground on to the jagged edge of one of many bottles which Bob had thrown out. This caused Kurt to suffer a deep cut to his arm and severe bleeding. His wristwatch was also damaged. Shortly afterwards, Dr Weeks, a hospital consultant, injected Kurt with a drug to stop the bleeding. It was common medical practice to use this drug. However, some doctors disapproved of the use of this drug because, although it was very effective in stopping bleeding quickly, it occasionally caused the patient to suffer breathing difficulties. The following day, Kurt did suffer severe breathing problems due to the drug. As a result, he had to take several weeks off his Saturday delivery job, losing £200 in wages.

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 Consider the rights and remedies, if any, of Bob against Rafa. *(25 marks)*
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 Consider the rights and remedies, if any, of Kurt against Bob and against Dr Weeks. *(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 in Section C.

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

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Explain what is meant by 'balancing conflicting interests'. Discuss the extent to which English law balances conflicting interests **and** briefly consider whether it is important to do so. *(30 marks + 5 marks for AO3)*

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Consider what is meant by 'justice'. Discuss whether English law achieves, or fails to achieve, justice. *(30 marks + 5 marks for AO3)*

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Briefly explain what is meant by 'fault', and discuss the extent to which liability is based on fault. Consider the arguments for **and** against fault-based liability. *(30 marks + 5 marks for AO3)*

END OF QUESTIONS

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