



General Certificate of Education
Advanced Level Examination
January 2013

Law

LAW03

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

Friday 18 January 2013 1.30 pm to 3.00 pm

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

Alice and Beth were having an argument in their third-floor flat, which overlooked a busy street. Alice's behaviour became increasingly strange, and when Alice began to shout nonsense, Beth turned her back on her. Alice then suddenly threw a heavy glass vase which narrowly missed Beth and went through an open window. Chris and Dave were walking below, amongst a crowd of people. Chris, who was quite drunk, looked up just in time to see the vase falling. In trying to jump back out of the way, he lost his balance and fell over, struck his head on the pavement and suffered mild concussion. The vase actually hit Dave, an elderly man, and broke his collar-bone. Subsequently, Alice tried to explain her behaviour by pointing to confusion resulting from her diabetic condition.

Evan and Freddy agreed that they would drive to a section of railway track, where they would steal copper cable used in signalling. Before doing so, they spent some time drinking in a bar, and Evan continued to drink whisky from a bottle after they left. When they got to the track, it was dark and a train was passing. Evan stumbled and was in danger of falling under the train. In saving Evan, Freddy himself was struck a glancing blow by the corner of a wagon. Evan tried for some time but failed to revive Freddy. Evan then left him and drove home. When he arrived, he opened the door of his car without looking, and struck George, who was walking past. George responded angrily by throwing Evan against his car. George had half turned away when Evan punched him on the jaw. As George fell, he struck his head heavily on the pavement and died from the resulting brain damage. Freddy was not found until next morning, and died later in the day.

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| 0 | 1 | Discuss the possible criminal liability of Alice arising out of the throwing of the heavy glass vase.
<i>(25 marks + 5 marks for AO3)</i> |
| 0 | 2 | Discuss the possible liability of Evan for the involuntary manslaughter of Freddy and of George.
<i>(25 marks)</i> |
| 0 | 3 | Critically evaluate any two general defences (insanity, automatism, intoxication, consent, self-defence/prevention of crime). Suggest what reforms may be desirable to one of the defences that you have evaluated.
<i>(25 marks)</i> |

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

Scenario 2

Jim, Kyle and some friends spent all morning at home, drinking and taking drugs. They then all walked into town and began running through the crowded shopping streets, tripping each other up and pushing shoppers out of the way. Jim tripped up Kyle, who fell and badly bruised his arm. When Liam, who was shopping with his girlfriend, objected to Jim's behaviour, Jim pushed him violently into a large shop window. The window broke and Liam suffered deep cuts to his legs. Jim ran off past Mary, who was pushing her baby in a pushchair. He collided with the pushchair and set it rolling down a hill towards a major road. Mary was unable to catch the pushchair and became hysterical. Fortunately, the pushchair was stopped by a shopper and the baby was unharmed. However, Mary suffered for months afterwards with severe anxiety and depression.

Helen suffered from a personality disorder, with symptoms including loss of temper and aggression when under stress. For a few months, her partner, Ian, had behaved in an unpleasant and violent way towards her and had provided little money for household expenses. Helen believed that Ian was in a relationship with another woman. That belief was strengthened when she listened to a voicemail from a woman on his phone, saying how wonderful he had been last weekend. When she confronted him about it, he laughed scornfully and told her that the woman was a friend who was thanking him for lending her a large amount of money. When Ian went to bed, he threatened to beat Helen up the next morning if she did not leave the house and go to stay with her mother. About an hour later, when Ian was asleep, Helen lit a powerful firework, which she had bought a few days earlier, and threw it into the bedroom. When the firework exploded, it caused a fire which developed very quickly. Ian was unable to escape and died in the blaze.

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- Discuss the possible criminal liability of Jim arising out of the incidents involving Kyle, Liam and Mary. *(25 marks + 5 marks for AO3)*
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- Discuss the possible criminal liability of Helen for the murder of Ian. *(25 marks)*
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- Critically evaluate any **two** general defences (insanity, automatism, intoxication, consent, self-defence/prevention of crime). Suggest what reforms may be desirable to **one** of the defences that you have evaluated. *(25 marks)*

Turn over for the next theme

Turn over ►

Contract Law

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

Scenario 3

Aisha decided to buy two pet rabbits for her family. Aisha's mother, Baheera, said that she would buy a wooden hutch for them. Baheera bought a self-assembly hutch from Diggers, her local pet store. The packaging stated the dimensions and that it was 'ideal for two rabbits'. The hutch was assembled by Aisha and occupied by her baby rabbits. After two weeks, Aisha realised that, when they became adult rabbits, the hutch would be much smaller for them than experts recommended. When Baheera then tried to return it, Diggers merely offered her £50 'compensation', which she refused. Baheera bought a much larger wooden hutch from Choicepets, and asked them to deliver it to Aisha's address. Unfortunately, the wood of the hutch had been treated with the wrong kind of preservative, and both rabbits became very ill when they chewed it. Chewing the wooden hutch was normal rabbit behaviour. Aisha incurred a total vets' bill of £600 for treatment for the rabbits. Choicepets pointed out that Baheera had signed an invoice which included a provision that Choicepets accepted no liability for any loss arising in any way from the sale of the hutch.

Fergus organised a show to which owners would bring their rabbits to be judged for prizes. There would also be demonstrations of rabbit care, and many commercial suppliers of pet products would be present. The presenting and judging of the rabbits were to take place in a central hall, whilst the demonstrations and other commercial events were to take place in the large grounds of the hall, where suppliers would erect stalls. Fergus hired the hall and grounds from Enderby at a total cost of £1000. Fergus paid £200 immediately, and the remainder was to be paid on the day. Enderby incurred expenses of £300 in modifying the hall and grounds to be suitable for Fergus's show. Two weeks before the show was due to take place, a new strain of a virus fatal to rabbits emerged, for which no vaccine existed. The virus caused many rabbit deaths. This made owners unwilling to allow their rabbits to be in contact with other rabbits. In response, Fergus cancelled the show and demanded the return of his money from Enderby. However, Diggers, which had paid £250 to Fergus to be allowed to exhibit its products, continued to make preparations, spending a further £200 even after Fergus had cancelled the show.

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Discuss the rights and remedies that may be available to Baheera and to Aisha, against Diggers and against Choicepets, in connection with the purchase of the rabbit hutches.
(25 marks + 5 marks for AO3)

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Consider the rights, duties and remedies that may apply to Fergus, to Enderby and to Diggers, arising out of the circumstances in which Fergus came to cancel the rabbit show.
(25 marks)

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Consider what criticisms may be made of the remedies currently available for a breach of contract, and suggest any appropriate reforms.
(25 marks)

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

Scenario 4

Wanderers Football Club (WFC) published advertisements on its website, inviting all season-ticket holders to renew their season tickets for next season. The price would be £400 for all postal applications received by 10 July. For all postal applications received after that date, the price would be £475. Greg, a current season-ticket holder, posted a letter on 8 July, containing his cheque for £400. The letter was delayed and did not arrive until 12 July. WFC paid in the cheque and sent Greg his season ticket, together with a bill for an additional £75. Harry had managed to get two tickets for the first game of the season for the standard price of £35 each. He and his friend, Jack, a computer specialist, often did favours for each other. After Jack had solved a computer software problem for him, Harry told him that he would give him one of the tickets. Later, Harry discovered that there was such interest in the game that he could sell the ticket for £150, which he did. Jack was angry that he had been let down, and that he ended up paying £200 to buy a ticket from a ticket agency to see the game.

WFC had planned to undertake major work to the drainage of its pitch immediately after the season finished, so that the pitch would be fit for play in good time for the start of the next season. Michael won the contract to do the work. At £50 000, his tender was the lowest by £10 000, and he supported it with a list of drainage contracts which he claimed to have completed successfully. A term in the contract provided that, in the event of any breach by Michael, his liability would be limited to £5000. However, after a month in which the pitch had been completely dug up, but little other work done, WFC promised to pay Michael an extra £10 000 to get the work moving again. An inspection of progress two weeks later revealed errors in the work done by Michael. This undermined the confidence of WFC that the pitch would be fit for the start of the season. However, WFC discovered that it would have to pay at least an extra £20 000 to get the drainage work completed by a different contractor. Additionally, after further investigation, WFC could find no evidence that Michael had ever done any of the earlier drainage work that he had listed when he submitted his tender.

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 Consider the rights, duties and remedies of Greg against WFC, and the rights and remedies of Jack against Harry. *(25 marks + 5 marks for AO3)*
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 Consider the rights, duties and remedies of WFC and of Michael if WFC decided to terminate the contract with Michael and engage a replacement contractor. *(25 marks)*
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 Consider what criticisms may be made of the remedies currently available for a breach of contract, and suggest any appropriate reforms. *(25 marks)*

END OF QUESTIONS

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