



General Certificate of Education  
Advanced Level Examination  
June 2013

## Law

## LAW03

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

Thursday 6 June 2013 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.

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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.

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### **Criminal Law (Offences against the Person)**

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

#### **Scenario 1**

Just after the ball had gone out of play during a football match, Anna tackled Beth very forcefully. The tackle bruised Beth's leg and also caused her to fall onto Charlie, a four-year-old boy, who was riding a bicycle by the side of the pitch. Charlie's head struck his handlebars and he suffered a long, deep cut to his face. This led to an argument between Anna and Ellie, Charlie's mother. When Ellie later returned to her car, she found a note on the windscreen which read, "Watch out! I'll get you." She was so upset that, when she drove off, she crashed into a lamp-post and suffered a mild neck injury. It was later discovered that Anna had written the note.

Gill and her boyfriend, Harry, were visiting Gill's brother, Izaak, and his wife, Jo. Harry made a sarcastic remark about the fact that Izaak was very drunk. Gill responded by slapping Harry, and then she pulled him off balance, causing them both to fall. Gill fell on top of Harry, and a glass she was holding broke under him and went deeply into his thigh. Gill ran out of the house. Izaak tried to stop the flow of blood from Harry's thigh but, when Jo began to phone for an ambulance, Izaak angrily knocked the phone out of her hand. However, after about 30 minutes, he gave up trying to stop the bleeding and allowed Jo to make the call. Even so, Harry died shortly after arriving at the hospital. The medical evidence was that earlier treatment would almost certainly have saved Harry's life.

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| <b>0</b> | <b>1</b> | Discuss the possible criminal liability of Anna for the injuries to Beth and to Charlie. Discuss Anna's possible criminal liability arising out of the note left on the windscreen of Ellie's car, and including Ellie's subsequent crash. <i>(25 marks + 5 marks for AO3)</i> |
| <b>0</b> | <b>2</b> | Discuss the possible liability of Gill for the involuntary manslaughter of Harry. Discuss the possible criminal liability of Izaak for the death of Harry. <i>(25 marks)</i>   |
| <b>0</b> | <b>3</b> | Critically evaluate the current law on non-fatal offences, and suggest any reforms that you consider might improve the law. <i>(25 marks)</i>  |

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

## Scenario 2

Unknown to Jon, Kris put a powerful drug in Jon's drink just before they left the house together. The drug caused Jon to experience strong feelings of love for everyone, including animals. Jon saw Lucy, a 10-year-old girl, and held out his arms in an attempt to hug her. Before he could do so, she began to cry and ran off. (Lucy was afraid to go out on her own for months afterwards.) Jon then suddenly threw his arms around Malik, a passer-by, and kissed him. This astonished and horrified Malik. Kris watched in amusement and apparent lack of concern as Jon then tried to kiss a rather fierce, snarling dog. The dog finally bit Jon's arm. When the effect of the drug had worn off, Jon was too embarrassed to seek medical help for the dog bite. Later, he developed a very serious infection.

Niccy believed that a secret government department was sending special coded messages to her through radio programmes. The messages identified Owen as an alien life-form which must be eliminated. Niccy stabbed Owen through the heart, killing him instantly. Niccy's brother, Paul, was informed by a friend that Ruth, Paul's wife, was being sexually harassed by a workmate, Steve. Paul decided to put an end to the harassment. He bought a hammer and waited for Steve to leave work, intending to break his arm. However, he saw Steve and Ruth leave work holding hands. They were laughing and making nasty comments about Niccy. Paul ran at Steve and tried to strike his shoulder with the hammer. However, Steve stumbled, took the full force of the blow on his head, and died shortly afterwards.

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- Discuss the possible criminal liability of Jon arising out of his conduct towards Lucy and towards Malik. Discuss the possible criminal liability of Kris arising out of the dog bite, and subsequent infection, suffered by Jon. *(25 marks + 5 marks for AO3)*
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- Discuss the possible criminal liability of Niccy for the murder of Owen, and the possible criminal liability of Paul for the murder of Steve. *(25 marks)*
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- Critically evaluate the current law on non-fatal offences, and suggest any reforms that you consider might improve the law. *(25 marks)*

**Turn over for the next theme**

**Turn over ►**

## Contract Law

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

### Scenario 3

To promote its newly-opened car service and repair centre, Acecars displayed posters at its premises, and distributed advertising leaflets to residents across the city. The advertisements proclaimed, 'You can save up to £500 on car servicing! Bring your car to us and every third annual service is free.' In very small print, at the bottom of the leaflet, was a statement, 'Acecars reserves the right, at its exclusive discretion, to charge for any parts supplied.' Bakri was very annoyed to discover that, far from being free, his third service cost £150 for routine replacement parts. Connor was refused a free third service because he had changed his car after the second annual service. Just before Daisy took her car for its second annual service, she was told by a friend that Acecars was no longer doing a free third service. This angered her because it was the only reason she had taken her car to Acecars.

At the beginning of April, Ellis bought a 'satnav' (an electronic map guide for cars) for £95 from Acecars to give to his daughter, Florence, for her birthday in June. When she began using it in her car after her birthday, she found that it persistently gave incorrect directions. When Florence tried to return the 'satnav' and to get the money back, Acecars refused to deal with her because she had not bought it. When Ellis then complained, Acecars told him that, when he bought it, there were notices prominently displayed at the cash tills, and on his receipt, that refunds were available only for 14 days after purchase. However, Acecars offered him a credit note to exchange for other goods. Neither Ellis nor Florence wanted anything else from Acecars.

- 0 | 7** Discuss the rights and remedies, if any, available to Bakri, to Connor, and to Daisy against Acecars, in connection with the car servicing. *(25 marks + 5 marks for AO3)*
- 0 | 8** Consider the rights and remedies, if any, available to Ellis and to Florence against Acecars, arising out of the purchase of the 'satnav'. *(25 marks)*
- 0 | 9** Write a critical evaluation of the law on contractual terms, and suggest any reforms that you consider desirable. You may relate your answer to terms in general, **or** to terms excluding/limiting liability, **or** to a combination of both. *(25 marks)*

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

#### Scenario 4

To celebrate 25 years of marriage to Helen, George paid £100 to Kenneth, a book collector, for a signed copy of the first edition of a book by Helen's favourite author. Though Kenneth assured George that the signature was genuine, George later discovered that it was not, reducing the value of the book to £50. George also paid £300 to Lewis, a specialist repairer of books, to re-bind a set of famous novels which Helen owned. After hearing nothing for a month, George suddenly received a phone call from Lewis asking for a further £100 to complete the work. George reluctantly paid the extra £100. When Lewis finally finished the work a few weeks later, George was dismayed to find that Lewis had damaged a number of pages. When George complained, Lewis reminded him that he had signed an agreement limiting any liability on Lewis for negligent work to 10% of the contract price.

As a further celebration, George engaged 'Parti-Time' to provide a dinner and entertainment for 60 relatives and friends. The total price was £6000, of which £1000 was payable immediately. Parti-Time spent £2000 on premises and staff, and had arranged with Jackie for her to supply a multiple-layer anniversary cake for £500, of which £100 had been paid. Ten days before the event, Jackie said that she could not fulfil the order but Parti-Time refused to accept this. Seven days before the event, Helen discovered that George had been carrying on a relationship with another woman for the last five years. Helen immediately moved out of the family home and refused to have any further contact with George. George informed Parti-Time that he wished to cancel the celebration and to recover his money.

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- Consider the rights and remedies, if any, of George against Kenneth, and of George against Lewis. *(25 marks + 5 marks for AO3)*
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- Consider the rights, duties and remedies of George and Parti-Time, and of Jackie and Parti-Time, in view of George's wish to cancel the celebration. *(25 marks)*
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- Write a critical evaluation of the law on contractual terms, and suggest any reforms that you consider desirable. You may relate your answer to terms in general, **or** to terms excluding/limiting liability, **or** to a combination of both. *(25 marks)*

**END OF QUESTIONS**

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