



General Certificate of Education  
Advanced Subsidiary Examination  
June 2014

**Law**

**LAW02**

**Unit 2 The Concept of Liability**

Monday 2 June 2014 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 **Paper Reference** is LAW02.
- Answer questions on **two** scenarios.
- Answer **all** questions on Scenario 1 (**Section A**), and choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** 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 94.
- In Questions **03**, **09** and **15**, **two** 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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## Section A Introduction to Criminal Liability

Answer **all** questions on Scenario 1.

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

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**Total for this scenario: 45 marks + 2 marks for AO3**

### Scenario 1

David and Edward are actors. They were rehearsing a fight scene in a narrow backstage corridor. David said, "Then I punch you like this..." and threw a punch at Edward, intending to make no contact. However, the punch hit Edward lightly on his chest. Edward had an existing, recent, injury to that part of his chest, but David did not know about it. This recent injury caused David's punch to be extremely painful for Edward. Edward fell backwards as a result of the punch and knocked over Olivia who was trying to get past in the corridor. Olivia suffered a badly broken leg, and Edward suffered considerable pain in his chest for several days afterwards.

Actus reus requires proof of an act or omission, causation and a criminal consequence. Mens rea is also required for criminal liability, but there is an exception where the offence is one of strict liability.

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 Explain the meaning of the term 'causation' in criminal law. [8 marks]

0	2
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 Explain, using **three** examples, how an omission can be the basis of the actus reus of a crime. [7 marks]

**Refer to the scenario when answering the remaining questions in this section.**

0	3
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 Explain the actus reus and the mens rea of the offence of assault occasioning actual bodily harm under s47 Offences Against the Person Act 1861 **and** discuss how this offence could be applied to Edward's injury. [10 marks + 2 marks for AO3]

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 Outline the actus reus and mens rea of the offence of inflicting grievous bodily harm under s20 Offences Against the Person Act 1861 **and** the principle of transferred malice. Discuss whether this offence and the principle of transferred malice could be applied to Olivia's injury. [10 marks]

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Outline the aims of sentencing **and** briefly discuss how these aims might apply if David were to be convicted of any offence.

**[5 marks]**

0	6
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Assume that David has been convicted of the offence of assault occasioning actual bodily harm under s47 Offences Against the Person Act 1861. Outline the **range** of sentences that would be available to the court.

**[5 marks]**

**Turn over for the next section**

**Turn over ►**

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Choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** questions on the scenario you choose.

### Section B Introduction to Tort

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

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**Total for this scenario: 45 marks + 2 marks for AO3**

#### Scenario 2

Tom, aged three, is a child actor. He was filming a new TV drama series set in a small fishing village. He had an important part in the series and he was due to appear in every episode. Una is Tom's nanny. She specialises in being a nanny to child actors.

During a break in filming, Tom was playing close to the edge of the harbour. Una did not notice because she was reading her phone messages. Tom slipped and fell into the harbour. He was seriously injured, and had to be replaced in the drama series. As a result, Tom lost filming fees of £70 000, and lost a further £30 000 for being unable to appear in related advertisements.

Negligence requires proof of duty of care, breach of duty, and damage.

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Explain how the law decides whether a duty of care is owed in negligence.

[8 marks]

0 8

Breach of duty of care involves the failure to reach the standard of care of the reasonable man, taking into account various risk factors.

In relation to breach, briefly explain how the law sets the standard of the reasonable man **and** briefly explain any **one** risk factor that may affect that standard.

[8 marks]

**Refer to the scenario when answering the remaining questions in this section.**

0 9

Assume that Una owes a duty of care to Tom. Discuss whether she was in breach of that duty of care.

[8 marks + 2 marks for AO3]

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Briefly explain the principle of *res ipsa loquitur* **and** briefly discuss whether it applies in the case of Una and Tom.

[8 marks]

1	1
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Damage in negligence involves the rules of factual causation **and** the rules of remoteness of damage. Outline these rules **and**, assuming that Tom was suing Una for negligence, briefly discuss whether Tom could recover from Una the £70 000 loss and the further £30 000 loss.

**[8 marks]**

1	2
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Outline the three-track case management system used in the civil courts **and** briefly explain which track and which court is most likely to be used in any claim that Tom makes against Una.

**[5 marks]**

**Turn over for the next section**

**Turn over ►**

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Choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** questions on the scenario you choose.

### Section C Introduction to Contract

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

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**Total for this scenario: 45 marks + 2 marks for AO3**

#### Scenario 3

FTA is a boat hire company. Dewi runs an independent film company. On Monday 3 September, Dewi emailed FTA asking whether two speedboats were available for use in a film. The same day, FTA replied by sending its price list and order form. Dewi filled in and returned FTA's order form, requesting the hire of two speedboats for the week beginning 1 October. FTA replied immediately that it had only one speedboat available for that week, but could get another speedboat elsewhere at an additional cost.

Dewi emailed a reply stating that the additional cost was too expensive. Dewi's message went on to say that, instead, he would like to hire FTA's two speedboats, at the original price, from 8 October. FTA replied by email, 'our two speedboats hired to you week beginning 8 October'. This email was seen by Dewi late on the afternoon of Friday 7 September.

Over that weekend, Dewi found another company that could supply two speedboats on 1 October. He immediately sent an email to FTA saying, 'Your speedboats not required'. FTA read this email on Monday morning. Dewi continued to refuse to agree to take the speedboats from FTA on 8 October.

A valid contract requires an offer, acceptance, an intention to create legal relations and consideration.

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 Explain the meaning of both an offer and an invitation to treat **and** the differences between them. **[8 marks]**

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 Explain the meaning of 'intention to create legal relations'. **[8 marks]**

**Refer to the scenario when answering the remaining questions in this section.**

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 In relation to contract law, discuss the stages in the negotiations between FTA and Dewi. **[10 marks + 2 marks for AO3]**

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Assume that there is a contract between FTA and Dewi to supply the speedboats on 8 October.

Outline the difference between actual breach and anticipatory breach of contract **and** briefly explain if and when FTA could start legal action against Dewi.

**[7 marks]**

1	7
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Outline the procedure to trial which would be followed in a claim for breach of contract arising from a contract between FTA and Dewi.

**[5 marks]**

1	8
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Outline how damages are awarded in contract claims **and** briefly discuss how damages might be awarded to FTA in this case.

**[7 marks]**

**END OF QUESTIONS**

**There are no questions printed on this page**