



General Certificate of Education  
Advanced Subsidiary Examination  
June 2015

**Law**

**LAW02**

**Unit 2 The Concept of Liability**

Tuesday 2 June 2015 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.

---

**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.

---

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

**Scenario 1**

Ahmed, aged 75, is a disabled man who lives next door to Julian, aged 30. Ahmed was angry about Julian's racist comments and open homosexuality. Whenever Ahmed saw Julian, he shouted and said he would 'get' him.

After several months of shouting at Julian, Ahmed called Julian to come over to him. Ahmed was planning to scare Julian. As soon as Julian started to walk over, Ahmed deliberately fired his air pistol, aiming close to Julian's feet. However, Ahmed could not steady the pistol and the pellets from his shot hit Julian in the leg. Julian fell over and bled slightly from his injury.

Ahmed, seeing Julian on the ground, decided to hurt him. He hit him many times about the head with his walking stick. This resulted in Julian suffering permanent brain damage.

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.

**0 | 1** Briefly explain the meaning of 'a crime of strict liability' **and** the reasons for having such offences. **[8 marks]**

**0 | 2** Explain the meaning of the term 'mens rea' in criminal law. **[8 marks]**

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

**0 | 3** Discuss the criminal liability of Ahmed for the injuries caused to Julian by the shooting. **[8 marks + 2 marks for AO3]**

**0 | 4** Discuss the criminal liability of Ahmed for the brain damage caused to Julian. **[8 marks]**

0	5
---	---

Outline the procedural differences between an either-way offence and an indictable offence, **and** briefly explain how this would apply to Ahmed.

**[5 marks]**

0	6
---	---

Assume that Ahmed had been convicted of an offence as a result of the brain damage. Discuss the factors that the court would consider before deciding on Ahmed's sentence.

**[8 marks]**

**Turn over for the next section**

**Turn over ►**

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.

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

#### Scenario 2

Ken, a chemistry teacher, liked making his own fireworks. He took a firework he had just finished to show his neighbour, Barry. Barry invited Ken into his kitchen and Ken put the firework on Barry's cooker hob so that they could admire it. Unfortunately, the hob was still hot enough to cause the firework to explode which wrecked the kitchen and severely injured Barry.

Barry, aged 30, can no longer work and requires constant care. His life expectancy is greatly reduced. Gases given off in the explosion damaged a valuable oil painting in the next room. This type of damage by gases to an oil painting was completely unexpected. The damage to the painting cost £4000 to repair. In addition, the cost of repairing the kitchen was £20 000.

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

**0 | 7**

A claimant proves that a duty of care is owed using the three-part test set out in the case of **Caparo v. Dickman**.

Explain the **Caparo** three-part test.

**[8 marks]**

**0 | 8**

Damage in negligence involves the rules of factual causation **and** the rules of remoteness of damage. Briefly explain these rules.

**[8 marks]**

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

**0 | 9**

With reference to breach of duty of care, outline what is meant by the reasonable man **and** briefly explain **one** of the risk factors. Briefly discuss whether or not Ken breached his duty of care to Barry.

**[10 marks + 2 marks for AO3]**

**1 | 0**

Discuss how the rules on causation and remoteness, explained in your answer to Question **0 | 8**, would apply to the damage to Barry's oil painting.

**[6 marks]**

1	1
---	---

Outline the three-track case management system used in the civil courts **and** briefly explain which track and which court would be used in any claim that Barry could make against Ken.

**[5 marks]**

1	2
---	---

Assume that Ken was found liable in negligence. Explain how the court would calculate an award of damages to Barry.

**[8 marks]**

**Turn over for the next section**

**Turn over ►**

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.

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

#### Scenario 3

The Stag Hotel was preparing for a very large wedding on Saturday. On Monday, they sent an email to Megapetals asking for a written quotation for the price of a large quantity of flowers for the wedding reception. Megapetals emailed back that they would send a letter as the Stag Hotel had requested.

Megapetals' letter arrived on Tuesday. In the letter, Megapetals offered to supply the flowers for a price of £6000 and asked the Stag Hotel to reply by letter to accept their offer. The Stag Hotel immediately replied by email, "We will pay £5500". Megapetals then telephoned to state that the price was not negotiable, but they could still supply the flowers for £6000, and also to ask on what day delivery was required. The Stag Hotel replied "Friday" and Megapetals asked the Stag Hotel to send a letter confirming acceptance. The Stag Hotel sent a letter, posted on Tuesday night, which arrived at Megapetals on Thursday.

On Wednesday, Megapetals sent an email stating that they could not now supply the flowers on Friday. The Stag Hotel had to find another supplier for the flowers on Thursday. However, the price was then £8000 because the order was at such short notice.

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

1 | 3

Outline when an offer comes into existence **and** briefly explain how an offer can come to an end through lapse of time, and by revocation of the offer.

**[8 marks]**

1 | 4

Explain the law on acceptance of an offer by conduct, **and** acceptance of an offer by post.

**[8 marks]**

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

1 | 5

In relation to contract law, discuss the stages in the negotiations between the Stag Hotel and Megapetals. Indicate when the contract was formed **and** when and how the contract was breached.

**[8 marks + 2 marks for AO3]**

1	6
---	---

Explain what is meant by 'consideration' **and** identify the consideration that would exist in the contract between the Stag Hotel and Megapetals.

**[8 marks]**

1	7
---	---

Outline the burden **and** standard of proof required for any claim in contract between the Stag Hotel and Megapetals. Briefly explain which court is likely to hear any claim between them.

**[5 marks]**

1	8
---	---

Outline the law relating to the calculation of damages in contract **and** briefly discuss how this law would apply to any claim arising out of the contract between the Stag Hotel and Megapetals.

**[8 marks]**

**END OF QUESTIONS**

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