



General Certificate of Education
Advanced Level Examination
June 2015

Law

LAW04

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

Friday 19 June 2015 1.30 pm to 3.30 pm

For this paper you must have:

- an AQA 12-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 **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

0	9
---	---

,

1	0
---	---

 and

1	1
---	---

, **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

After eating a meal in Nick's café and being presented with the bill, Roz suddenly realised that she had left her money at home. She walked towards the door to leave and shouted to Nick, who was behind the counter, that she had left money for the bill on the table where she had eaten. This was untrue but Nick replied, "That's OK", without checking Roz's statement. As Roz was opening the door to the café, she saw that it was raining heavily, so she took an old and battered umbrella from a rack near the door. The umbrella had been there from the previous day. Roz then left the café. When it stopped raining, she threw the umbrella over a hedge into a stream.

Al was well known for violent criminal activities. Roz owed Al £5000 for drugs. Al told her that if she did not steal some "valuables" for him, he would make Roz's family "suffer". Al also said that he would be "watching her very carefully". The next day, Roz was walking home in thick fog. Since Roz's house looked very similar to that of Dale, her neighbour, she mistook Dale's house for her own. Roz went into Dale's kitchen through the unlocked back door. When Roz switched the light on, she realised that she was in Dale's house but, remembering Al's threat, she went into the living room to see whether there was anything worth stealing. Roz picked up a watch from a table but, although she initially decided to keep it, she then realised it was of little value and put it back.

0 1

Discuss Roz's possible criminal liability for **property** offences arising out of her dealings with Nick **and** in connection with the umbrella.

[25 marks]

0 2

Discuss Roz's possible criminal liability for **property** offences in relation to Dale's house **and** his watch.

[25 marks]

Total for this scenario: 50 marks

Scenario 2

Dave bought a watch for £1000 from Tom, the owner of a jewellery shop. When the watch proved to be faulty, Dave asked Tom to refund his money. When Tom refused to do so, Dave grabbed Tom's arm and told him that, unless he repaid him his £1000, he would "beat up" Tom. Tom, a strong young man, told Dave to "Get lost!" Being determined to get his money back, Dave later decided to steal money from Tom's shop. One night, when Ahmed, Tom's security guard, was unlocking the shop, Dave followed him through the door in order to get inside. He then threatened Ahmed with a long knife, saying, "Stay put or else." Dave, having spent a few moments unsuccessfully searching Tom's shop for money, picked up a gold bracelet from a desk and decided to keep it. Unknown to Dave, the bracelet belonged to Tom's friend, who had asked Tom to value it.

As a builder, Dave needed help in erecting some scaffolding at a building site where he was working. As part of his plan to get "revenge" on Tom, Dave promised to pay £1000 to Wendy, a scaffolder who was Tom's close friend, if she helped him to erect the scaffolding, but he intended to pay Wendy much less. After Wendy had done the work, Dave gave her just £200.

Wendy was very annoyed with Dave and, having drunk a large amount of whisky, and wanting to give Dave "a bit of a scare", she loosened several bolts on the erected scaffolding frame, thereby rendering it unstable.

0 3

Discuss Dave's possible criminal liability for **property** offences arising out of his dealings with Tom **and** his activities in connection with Tom's shop.

[25 marks]

0 4

Discuss Dave's possible criminal liability for **property** offences arising out of his dealings with Wendy **and** Wendy's possible criminal liability in connection with the scaffolding.

[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

Cheryl paid Mario, a handyman, to tidy her large garden. While Mario was working next to a sloping rock feature in the garden, several of the large rocks fell on him. The rock feature had been built by a garden designer engaged by Cheryl but the garden designer had not positioned the rocks sufficiently securely.

Cheryl was driving her car too quickly round a sharp bend on the wrong side of the road when Omer, a 14-year-old boy, ran into the road to retrieve a ball and was knocked down by Cheryl's car. Omer was seriously injured and was taken to hospital. Serena, Omer's sister, got to the hospital as Omer, screaming in pain, was being taken to the operating theatre. Serena suffered panic attacks for months afterwards.

Cheryl's brother, Phil, was an estate agent who specialised in house sales. His friend, Lucy, told him that she wanted to buy a business which would give her a "secure income for when I retire". On Phil's advice, Lucy bought a café for £200 000. However, she soon discovered that the café had been losing customers for several months and that it was worth only £20 000.

Phil bought a derelict house and garden. He built a six-foot high wall around the garden because he knew young children had been getting in. Nonetheless, Ann, aged 13, managed to scramble over the wall into the garden and she then dived into a large pond. Because the water was shallow, she hit her head on a rock at the bottom of the pond and suffered severe injuries.

0	5
---	---

Consider the rights and remedies, if any, of:

- Mario against Cheryl
- Omer against Cheryl
- Serena against Cheryl.

[25 marks]

0	6
---	---

Consider the rights and remedies, if any, of:

- Lucy against Phil
- Ann against Phil.

[25 marks]

Total for this scenario: 50 marks

Scenario 4

Numar owned a takeaway shop selling spicy cooked food in a quiet village. The customers standing in long queues at the shop caused considerable noise, and there were very strong smells from the cooking. Robert bought the cottage next to Numar's shop. When, after several months of this annoyance, Robert complained to Numar, Numar increased his opening hours. In a separate dispute, lighter fuel, which Robert had bought for barbecues, leaked from cans in his shed and seeped into Numar's garden, destroying Numar's delicate and rare plants. Tom regularly parked his large van in the narrow lane when making deliveries to Numar's shop, causing severe obstruction problems for motorists.

Dr Atkins, a specialist hospital doctor, prescribed a drug for the stomach problem suffered by Sophia, Tom's sister. The drug was a medically recognised treatment, although recent research warned that it could cause internal bleeding. After taking the drug at home, Sophia coughed up blood while going downstairs and, in a panic, she fell and broke her arm. She also lost income from her dressmaking business until her broken arm mended. Sophia's bleeding was caused by the drug.

Mobilia manufactured wheelchairs made of a new metal alloy. The company developed and tested the alloy before starting to manufacture the wheelchairs. Test results were satisfactory. Tom bought one of the Mobilia wheelchairs and gave it to his brother, Jonny, an accident victim. When Jonny used the wheelchair in the street, the frame suddenly snapped. He fell heavily into a gutter. He suffered cuts and his expensive clothes, worth £350, were ruined.

0	7
---	---

Consider the rights and remedies, if any, of:

- Robert against Numar in connection with the noise and the smells
- Numar against Robert in connection with the destruction of the plants **and** the motorists against Tom in connection with the obstruction.

[25 marks]

0	8
---	---

Consider the liability, if any, of the following:

- Dr Atkins to Sophia
- the hospital to Sophia
- Mobilia to Jonny.

[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.

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

0	9
---	---

Briefly explain the meaning of 'fault'. Discuss the extent to which legal liability **is** and **should be** based on fault.

[30 marks + 5 marks for AO3]

1	0
---	---

Discuss the meaning of 'justice' **and** analyse the extent to which English law succeeds in achieving justice.

[30 marks + 5 marks for AO3]

1	1
---	---

Analyse the extent to which judges have the power to develop law through the operation of judicial precedent **and** in the interpretation of statutory rules. Discuss whether judges should have this power.

[30 marks + 5 marks for AO3]

END OF QUESTIONS

There are no questions printed on this page

There are no questions printed on this page