

A-level LAW

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

Tuesday 21 June 2016 Morning Time allowed: 1 hour 30 minutes

Materials

For this paper you must have:

- an AQA 12-page answer book.

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. 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

Adam and Brandon were both 15 years old. Adam was much bigger and stronger than Brandon, who was a little afraid of Adam. During a tennis game in the park, Adam sometimes deliberately hit the ball directly at Brandon, causing Brandon's face and legs to be red and painful from stinging blows. Calvin, who often slept rough in the park, watched the game for a while before suddenly shouting at Adam, "If you hit him again, I'll come over there and knock you out". However, a little later, Calvin fell asleep on a park bench. Seeing this, Adam ran over and pushed him off the bench. Calvin struck his head on the ground and became unconscious. Thirty minutes after Adam and Brandon had gone, and whilst Calvin was still lying unconscious, a passing gang of youths kicked Calvin in the head. Calvin recovered after treatment but suffered some permanent loss of movement in his arms.

Brandon's older brother, Deon, had been drinking large amounts of alcohol for a few years, and now found it difficult to stop. He had recently begun to experience vivid hallucinations. One night, after a day spent drinking strong alcohol, he was playing a violent video game with his girlfriend, Ella, at her flat. Suddenly, he squeezed her neck until she became unconscious. He then passed out himself. When he recovered, he saw Ella lying apparently dead, and had a vague memory of trying to kill an alien monster during the video game. In a panic, he telephoned his friend, Felipe, and asked him to come and help. Felipe arrived and looked briefly at Ella. Assuming she was dead, Felipe then wrapped her in a carpet, drove into the countryside, and buried her 'body' in a shallow grave. Ella's body was discovered by a dog walker soon afterwards. A medical examination revealed that she had died shortly after being buried.

- 0 1** Discuss the possible criminal liability of Adam for the injuries to Brandon and to Calvin. Discuss the possible criminal liability of Calvin arising out of his shouting at Adam. **[25 marks + 5 marks AO3]**
- 0 2** Discuss the possible liability of Deon for the murder of Ella. Discuss the possible liability of Felipe for gross negligence manslaughter in relation to the death of Ella. **[25 marks]**
- 0 3** The law on the non-fatal offences against the person has been subjected to frequent criticism but little reform has been attempted. Evaluate the current law and suggest what reforms may be desirable. **[25 marks]**

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

Scenario 2

Genna and Helen were flatmates. Genna was angry because she suspected that Helen was trying to steal her boyfriend. She told Helen's boyfriend, Ivo, about her suspicions. Ivo was short-tempered and sometimes violent towards Helen. That night, when Genna went back to the flat, she told Helen what she had said to Ivo. Genna also said that she had just seen Ivo in a nearby bar and that he was angry and coming round to 'get' Helen. Helen panicked and locked doors and windows but was horrified when Genna began to unlock them, apparently to allow Ivo to enter. She kicked Genna hard in the shin. A struggle followed, during which Helen pushed Genna's face into a glass mirror. The glass broke and Genna suffered a deep cut to her forehead. Genna later revealed that she had lied about seeing Ivo that night, and admitted that she had no idea whether he was coming to the flat.

In fact, Ivo had recently been having a relationship with Jayson's wife, Kelsie. Kelsie had told Jayson that he was 'useless', that she much preferred Ivo, and that she would leave him and take the children with her. Jayson and his friend, Lucas, saw Ivo in a bar one night and argued with him. Ivo laughed at Jayson about Kelsie and the children. Lucas threatened Ivo with a knife and chased him out of the bar and along a canal path. Ivo was running much faster than Lucas but he suddenly slipped and fell into the very cold, dark canal water. Lucas ran straight past him but Jayson was following more slowly and he saw Ivo in the water, wedged between a boat and the canal bank. Jayson felt a sudden wave of anger towards Ivo and deliberately walked off. Ivo was unable to climb out of the canal and eventually drowned.

- 0 | 4** Discuss the possible criminal liability of Genna and of Helen arising out of the incidents in the flat. **[25 marks + 5 marks AO3]**
- 0 | 5** Discuss the possible liability of Jayson for the murder of Ivo. Discuss the possible liability of Lucas for the involuntary manslaughter of Ivo. **[25 marks]**
- 0 | 6** The law on the non-fatal offences against the person has been subjected to frequent criticism but little reform has been attempted. Evaluate the current law and suggest what reforms may be desirable. **[25 marks]**

Turn over for the next theme

Contract Law**Total for this scenario: 75 marks + 5 marks for AO3****Scenario 3**

Nirmal advertised a new magazine, 'Flight Weekly', for sale at £7. The advertisement included a very prominent statement, "Free Gift Every Week: each week for 50 weeks you get a new model aeroplane part with your magazine. Collect all 50 and build and fly your own model aeroplane". Owen bought the magazine each week from Nirmal for 20 weeks and gradually started to build his model aeroplane. However, from week 21, though Nirmal continued to supply the magazine, there were no more 'free gifts' and Owen was unable to complete his model aeroplane. Subsequently, there were rumours that Nirmal had never intended to supply all the parts to the model aeroplane.

Owen decided that he needed a new garden shed. His neighbour, Pavel, helped him to demolish and remove the old shed. Afterwards, Owen said that he would give Pavel his spare lawnmower to thank him for his help, but he never did so. Owen paid £1200 to Ray for the supply and erection of a new garden shed. However, when he first tried to use it two weeks later, he found that the door would not open properly and that the roof leaked when it rained heavily. Ray told Owen that it was too late to make a complaint because documents signed by Owen provided that any complaints about the shed and its erection had to be made within seven days of completion of the work.

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Discuss Owen's possible rights and remedies against Nirmal in connection with Nirmal's failure to go on supplying the 'free gifts'.

[25 marks + 5 marks AO3]

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Discuss Pavel's possible rights and remedies against Owen in connection with the lawnmower. Discuss Owen's possible rights and remedies against Ray in connection with the garden shed.

[25 marks]

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How satisfactory is the current law on contractual terms? Consider what reforms might improve the law.

You may relate your answer to terms in general, or to terms excluding or limiting liability, or to a combination of both.

[25 marks]

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

Scenario 4

Aisha went into Campstore to buy boots in a sale for her husband, Bilal. A sign next to a pair of boots stated, "Tough, hard-wearing work boots. Slightly discoloured. Sold as seen. £45". Aisha bought the boots. At the bottom of the receipt, in large writing, was the statement, "No refunds on sale goods once they have left the store". Bilal was on leave from work for two weeks but he wore the boots most days to kick a light football with his 7-year-old son. At the end of the two weeks, the sole had begun to separate from the upper part of one boot. Campstore refused to discuss Bilal's complaints about the boots.

To promote its newly modernised and extended superstore, Campstore paid David, a famous sports star, £5000 to attend the formal re-opening and to participate in various games and competitions in the superstore. To deal with the large number of customers expected, Campstore employed extra staff and also hired Safehands, a security company, to ensure the safety of everyone concerned. Campstore paid Safehands £2000 immediately, with the remaining £4000 to be paid at the end of the event. Two days before the opening was due to take place, David was arrested and detained for a serious criminal offence, and so was unable to attend. Campstore notified Safehands that their services would not be required. The re-opening was poorly attended and Campstore recorded a loss of £2000 in expected profits.

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Consider the rights and remedies of Aisha and of Bilal against Campstore in connection with the work boots.

[25 marks + 5 marks AO3]

1 1

Discuss the rights, duties, and remedies arising between David and Campstore, and between Campstore and Safehands in connection with the events surrounding the re-opening of the superstore.

[25 marks]

1 2

How satisfactory is the current law on contractual terms? Consider what reforms might improve the law.

You may relate your answer to terms in general, or to terms excluding or limiting liability, or to a combination of both.

[25 marks]

END OF QUESTIONS

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