



General Certificate of Education  
Advanced Level Examination

## Law

## LAW03

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

**Specimen paper for examinations in June 2010 onwards**  
This question paper uses the [new numbering system](#) and [new AQA answer book](#)

**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 that you do not want to be marked.
- Use continued 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 **01** , **04** , **07** and **10** , five marks will be awarded for 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.  
Answer all **three** questions on the scenario you choose.

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

Read the scenario and answer all **three** questions on it.

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

**Total for this scenario: 80 marks**

#### **Scenario 1**

Unknown to Andy, whilst he was out celebrating with his friends, someone slipped a drug into his drink. Going into a crowded underground station on his way home some time later, he suddenly felt a great rush of energy. He pushed people around him out of his way and this created a surge of movement amongst those in front, which resulted in Bob falling from the platform. Initially, Bob avoided the electrified line but, in a panic when he heard the sound of an approaching train, he tried to jump up onto the platform again, but fell back onto the electrified line and was killed.

Andy was identified and chased by other members of the public, including Chris and Denzil. Andy hit Chris and gave him a black eye. Denzil then wrestled Andy to the ground and Andy's elbow ligaments were badly damaged in the struggle. Whilst Andy was sitting on the floor nursing his injury, Chris caught him with a swinging blow to the face. Chris was wearing a ring which ripped across Andy's cheek, causing it to bleed heavily.

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|----------|----------|---|
| <b>0</b> | <b>1</b> | Discuss Andy's criminal liability for the death of Bob. <span style="float: right;"><i>(25 marks + 5 marks for AO3)</i></span>  |
| <b>0</b> | <b>2</b> | Discuss the criminal liability of Andy, Chris and Denzil arising out of the incidents during the chase. <span style="float: right;"><i>(25 marks)</i></span>  |
| <b>0</b> | <b>3</b> | Critically consider the strengths and weaknesses of the current law on non-fatal offences against the person, including in your answer any appropriate suggestions for reform. <span style="float: right;"><i>(25 marks)</i></span> |

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**Total for this scenario: 80 marks**

**Scenario 2**

Erin was finding it very difficult to sleep and had recently been receiving counselling for depression. She became convinced that her neighbours, Fazana and Ghulam, were deliberately making a lot of noise in their garden late at night so as to disturb her. In a state of agitation, she bought a container of an inflammable liquid. The next day, Fazana and Ghulam were talking in their garden shed at about 8.00 pm. Certain that it was the early hours of the morning, Erin ran into their garden, splashed the inflammable liquid around the doorway to the garden shed, and set light to it.

The flames ignited the gas in a gas heater in the shed and an explosion took place. Ghulam received the full force of the explosion and was killed, but Fazana escaped with minor burns. A month later, still deeply disturbed by the whole incident, Fazana tried to commit suicide by slashing her wrists with a knife, but she was saved by prompt medical treatment.

- 0 4** Discuss Erin's criminal liability for the murder of Ghulam. (In discussing any defences, consider only those which are defences to murder alone.) *(25 marks + 5 marks for AO3)*
- 0 5** Taking into account any appropriate general defence, discuss Erin's criminal liability for the burns suffered by Fazana, and her potential liability for the injuries sustained when Fazana slashed her wrists. *(25 marks)*
- 0 6** Critically consider the strengths and weaknesses of the current law on non-fatal offences against the person, including in your answer any appropriate suggestions for reform. *(25 marks)*

**Turn over for the next theme**

**Turn over ►**

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**Contract Law****Total for this scenario: 80 marks****Scenario 3**

Jen owned a souvenir gift shop in a rural tourist area. She wanted to improve the business by engaging Les to supply new fittings and install them in the shop for £3000. After removing the existing fittings, Les had carried out about half of the new installation when Jen discovered that the new fittings were of inferior quality and that Les had misread the plans in fitting them. When Jen pointed out the errors, Les told her that he could make alterations but that, in any case, he would have needed an extra £700 to complete the work, even if no mistakes had been made. At first, Jen agreed to pay the extra money. However, she then changed her mind and wondered whether she was entitled to refuse to pay anything to Les, stop him doing any further work, and engage another tradesman.

Jen contracted with Martin for Martin to design and supply advertising leaflets which were to be distributed to various outlets in the area. The price agreed was £500. Jen made an immediate payment of £100, and the remainder was payable when the leaflets were supplied. Martin had already spent £150 on materials and had prepared the designs when a serious animal infection spread throughout the area. The Government imposed severe restrictions on movement in the area and the tourist trade collapsed for that season. Jen told Martin that she now had no use for the leaflets and would not pay him anything more.

- 0 7** Discuss the rights, duties and remedies of Jen and of Les in connection with the re-fitting of the shop. *(25 marks + 5 marks for AO3)*
- 0 8** Taking account of the rules on termination of contracts by frustration and by breach, consider Martin's rights and remedies following Jen's refusal to accept and pay for the leaflets. *(25 marks)*
- 0 9** Critically consider how satisfactory the current law on formation of contract is, including in your answer a discussion of any appropriate suggestions for reform. *(25 marks)*

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**Total for this scenario: 80 marks**

**Scenario 4**

Jamal was on very good terms with his neighbour, Harry, a central heating engineer. They frequently helped each other out with jobs in the house and garden. When Harry was away on holiday for two weeks, the fence around his garden was damaged by vandals. Jamal bought a new fence panel and replaced and repaired the broken fencing before Harry came back from holiday. On his return, Harry paid Jamal for the fence panel. He also promised to do about £200 worth of repairs to Jamal's central heating for no charge. Two months later, Harry told Jamal that he had changed his mind and would not do the repairs.

Harry bought a £500 bicycle from Norman's Bikes as a birthday present for his nephew, Ian. Harry told Norman that it was for Ian, and supplied Ian's name and address for delivery. The invoice contained a clause stating that Norman would have the right to repair or replace any defective item at his sole discretion, and limiting his liability for any loss arising out of defects in the bicycle to the cost of the bicycle itself. A few weeks later, when Ian was riding the bicycle, the metal in the front forks fractured, throwing him over the handlebars and onto the pavement. As a result of his injuries, he was off work for two weeks and lost £600 in wages.

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Consider what rights and remedies, if any, are available to Jamal in connection with Harry's refusal to keep his promise to repair Jamal's central heating.

*(25 marks + 5 marks for AO3)*

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Consider Ian's rights and remedies, if any, against Norman in connection with the sale of the bicycle and the financial loss suffered on account of his injuries. *(25 marks)*

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Critically consider how satisfactory the current law on formation of contract is, including in your answer a discussion of any appropriate suggestions for reform.

*(25 marks)*

**END OF QUESTIONS**

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