



GCE A level

1253/03

LAW – LA3

**UNIT 3: UNDERSTANDING SUBSTANTIVE LAW:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 3: FREEDOM OF THE INDIVIDUAL AND
PROTECTION OF HUMAN RIGHTS**

A.M. WEDNESDAY, 22 June 2011

1½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions.

INFORMATION FOR CANDIDATES

Each question carried 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded of the need for good English and orderly clear presentation in your answers.

Assessment will take into account the quality of written communication used in your answers.

You are reminded of the importance of including knowledge from all areas of the course where appropriate including the Legal System of England and Wales. Part (b) of each question will test understanding of the connections between the different elements of the subject.

Option 3: Freedom of the Individual and Protection of Human Rights

Answer two questions.

1. Study the text below and answer the questions based on it.

Hannah organised a protest against cutbacks in services for people with disabilities. The protest was to take the form of a procession, followed by an assembly in the town square. About a hundred protesters turned up, many of whom, like Hannah, were wheelchair users. The procession was escorted by Sergeant Pepper and PC Chive, who was young and inexperienced. Just as the procession was approaching the town square, Sergeant Pepper received a radio message saying that a disturbance had broken out in another part of town. Sergeant Pepper rushed off to assist, leaving PC Chive to supervise the rest of the protest. PC Chive did not feel equal to this task, so he told the protesters that the procession was cancelled and that only those protesters who were not wheelchair users would be allowed to enter the square and take part in the assembly. When Hannah objected, PC Chive arrested her.

- (a) In the light of reported case law and other sources of law, consider whether PC Chive was acting within his powers. [14]
- (b) Explain the powers of the police to grant bail. [11]

2. Study the text below and answer the questions based on it.

Jake is a civil servant who works for the Ministry of Defence. Jake was instructed by his immediate superior, Bella, to prepare a confidential report on whether the public would be likely to support British military involvement in a war against Iran. Jake asked his old friend Milo, who is an acknowledged expert at measuring public opinion, to write the report for him. Milo duly produced the report for Jake, but sent a copy to Felicity, a freelance journalist, who is hoping to publish it in a popular daily newspaper.

- (a) In the light of case law and other sources of law, consider whether any offences may have been committed by Jake, Milo or Felicity. [14]
- (b) Explain how the European Convention on Human Rights protects freedom of expression. [11]

3. Study the text below and answer the questions based on it.

PC Wagg spotted a young woman, Janice, walking along the High Street with an unusually large bag dangling from her shoulder. Knowing that such bags were sometimes used by shoplifters, PC Wagg snatched the bag from Janice and opened it. This action disturbed Janice's tiny Chihuahua, Goliath, who had been asleep inside the bag. Goliath poked his head out and barked, causing PC Wagg to jump back in fright. Angry and embarrassed, PC Wagg bundled Janice into his police car and drove her to the police station. Janice was put straight into a cell, where she spent the next 48 hours worrying about what would happen to Goliath. At the end of that time, the police took Janice's fingerprints and a sample of her DNA, gave Goliath back to her, and released her with a warning that her fingerprints and DNA would be kept on file by the police.

- (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- (b) Explain what legal advice and assistance may be available to Janice if she wishes to sue the police in the civil courts. [11]

4. Study the text below and answer the questions based on it.

Declan was beaten up in the street by a police officer for no apparent reason. The incident was recorded on videophone by a passer-by, and shown on the national television news. The police force hastily issued a statement claiming that the officer was suffering from stress, and offering to pay Declan a sum of money in compensation. Martha Mutton, the editor of the Daily Digger, published a front-page article blaming "the jobs on our streets" for causing intolerable levels of stress among police officers. The article was headlined: "Police Handouts for Hooligans", and included a photo of Declan which had been downloaded from the news footage and digitally altered to make Declan look menacing and aggressive.

- (a) In the light of reported case law and other sources of law, consider whether Declan has any redress against Martha or the Daily Digger. [14]
- (b) Explain the role of juries in civil cases. [11]