



GCE A level

1253/01

LAW – LA3

**UNIT 3: UNDERSTANDING SUBSTANTIVE LAW:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 1: CONTRACT AND CONSUMER LAW**

A.M. THURSDAY, 27 January 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.

Write your answers in the separate answer book provided.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

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

Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all 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 1: Contract and Consumer Law

Answer two questions.

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

Charlie is a promoter and owns the Wales Exhibition Centre. He also collects coal sculptures and despite having no formal training considers himself an authority in respect of such sculptures. Whilst looking around Dave's "Great Welsh Coal" Art Gallery he sees a sculpture entitled "Nutty Slack" and thinking it to be a Robert Bando, a famous sculptor of the school, buys it for £30,000.

Charlie plans to exhibit the sculpture in the Wales Exhibition Centre and receives £15,000 in advance ticket sales and a separate £45,000 from the Cambrian Museum which wants to borrow the sculpture for an exhibition. The Wales Exhibition Centre is destroyed by fire the night before the exhibition begins along with the sculpture. Additionally, when the sculpture remains were examined by the insurers it was discovered that the sculpture was made of much lower grade coal, that it had been mass produced in a souvenir shop in Yorkshire and was worth only £2.50.

Charlie is now being pursued by members of the public for the return of the money from the advanced ticket sales and also by the Cambrian Museum for the £45,000 paid to him.

- (a) In the light of reported case law and other sources of law, advise Charlie. [14]
- (b) Explain the importance of legislation and the approach taken by judges in the interpretation of statutes in the above scenario. [11]

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

John is the tenant of “The Moon” public house in Tewkville. The terms of the lease agreement provided that John should pay Philip, the landlord, £2,000 per month for a period of 8 years from January 1st 2009. Payment was due in advance on the first working day of each month.

One year after starting the tenancy another pub opened in the locality and John suffered a slump in business. He informed Philip that he could not pay full rent of £2,000 per month. It was agreed that the rent be reduced to £1,000 per month “until things improved”. For the next six months John paid the revised amount of £1,000 on the first day of the month by bank transfer.

On July 1st 2010 payment was not received by Philip because for technical reasons, the bank could not transfer the money. In fact the Bank was able to transfer money on July 2nd 2010 and this was credited to Philip’s account on July 3rd 2010. Having not received the money on July 1st, Philip telephoned John and said he was now reverting to the original agreement and that John should also pay him £6,000 being the amount owed to him.

- (a) In the light of reported case law and other sources of law, advise John. [14]
- (b) Explain the significance of doctrine of precedent in the above scenario. [11]

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

Bobby wanted to sell a Highland Terrier pup. He put the following advertisement into the Dog Monthly Magazine.

“For sale, 3 month old, thoroughbred Highland Terrier pup, £150.”

Margaret a mother of 3 young children came to see the dog. In answer to her questions, Bobby confirmed that the pup was sweet tempered, house-trained and ideal for small children. Margaret decided to buy the pup.

When she returned home the dog became very vicious and the dog bit her children. It also become obvious that the dog was not house-trained. When Margaret took the dog to the vet he confirmed that it was a cross-breed between a Highland Terrier and a Bull-Dog.

- (a) In light of reported case law and other sources of law, advise Margaret. [14]
- (b) Explain the available sources of assistance for Margaret in funding litigation. [11]

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

Francis shops at Cheap Supermarkets Ltd. Last August he went and did his family shopping and selected most of the items from the shelves. However, the meat was cut and weighed and given to him from the meat counter in the store. He also bought 6 bottles of wine at a special price of £4 each.

At the cash desk Francis did not notice that the cashier had rung up £5 for each of the bottles of wine. Whilst the other items were being rung up he changed his mind about buying the meat and left it to one side. When the total was added up Francis paid by credit card. When he checked the bill on the way out of the store he discovered the discrepancy in the price charged for the wine. He was so angry that he now wishes to reject all the shopping.

- (a) In light of case law and other sources of law, advise Francis. [14]
- (b) Explain the mechanisms available outside of litigation in resolving this dispute. [11]