



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. 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.

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.

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.

Rhoda has learning difficulties. She was seen by PC Will and PC Hay wandering down the High Street offering £5 notes to passers-by. PC Will and PC Hay approached Rhoda and asked what she was doing, but could not understand her response. PC Will held Rhoda's arms behind her back while PC Hay searched her pockets and found a number of £5 notes. The two officers took Rhoda to the police station. On arriving, PC Will said to the custody officer: "You won't get any sense out of this one. Just chuck her in a cell and we'll sort her out later." Rhoda was kept in a cell, during which time she was subjected to an intimate search by PC Hay. Rhoda was released after 25 hours when the care home which looks after her reported her missing.

(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 is available to Rhoda if she wishes to sue the police in the Civil Courts. [11]

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

John was on his way home from work one evening when he was caught up in an anti-war demonstration that was taking place. As he tried to push his way through the large group of protesters, he heard a police officer shout through a loud-hailer that everyone was to stay where they were and that nobody was to leave. The police then proceeded to put up a cordon around the group to stop them from moving. John tried to speak to one of the police officers to explain that he was not involved in the demonstration and was on his way home. The officer told him to shut up and said they were all being detained for breach of the peace. When John continued to argue, the officer arrested him.

(a) In the light of reported case law and other sources of law, consider whether the police were acting within their powers. [14]

(b) Explain to John the powers of the police to grant bail. [11]

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

Preston Past, a famous footballer, went to a nightclub to celebrate the birth of his first child and drank several bottles of champagne. He was approached by a female fan, who asked him for his autograph. Preston signed the fan's autograph book, gave her a kiss on the cheek, and posed with his arm around her while her friend took a photograph of them with a mobile phone. The fan sent a copy of the photograph to a national newspaper, the Daily Slur. The next week the Daily Slur ran the headline: "Cheating Past Scores At Last", and claimed that a drunken Past had cheated on his wife with a fan while she was in hospital recovering from giving birth.

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

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

Martha Mutton, the editor of the Daily Digger, was given a sensational story that a Member of Parliament, Davina White, had been taking illegal drugs. Martha Mutton was aware that Davina White was due to appear in the Crown Court in two weeks' time on charges connected with fraudulent expense claims. Martha Mutton printed the story about the illegal drugs on the front page of the Sunday edition just a few days before Davina White's trial started.

- (a) In the light of reported case law and other sources of law, consider whether Martha Mutton and the Daily Digger may have committed contempt of court. [14]
- (b) Explain the ways in which the Government is made subject to the Rule of Law. [11]