



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, 25 January 2012

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 necessity 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.

Harvey, a young businessman of African-Caribbean appearance, walked down the street talking into his mobile phone. He was observed by PC Grievous, who was inclined to be suspicious of young black men. PC Grievous walked up to Harvey and took him by the arm, intending to search him. Harvey said, "Excuse me, I'm on the phone", and carried on talking. PC Grievous considered this highly disrespectful, so he snatched the phone from Harvey, pushed him against a wall, and proceeded to search him in full view of passers-by. In the pocket of Harvey's suit PC Grievous found a second mobile phone. Knowing that it was common for criminals and drug dealers to have more than one mobile phone, PC Grievous took Harvey to the police station for questioning. At the police station, Harvey was interviewed by detectives for 48 hours with only short breaks between sessions. During that time he was not allowed to contact his family or speak to a solicitor. Eventually the police accepted that Harvey had no useful information to give them, and he was released.

- (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 funding may be available to Harvey if he decides to sue the police in the civil courts. [11]

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

Workers at a local hospital staged a march to protest against plans to close the hospital's Special Care Baby Unit. Sergeant Blue, who was escorting the march, assisted by PC Pink, instructed the marchers not to shout slogans or stop along the route. As the procession wound through the city centre, some of the marchers held up placards showing tiny babies being kept alive in incubators. PC Pink, who was pregnant, found the placards distressing and told the marchers to put them down. The marchers refused, and began to chant "Save the babies!" Before PC Pink could take any further action, a group of bored youths lit a firework and tossed it among the marchers. One of the youths, Micky, shouted "Burn, baby, burn!" before running away. The procession came to a halt in confusion, with the marchers forming a single large group and ignoring Sergeant Blue's instructions to keep moving.

- (a) In the light of reported case law and other sources of law, consider whether any offences against public order were committed. [14]
- (b) Explain the tests used by Crown Prosecutors when deciding whether someone should be prosecuted. [11]

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

The Government set up a scheme under which the state benefits received by single parents were paid instead to a private company, which set them to work in the community and allowed them a proportion of their benefits depending on how many hours they worked each week. Stories soon began to circulate about the large profits being made by the company and the terrible poverty which the scheme was causing to many single-parent families. The editor of the Daily Dirt, Martha Mutton, was informed by a usually reliable source that Ashley, one of the government ministers behind the scheme, had been receiving payments from the company. Martha printed the story, together with a photo of Ashley coming out of an expensive restaurant, under the headline: "Fat Ashley Carves While Children Starve". In fact, the story was not quite accurate, as it was actually Ashley's ex-wife who had received payments from the company.

- (a) In the light of reported case law and other sources of law, consider whether Martha and the Daily Dirt might have any defence if Ashley decides to sue for defamation. [14]
- (b) Explain the role of the jury in the civil courts. [11]

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

Maria, a junior civil servant, was given the job of tidying up a committee room following a meeting of the Defence Review Committee. As she was clearing the table, Maria noticed that one of the members of the committee had left behind his own handwritten notes on the latest proposals for improving the equipment issued to British forces engaged in the war in Afghanistan. Maria, who is strongly opposed to the war, put the notes in her briefcase and later showed them to her boyfriend Simon, a trainee journalist with the Sunday Investigator. Sensing a good story, Simon used the camera in his mobile phone to photograph the notes and showed them to his editor, Rufus, who is considering whether to publish them.

- (a) In the light of reported case law and other sources of law, consider whether Maria, Simon or Rufus may have committed any offence. [14]
- (b) Explain the process of appeal from the Crown Court. [11]