GCE A level

1254/01

LAW – LA4
UNIT 4: Understanding Law in Context:
Freedom, the State and the Individual
OPTION 1: Contract and Consumer Law

P.M. WEDNESDAY, 23 January 2013

2½ 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 from Section A and **one** question from Section B.
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.

You are reminded that assessment will take into account the quality of written communication used in your answers.

You are reminded that this paper contains a synoptic element in Section B and will test understanding of the connections between the different elements of the subject.

SECTION A

*Answer **two** questions from this section.*

1. Critically evaluate the circumstances when a regulated consumer credit agreement is cancellable under Consumer Credit Law. [25]

2. Discuss the law relating to termination of hire purchase agreements under Consumer Law. [25]

3. Evaluate the impact of the European Consumer Credit Directive 2008 on English and Welsh Consumer Law. [25]

4. Evaluate the role of licensing in promoting responsible consumer credit lending. [25]

SECTION B

Answer **one** *question from this section.*

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

Rapid Alert System for non-food consumer products (RAPEX)

RAPEX is the EU rapid alert system for dangerous consumer products – with the exception of food, pharmaceutical and medical devices which are covered by other mechanisms.

It facilitates the rapid exchange of information between Member States and the Commission on measures to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers. Both measures ordered by national authorities and measures taken voluntarily by producers and distributors are reported by RAPEX.

When a product (e.g. toy, childcare article or household appliance) is found to be dangerous, the competent national authority takes appropriate action to eliminate the risk. It can withdraw the product from the market, recall it, or issue warnings. The National Contact Point then informs the European Commission (Directorate-General for Health and Consumer Protection) about the product, the risks it poses to consumers and the measures taken by the authority to prevent risks and accidents.

The European Commission disseminates the information that it receives to the National Contact Points of all other EU countries. It publishes weekly overviews of dangerous products and the measures taken to eliminate the risks on the internet.

The National Contact Points in each EU country ensure that the authorities responsible check whether the newly notified dangerous product is present on the market. If so, the authorities take measures to eliminate the risk, either by requiring that the product be withdrawn from the market, by recalling it from consumers or by issuing warnings.

A weekly overview of the dangerous products reported by the national authorities (the RAPEX notifications) is published on the Commission Website.

Source: BIS Web Site on Product Safety

(a) Explain the impact of general product regulations on the development of consumer protection law and enforcement in the law of England and Wales.   [11]

(b) Assess the role of European Law in the development of consumer protection law in England and Wales.   [14]

6. Study the text and answer the questions based on it.

"The doctrine of freedom of contract was established in the nineteenth century. It is a myth. When the Sale of Goods Act was enacted in the nineteenth century, the statutory implied terms exposed this myth."

(a) Explain the implied terms of the Sale of Goods Act.   [11]

(b) Assess the extent to which Statute Law has undermined core principles of Common Law.   [14]

END OF PAPER