



**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, 12 June 2014

1 hour 30 minutes

#### **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 that 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.

Emma, a wealthy young socialite, became a popular guest on television talk shows because of her willingness to express controversial opinions on any subject. One evening when Emma was having dinner in a restaurant with a group of friends, the conversation turned to whether sick and disabled people should be allowed to claim state benefits. Emma said, "You just have to be firm with these people. Mummy's maid has terrible heart trouble, but she never misses a day's work because she knows we'd kick her out." One of the other members of the group, Ryan, used his mobile phone to film Emma's speech and sent the recording to Damien, the editor of the Daily Slur. Damien printed Emma's comments word for word on the front page, together with a photo of Emma eating lobster in the restaurant, and topped it off with the headline: "Mummy's Little Madam Slams Sick Servant". Emma is very hurt by what she considers to be Ryan's breach of confidence, and feels that Damien's article was defamatory.

- (a) In the light of reported case law and other sources of law, consider whether Emma may be able to sue Ryan or Damien. [14]
- (b) Explain the role of the jury in civil cases. [11]

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

Oliver is a senior civil servant working in the Ministry of Defence. Oliver was approached by one of the Government's advisers, Frances, who told him that the Government was keen to test whether public opinion would support a further reduction in the armed forces. To that end, Frances wanted Oliver to "leak" certain information about the current numbers of troops into the public domain, without it being obvious that the information had come from a Government source. Oliver gave instructions to Sally, a junior civil servant, to pass the information to Martha Mutton, the editor of the Daily Probe. Sally did as she was told, and Martha published the information. Questions were then raised about how the information had been leaked. Frances claimed that the leak was a serious breach of national security, and sought to lay the blame on Sally and Martha.

- (a) In the light of reported case law and other sources of law, consider whether Sally or Martha may be prosecuted for a criminal offence. [14]
- (b) Explain the relevance of the Rule of Law. [11]

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

Amy, who teaches in the Life Sciences department of the local university, discovered that experiments on kittens were being carried out there. Amy immediately organised a protest against the experiments. Accompanied by about a dozen other teachers and students, Amy stood outside the Life Sciences Department displaying a large poster with a picture of kittens on it, and a sign which read, "Don't Hurt Me". The university's head of security saw Amy's group on the CCTV cameras, and called the police. When Superintendent Smith heard that animal rights protestors were involved, he sent a detachment of fifty officers to deal with the protest, and instructed them to "go in hard". Amy's group was soon surrounded by officers, who ordered them to kneel on the ground with their hands behind their heads, and kept them there for four hours. At the end of that time, the protestors were taken in a police van to the police station, where they were charged with causing harassment, alarm or distress.

- (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 the appeal process from the magistrates' court. [11]

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

Liam, a law student, took part in a televised question and answer session in which members of the public were invited to discuss matters of current debate with a panel of experts. The topic happened to be human rights. Next day, Liam was recognised in the street by PC Pinch, who had watched the programme and disliked Liam's views. PC Pinch ordered Liam to stop and submit to a search. In Liam's trouser pocket he found an asthma inhaler. PC Pinch said, "You could do someone serious damage with this," and took Liam to the police station for questioning. At the police station PC Pinch said to the custody officer, "This one doesn't need a lawyer. He knows his rights. You can put him straight in a cell." Liam was kept in a cell for twenty-six hours before being charged with carrying a weapon and being released on bail.

- (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 what powers the police have to grant bail to someone charged with an offence. [11]

**END OF PAPER**