

<b>Candidate forename</b>		<b>Candidate surname</b>	
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<b>Centre number</b>						<b>Candidate number</b>				
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**OXFORD CAMBRIDGE AND RSA EXAMINATIONS  
GENERAL CERTIFICATE OF SECONDARY EDUCATION**

**B144**

**LAW**

**Consumer Rights and Responsibilities**

**FRIDAY 20 MAY 2011: Afternoon**

**DURATION: 1 hour**

**SUITABLE FOR VISUALLY IMPAIRED CANDIDATES**

**Candidates answer on the question paper.**

**OCR SUPPLIED MATERIALS:**

**None**

**OTHER MATERIALS REQUIRED:**

**None**

**READ INSTRUCTIONS OVERLEAF**

## **INSTRUCTIONS TO CANDIDATES**

- **Write your name, centre number and candidate number in the boxes on the first page. Please write clearly and in capital letters.**
- **Use black ink. Pencil may be used for graphs and diagrams only.**
- **Read each question carefully. Make sure you know what you have to do before starting your answer.**
- **Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).**
- **Answer ALL the questions.**

## **INFORMATION FOR CANDIDATES**

- **The number of marks is given in brackets [ ] at the end of each question or part question.**
- **The total number of marks for this paper is 60.**
- **Your quality of written communication is assessed in the question marked with an asterisk (\*).**

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- 1 (a) Identify the **THREE** essential elements needed to prove a claim in negligence.

Element 1 \_\_\_\_\_

Element 2 \_\_\_\_\_

Element 3 \_\_\_\_\_ [3]

- (b) There are **TWO** main types of terms, **CONDITIONS** and **WARRANTIES**. The difference between them is important to a person claiming a breach of contract.

In the right hand column write **TRUE** next to the **THREE** accurate statements.

	<b>STATEMENT</b>	<b>TRUE</b>
(i)	<b>A condition is a minor term.</b>	
(ii)	<b>A condition is often said to ‘go to the root of the contract’, meaning it is essential to the contract.</b>	
(iii)	<b>A breach of a condition allows the claimant to claim for damages and to avoid his own obligations if he wishes.</b>	
(iv)	<b>A warranty is a minor term.</b>	
(v)	<b>It would be impossible to continue with the contract if a warranty is breached.</b>	
(vi)	<b>A breach of a warranty allows the claimant to claim for damages and to avoid his own obligations if he wishes.</b>	

[3]

[Total: 6]

**2 Read each of the following situations (i), (ii) and (iii) and complete 2 (a) and 2 (b) which follow them.**

**(i) A man is standing next to a car with the bonnet open and the engine smoking. He says, “I only bought the car this morning and the car salesman told me it was mechanically perfect but look at it.”**

**(ii) A boy is sitting on a bench and examining his trainer and the sole is coming off of the trainer. He says, “I only bought these trainers yesterday and this is the first time that I have worn them.”**

**(iii) A woman is standing outside her house next to a wall that is partly built. The wall of the house next door is finished and complete. She says, “The builder has been working on my wall for two years but that one next door only took two days to build.”**

**(a) Identify which type of statutory implied term from either the SALE OF GOODS ACT 1979 or the SUPPLY OF GOODS AND SERVICES ACT 1982 is involved in each of the situations (i), (ii) and (iii).**

**Situation (i) \_\_\_\_\_**

\_\_\_\_\_

**Situation (ii) \_\_\_\_\_**

\_\_\_\_\_

**Situation (iii) \_\_\_\_\_**

\_\_\_\_\_ **[3]**





**(c) The SUPPLY OF GOODS AND SERVICES ACT 1982 covers situations where consumers buy a service. It offers consumer protection in the case of the provision of services rather than merely the sale of goods.**

**Discuss TWO ways in which these implied terms, which are particularly relevant to the supply of services, protect a consumer.**

**Way 1** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Way 2** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**[6]**

**[Total: 18]**



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**TURN OVER FOR QUESTION 3**

- 3 (a) Identify **THREE** vital elements which must exist if a manufacturer is to have a duty of care for defective goods.

Element 1 \_\_\_\_\_

Element 2 \_\_\_\_\_

Element 3 \_\_\_\_\_ [3]

- (b) Katie has made a successful claim in negligence. Read the description in the chart below of Katie's negligence claim.

In the right hand column indicate which statement (A or B) at each stage helps Katie make a successful claim in negligence.

STAGE		STATEMENTS		A or B
1	Katie buys an electric toaster	A	The toaster is not in any kind of packaging	
		B	The toaster is in a sealed box	
2	Katie decides to make some toast	A	Katie plugs the toaster straight into a wall socket	
		B	Katie reads the manufacturer's instructions and safety guide before she plugs in the toaster	

3	When Katie plugs in the toaster it explodes and bursts into flames	A	The toaster explodes because there is a fault in its wiring	
		B	The toaster explodes because there is a fault in the wiring of the wall socket	
4	Katie jumps away from the exploding toaster	A	Katie is alarmed but unhurt	
		B	The fire burns Katie's hand and also damages her work surface	
5	Katie writes to the manufacturer about the faulty toaster	A	The fault in the toaster is due to careless work by an employee of the manufacturer of the toaster and the manufacturer has no system to inspect the finished toasters	
		B	The fault in the wiring of the toaster is due to some faulty parts which the manufacturer of the toaster could not have known about	
6	Katie makes a claim for compensation	A	Katie wants a new toaster	
		B	Katie wants compensation for her injury and a new work surface	
<b>KATIE MAKES A SUCCESSFUL CLAIM IN NEGLIGENCE AGAINST THE MANUFACTURER</b>				

[6]

- (c) The CONSUMER PROTECTION ACT 1987 tries to protect consumers by making sure they have someone to sue. There are four different categories of people who can be sued and one of these is a producer.**

**Identify THREE definitions of a producer.**

**Definition 1** \_\_\_\_\_

\_\_\_\_\_

**Definition 2** \_\_\_\_\_

\_\_\_\_\_

**Definition 3** \_\_\_\_\_

\_\_\_\_\_ **[3]**

- (d) Read the text below and answer the question which follows.**

- (i) Rebecca buys her 3 year old son, Alex, a set of wooden farm animals for his birthday. The box says 'not for children under 5 years old' but Rebecca thinks that Alex is old for his age. Alex swallows one of the wooden animals and has to be taken to hospital.**
- (ii) Matt is going on a date but has no clean t-shirts to wear. He washes a t-shirt and decides to dry it in the microwave. He turns the microwave on and goes to have a shower. When Matt returns the microwave has exploded and Matt's t-shirt is on fire.**

- (iii) Keisha buys an expensive cashmere scarf and the label says it has to be dry-cleaned or hand washed. Keisha hand washes the scarf but it shrinks and she cannot wear it.

**Explain whether Rebecca, Matt and Keisha will each be able to make a successful claim against the seller of the product because the defect is one covered by the CONSUMER PROTECTION ACT 1987.**

**Rebecca (i)** \_\_\_\_\_

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**Matt (ii)** \_\_\_\_\_

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**Keisha (iii)** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**[6]**

**[Total: 18]**

**4 (a) Read the following passage and fill in the missing words from the list below.**

- **unfair terms**
- **exclusion clauses**
- **businesses**
- **customers**
- **terms**
- **consumer**

**The UNFAIR TERMS IN CONSUMER CONTRACT REGULATIONS 1999 differ from the UNFAIR CONTRACT TERMS Act 1977. This is because they cover contractual terms in general and not only \_\_\_\_\_ and because they only cover consumer contracts, not contracts between \_\_\_\_\_. The definitions of seller and \_\_\_\_\_ are also different to those in the Act.**

**[3]**

**(b) Read the following passage.**

**Jordan went to the ‘Fun Fun Fun’ Theme Park. Jordan paid to go on the ‘Fright of Your Life’ ride. Before he paid he was asked to read a sign on which the following was written: “The proprietors accept no liability for any injury to any person using any of the rides in this theme park”. Jordan was badly injured when the seat he was in came loose from the ride because of negligent maintenance.**

**Explain how the UNFAIR CONTRACT TERMS ACT will affect this situation.**

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**[3]**



**(c) The UNFAIR CONTRACT TERMS ACT 1977 defines 'consumer contract'.**

**Identify the THREE essential features of a 'consumer contract'.**

**Feature 1** \_\_\_\_\_

\_\_\_\_\_

**Feature 2** \_\_\_\_\_

\_\_\_\_\_

**Feature 3** \_\_\_\_\_

\_\_\_\_\_ **[3]**





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