

Candidate forename						Candidate surname					
Centre number						Candidate number					

OXFORD CAMBRIDGE AND RSA EXAMINATIONS
GCSE
B144
LAW

Consumer Rights and Responsibilities

FRIDAY 18 MAY 2012: Afternoon
DURATION: 1 hour
plus your additional time allowance

MODIFIED ENLARGED

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. HB pencil may be used for graphs and diagrams only.**
- **Answer ALL the questions.**
- **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).**

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.**
- **The quality of written communication is assessed in the question marked with an asterisk (*).**

- 1 (a) A misrepresentation is an untrue statement which may encourage a consumer to enter a contract.

Identify THREE elements which may be present when a misrepresentation exists.

Element 1 _____

Element 2 _____

Element 3 _____
_____ [3]

- (b) Contracts are very important in many aspects of our lives and it is essential to know when a contract has been created.**

In the chart below tick THREE boxes next to the scenarios which indicate that a contract has been formed.

	SCENARIO	TICK
i	Sue wants to buy a car which Paul is selling for £5,000. Sue gives Paul a cheque for £5,000 and they shake hands on the deal.	
ii	Svetlana sees an advert in a shop window advertising a violin for sale for £100. She calls the phone number on the card and leaves a message to say she will pay £100 for the violin. The next day she calls again but the violin has been sold to someone else.	
iii	Nicky says she will give her son, Robert, £5 if he washes her car. Robert washes the car but Nicky says she has changed her mind and does not pay Robert.	
iv	Wilhelm wants to buy a spade from Bruno but Wilhelm has very little money. Wilhelm grows vegetables and he asks Bruno if he will take twenty cabbages as payment for the spade and Bruno says, “OK”.	
v	Debbie, aged 15, goes into a supermarket. She takes a bottle of vodka to the till and the assistant takes her money without asking for proof of age.	

vi	<p>Carl writes to Barry offering to buy Barry's stamp collection for £500. Before the letter arrives Barry writes to Carl to say the price has gone up to £700. Carl goes to Barry's house with £500 and says to Barry, "I'm here to collect my stamps".</p>	
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[3]

[Total: 6]

2 Read each of the following THREE scenarios and complete activity 2(a) and activity 2(b) which follow them.

- (i) Andrea is a professional architect who is designing a house for Bob. Bob wants a green roof to attract bees and butterflies. Andrea has to work out how much soil is needed but she uses the wrong figures. So much soil is put on the roof that it collapses one week later.**
- (ii) Dorothy employs Yves to make a dress. Dorothy asks how long it will take as she wants to wear the dress at her school prom. Yves says it will take him about two weeks, which is a week before the prom. He orders the fabric Dorothy wants but it takes ten days to arrive. Yves works very hard and finishes the dress on the day of the school prom. However when the two weeks had passed Dorothy bought another dress to wear.**
- (iii) Edward wants a pond in his garden and his next door neighbour had one installed at a cost of £500. Edward employs George and when Edward tells George how much his neighbour paid George nods as if in agreement. When the pond is installed George sends Edward a bill for £1,000.**

(a) Identify which type of implied term in the SUPPLY OF GOODS AND SERVICES ACT 1982 is involved in each of the above scenarios.

(i) Andrea _____

(ii) Dorothy _____

(iii) Edward _____

_____ **[3]**

(b) Explain whether the implied term has been breached in each of the THREE scenarios (i), (ii) and (iii).

(i) Andrea _____

(ii) Dorothy _____

(iii) Edward _____

[9]

- (c) Implied terms are often found in consumer contracts. They are an important way in which consumers can be protected against rogue traders and business practices.**

Discuss TWO ways in which implied terms can protect a consumer who makes a contract under the SALE OF GOODS ACT 1979.

[illegible]

[6]

[Total: 18]

- 3 (a) Membership of the European Union (EU) has helped to improve the law for consumers. An example of this is the **CONSUMER PROTECTION ACT 1987**. To make the law fair this Act also contains some important defences.

Identify any **THREE** of those defences.

Defence 1 _____

Defence 2 _____

Defence 3 _____

_____ [3]

- (b) The chart below gives six scenarios. Indicate whether a consumer can recover compensation under the **CONSUMER PROTECTION ACT 1987** by writing either **YES** or **NO** in the right hand column.

	SCENARIO	YES or NO
i	Khalid treats himself to a new coffee maker. The first time he uses the machine it explodes and Khalid is badly burned.	

ii	Lydia buys an electric blanket. The instructions say that it should only be used for an hour at a time. Lydia plugs the blanket in and leaves it for two hours. When she turns it off she can see that the sheet covering the blanket has a hole burnt in it.	
iii	Marvin buys an industrial strength fan for the small shed at the bottom of his garden which he uses as an office. Marvin turns the fan on and leaves the shed to go and make some coffee. As he is coming back to the shed there is a loud bang and the shed roof flies up into the air.	
iv	Ricardo likes to have nicely ironed shirts. He buys a new steam iron and plugs it in to get hot. When Ricardo touches the iron he gets a severe electric shock which kills him.	
v	Olivia is a keen ice-skater and she is wearing some new skates for the first time. Olivia jumps into the air and the blade comes off one of the skates. Olivia loses her balance when she lands and falls onto the ice but she is unhurt.	
vi	Mustapha loves gadgets and he buys a robotic vacuum cleaner. There are no instructions to test the vacuum cleaner. The first time he uses the vacuum cleaner it sucks up part of a valuable rug which cost £5,000. When Mustapha gets the rug out of the vacuum cleaner it is badly torn.	

[6]

- (c) If a manufacturer makes defective goods a consumer may be able to sue using principles from the law of negligence.**

Identify the THREE elements which must exist if a manufacturer is to be liable in negligence.

Element 1 _____

Element 2 _____

Element 3 _____

_____ **[3]**

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(d) Identify the TYPE of defendant involved in each of these illustrations if the situation led to a negligence claim.

i



A man sitting at a computer by a pile of cardboard boxes with a sign on the wall saying 'Goods out'

Defendant type:

ii



A man putting a parcel in the back of a van next to a shop with a sign 'CASH n CARRY'

Defendant type:

iii



A man in a white coat working on a production line (making parts for machines)

Defendant type:

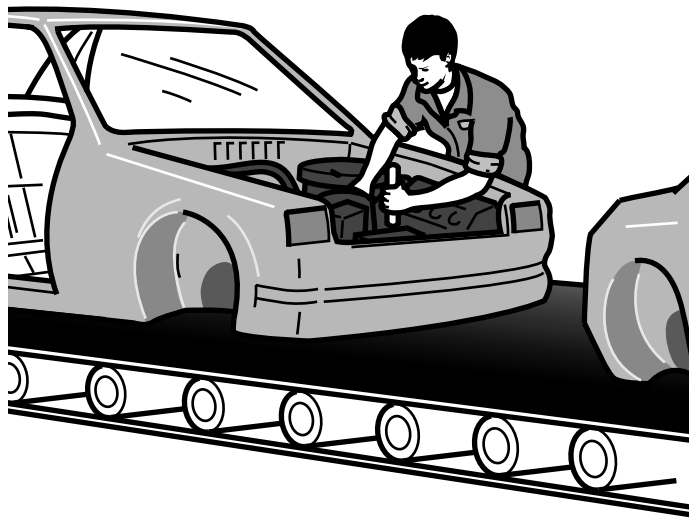
iv



A woman repairing broken vases and pots

Defendant type:

v



A man working on a production line working on a car's engine

Defendant type:

vi



A woman standing behind a counter with a display of electrical goods such as a television and a CD player

Defendant type:

[6]

[Total: 18]

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

- **fact**
- **law**
- **enforceable**
- **unworkable**
- **valid**
- **invalid**

The UNFAIR CONTRACT TERMS ACT 1977 limits the operation of exclusion clauses and this protects consumers. The courts have to decide as a matter of _____ whether a particular contract involves a consumer. The Act helps consumers by making some types of exclusion clauses _____ but in a business contract the test for an exclusion clause to be _____ is usually based on whether it is reasonable. [3]

(b) Ben always takes his car to MechanicsRus when it needs servicing. He usually signs a form giving the garage permission to do whatever work is needed. At the bottom of the form are several conditions, one of which states that ‘MechanicsRus is not responsible for any damage caused to customer’s cars on their premises by fire, theft or vandalism’. On one occasion Ben does not sign a form. The owner of the garage forgets to lock up when he goes home and the next morning Ben’s car has been stolen.

Identify THREE reasons why MechanicsRus will not be able to rely on this exclusion clause.

Reason 1 _____

Reason 2 _____

Reason 3 _____

_____ **[3]**

- (c) The UNFAIR TERMS IN CONSUMER CONTRACTS REGULATIONS 1999 make it clear that some terms in these Regulations are automatically unfair and would therefore be invalid because they put the consumer at a disadvantage.**

Identify THREE examples of UNFAIR terms by putting a tick in the right hand column next to the appropriate definition.

	DEFINITION	TICK
i	A term which is fully binding on the consumer but the seller can choose whether to be bound.	
ii	A term which allows a consumer to back out of a contract if they feel the terms of the contract have changed.	
iii	A term which allows a seller to vary the contract just because they feel like it.	
iv	A term which allows the seller to alter the contract after consulting with the consumer.	
v	A term which allows the seller to change the price of goods only after giving the consumer the chance to buy the goods elsewhere.	
vi	A term which allows the seller to back out at any time but the consumer cannot change their mind.	

[3]

[illegible]

[9]

[Total: 18]



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