



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**

P.M. FRIDAY, 15 June 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.

Candidates are required to 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.

Candidates are reminded of the need for good English and clear presentation.

All questions should be answered in continuous prose. The quality of written communication will be assessed in all 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.

UNIT 3: UNDERSTANDING SUBSTANTIVE LAW

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.

Ryan Hacker is a journalist who writes for *Celebrity Trash*, a weekly magazine with a broad popular readership. He was approached by a minor soap star, Rose Blush, who told him that she was having an affair with a famous footballer and offered to reveal the man's identity in return for £10,000. At first Ryan refused to believe Rose, and told her to go away. However, shortly afterwards Ryan heard a rumour that Premier club Duckpool United's striker, Odie Neal, was dating an actress behind his wife's back. This convinced Ryan that he had stumbled upon a good story, so he persuaded his editor to print a photo of Odie and his wife which had been digitally altered to make it appear that the woman in the photo was Rose. The text which accompanied the photo was headlined, "Oh, Oh, Odie!" and strongly suggested, without actually stating as a fact, that Odie and Rose were in love. On the day that the magazine appeared, the Opposition spokesman for sport, Terry Cotter, commented in Parliament on the low state of morals among British sportsmen, and repeated his comments in a television interview in which he referred to Odie by name. Both Odie and Rose have since strongly denied that there was ever any relationship between them.

- (a) In the light of reported case law and other sources of law, consider whether Odie might have an action in defamation against *Celebrity Trash* and Terry Cotter. [14]
- (b) Explain the role of the jury in civil cases. [11]

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

An explosion occurred at an American-owned factory in Wales, in which several workers were killed. With feelings running high in the local community, the chief constable instructed his officers to prevent any public gatherings from taking place. Some of the victims' relatives and friends set out in a spontaneous procession to walk to the factory. Most carried flowers to place outside the gates, but some were carrying American flags which they had defaced with messages protesting about safety at the factory. They were stopped by a group of police officers under the command of Inspector Jones, who ordered them to turn back. When they refused, they were held behind a cordon of police for two hours until police vans arrived, and then driven sixty miles to Cardiff where they were kept in police cells until the next day. As news of what had happened to the victims' relatives spread, local people began to gather on the road outside the factory to protest. Inspector Jones positioned some of his officers half a mile from the factory to turn away others who were attempting to join them. A television news crew arrived, and was also turned away. The protestors outside the factory were arrested and charged with taking part in a trespassory assembly.

- (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 powers of the police to grant bail. [11]

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

Imogen works in the photocopying room of H.M. Treasury. One day she was told to photocopy a file which contained details of a secret treaty made between the British government and the government of the United States of America, outlining their joint plans for dealing with any future financial crisis. Realising that the treaty might be contrary to EU law, Imogen passed a copy of the file to the Opposition treasury spokesman, Fiscal Bunce, who planned to raise the matter in Parliament. However, before he could do so, Fiscal inadvertently left his briefcase containing the file in the back of a taxi, where it was found and opened by Rodney, a freelance journalist. Rodney showed the file to Martha Mutton, the editor of the Daily Digger, who intends to publish an article about it in tomorrow's edition.

- (a) In the light of reported case law and other sources of law, consider whether Imogen, Rodney or Martha Mutton may have committed any offence. [14]
- (b) Explain the meaning of Parliamentary sovereignty. [11]

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

A charity shop was having a “buy one, get one free” sale. Holly bought a pair of jeans, but could not find anything else in the shop which fitted her. The friendly manageress pointed to a rack of teeshirts which was on display outside the shop, and suggested that Holly might like to take one of those. Holly thanked her, and as she was leaving the shop she stuffed one of the teeshirts into her backpack. This action was witnessed by the local community police officer, PC Sterne, who was appalled by what looked like a flagrant theft from a charity shop. PC Sterne ran after Holly, snatched the backpack, and marched Holly to the nearby police station, where she was put straight into a cell. Eight hours later Holly was taken from the cell to have her fingerprints taken, along with a sample of her DNA. Holly took the opportunity to explain that the manageress had given her permission to take the teeshirt, but the police said that she would have to remain in the cell until they could check her story. Holly asked if she could phone her boyfriend and speak to a solicitor, but was told that she would have to wait until the police had completed their enquiries. No further enquiries were made, and after spending a total of 37 hours in police custody Holly was charged with theft and subsequently convicted in the magistrates' court.

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