



**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, 18 January 2013

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.

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 of the necessity for good English and orderly clear presentation in your answers.

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.*

*Answer two questions.*

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

The local council decided to demolish the community centre and sell off the land to developers. Harriet, who runs the centre, organised a protest against the closure. Around two hundred people turned up and set off to march to the council offices, with Harriet in the lead. Some of the marchers carried home-made placards saying: "Demolish the Council!" As the marchers drew near to the council offices, Sergeant Smiley arrived in a police car, accompanied by PC Kitten. Sergeant Smiley told Harriet that they were marching without police permission, and would have to disband. Harriet refused, so Sergeant Smiley arrested her. While this was going on, PC Kitten ordered the marchers who were carrying placards to put them down. Some of the marchers waved their placards in defiance, so PC Kitten arrested them. The march came to a standstill as the rest of the marchers tried to find out what was happening. Fearing trouble, Sergeant Smiley radioed for reinforcements. Several police vans arrived filled with officers, who imposed a tight cordon around the marchers and kept them there for seven hours. Harriet was charged with a public order offence and convicted by the magistrates' court.

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

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

It was a wet and windy day. As Samira walked down the street the wind blew a crisp packet, which stuck to the front of Samira's coat for a few seconds before being blown away again. This was observed by PC Crane, who grasped Samira by the arm and searched her. When Samira asked what was going on, PC Crane told her that he was arresting her for dropping litter. Samira was taken to the police station, where she immediately asked to be allowed to phone her husband and speak to a solicitor. Both these requests were refused, and Samira was placed in a cell. Samira remained in the cell for twenty-six hours, at the end of which time she was released on bail.

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

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

Greta, a civil servant who works for the Department of Work and Pensions, heard a rumour around the office that a factory which manufactures tinned food was about to be closed down. Greta passed on the rumour to her cousin Sandra, who works at the factory. Neither Greta nor Sandra was aware that the factory was a major supplier of tinned foods to the British Army, and that the reason why the factory was about to close was that the Ministry of Defence had decided to reduce the number of British soldiers serving abroad. Sandra wrote a letter to the editor of her local weekly newspaper, *Ivor*, expressing her distress at the closure. There was no room for Sandra's letter in the letters column that week, so *Ivor* placed the letter on file with a view to publishing it later.

- (a) In the light of reported case law and other sources of law, consider whether Greta, Sandra or *Ivor* may have committed a criminal offence. [14]
- (b) Explain what sources of legal advice and funding are available to persons charged with a criminal offence. [11]

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

A leading scientist claimed that recent genetic evidence has proved that there was interbreeding between humans and Neanderthals, and that some people in Britain still carry traces of Neanderthal origins in their DNA. Martha Mutton, editor of the popular tabloid newspaper, the *Daily Slur*, ran a front-page article under the headline: "The Secret Neanderthals: Where Are They Hiding?" The article was accompanied by photos of various public figures chosen by Martha as possible descendants of the Neanderthals. One of the photos was of Horatio Tubb, a well-known Member of Parliament who is currently standing for election as the leader of his party. Horatio feels that the article has completely destroyed his credibility as a politician, and wants to sue the *Daily Slur*. Martha, on the other hand, argues that the article was simply a light-hearted attempt to inform the public about an important scientific discovery, and that as a public figure Horatio is a legitimate target for jokes by the media.

- (a) In the light of reported case law and other sources of law, consider whether Horatio might have an action for defamation against the *Daily Slur*. [14]
- (b) Explain the role of the jury in today's civil justice system. [11]