



General Certificate of Education
Advanced Level Examination
June 2012

Law

LAW03

Unit 3 Criminal Law (Offences against the Person) or Contract Law

Friday 15 June 2012 1.30 pm to 3.00 pm

For this paper you must have:

- an AQA 12-page answer book.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Examining Body** for this paper is AQA. The **Paper Reference** is LAW03.
- Choose **one** scenario from two on the theme you have studied for this unit. Answer all **three** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 80.
- In questions

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, **five** marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

Choose **one** scenario from two on the theme you have studied for this unit.

Read the scenario and answer all **three** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Criminal Law (Offences against the Person)

Total for this scenario: 75 marks + 5 marks for AO3

Scenario 1

Gavin and his gang had been causing trouble in the neighbourhood for some time, by insulting residents, damaging property and making a lot of noise. Gavin saw Alice, who was 80 years old, looking out of her window. He swung himself up on to the fence around her house and stared at her, causing her to start shaking. Following this incident, Alice, who tended to suffer from problems with mental illness, required medical treatment for depression. After staring at Alice, Gavin moved on to the next house, where he hurled a bicycle at Brian, who was in his garden holding a pair of shears. Brian's wife, Jean, was also close by in the garden and, as he tried to avoid being struck by the bicycle, Brian flung out his arm and slashed her face with the shears, causing a deep cut.

Shortly afterwards, Gavin's friend, Harry, broke away from the gang and ran towards Colin. Colin suffered from a serious personality disorder which caused him to be subject to outbursts of anger and aggression. He had also drunk a lot of vodka. Outraged by the earlier behaviour of Gavin and his gang, Colin immediately head-butted Harry and then kicked him viciously several times in the body as he fell. Gavin and his gang dragged Harry away and left him in bed in his flat. Later that night, Harry died from inhaling his own vomit whilst unconscious.

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 Discuss Gavin's criminal liability arising out of the incident with Alice, and for the injury to Jean. *(25 marks + 5 marks for AO3)*
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 Discuss Colin's liability for the murder of Harry. *(25 marks)*
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 Consider what criticisms may be made of the non-fatal offences against the person. Discuss what reforms might be introduced to deal with these criticisms. *(25 marks)*

Total for this scenario: 75 marks + 5 marks for AO3

Scenario 2

Jameela suffered from paranoid schizophrenia, which caused her to believe that people were intending to harm her. When she found herself in a large crowd in town, she began to panic and lash out at anyone nearby. In doing so, she knocked down Ken, an elderly man. In his fall, Ken broke his hip, and Ken's wife, Iris, suffered a heart attack from which she took many weeks to recover. Meanwhile, not knowing anything of Jameela's condition, Leah had intervened and thrown Jameela to the ground, splitting her lip, which bled heavily.

Michael was driving to work when he realised that he had forgotten to bring an important document that he needed. Without thinking, he suddenly tried to swing his car round to go back in the opposite direction. However, he lost control of the car, struck a kerb and crushed Nick, a passing cyclist. Nick subsequently died in hospital following an operation in which some mistakes were made by the surgeon. Michael himself suffered a head injury in the collision, and he staggered away from the car with little idea of what was happening. When Tina tried to help him, he punched her, knocking her to the ground. As she fell, she banged her head very heavily on the pavement, causing injuries from which she died.

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 Discuss the criminal liability of Jameela and of Leah arising out of the incidents in the town. *(25 marks + 5 marks for AO3)*
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 Discuss Michael's liability for involuntary manslaughter arising out of the deaths of Nick and of Tina. *(25 marks)*
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 Consider what criticisms may be made of the non-fatal offences against the person. Discuss what reforms might be introduced to deal with these criticisms. *(25 marks)*

Turn over for the next theme

Turn over ►

Contract Law**Total for this scenario: 75 marks + 5 marks for AO3****Scenario 3**

Alec was a self-employed window cleaner who developed a high fever and was so ill for a time that he was neither able to work nor to discuss business with anyone. Alec's brother, Bill, realised that Alec needed to keep working in order not to lose customers to his rivals. To help Alec, Bill did the work for a month until Alec was able to start again. On learning of what Bill had done, Alec promised to pay him £500. However, to the dismay of their father, Craig, Alec did not pay the money, causing bad feeling between the brothers. To try to resolve the matter, Craig promised to buy Alec some new ladders if Alec paid Bill.

Dean Enterprises published advertisements offering to provide work opportunities, and suggesting that their 'operatives' could earn up to £1000 per week. Each operative was required to make an initial payment of £400 for a 'starter pack', and to pay a further £100 per month for a minimum of six months. In return, Dean Enterprises supplied items to sell and, additionally, promised new customer contacts in a specified region. Ellie did a little research on the internet into Dean Enterprises and could find no reason to be suspicious of the claims. However, having paid the £400, and worked for three months (costing her a further £300), she found that she could never make any significant sales. The reason was that, contrary to what she had expected, there were many operatives trying to work in her allocated region and all were provided with the same customer details. Moreover, she then discovered that only one operative had ever earned £1000 in a week, in very unusual circumstances. Most operatives were able to make only a very small profit.

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Consider whether there was a contract between Alec and Bill for the payment of the £500. If Alec eventually made the payment, consider whether there would then be a contract between Craig and Alec for the purchase of the ladders.

(25 marks + 5 marks for AO3)

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Consider Ellie's rights, duties and remedies against Dean Enterprises if she wishes to avoid any further liability and to recover at least some of the money she has paid out.

(25 marks)

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Consider whether the current law on exclusion and limitation clauses is satisfactory **and** suggest what reforms may be desirable.

(25 marks)

Total for this scenario: 75 marks + 5 marks for AO3

Scenario 4

Knowing that George wanted to sell his car so that he could buy a new one, Faruq sent him an e-mail message saying, "I will give you £3000 for the car." George replied, "Interesting suggestion. Would you go to £3250?" In response, Faruq sent a further message stating, "Yes. Consider it sold at £3250. No need to reply. I'll collect it later in the week." However, Faruq later learned from a mutual friend that George had then accepted a higher offer for the car from someone else. Consequently, he was very surprised when it turned out that George's other deal had fallen through and that George was now expecting Faruq to buy the car. Faruq angrily refused to do so.

Faruq bought a new TV aerial from Sharpview, who assured him that it would be perfect for improving the quality of his TV reception. Faruq engaged James to install the aerial. James missed two appointments, for which Faruq had taken time off work. When he finally turned up for the third appointment, James broke roof tiles when he dropped tools whilst completing the installation. Though properly installed, the aerial was of poor quality and failed to improve the TV reception in any way. Sharpview refused to accept any responsibility. Additionally, James pointed out that Faruq had signed a 'completion of work' form, which included a statement that James would not be liable for any damage resulting from the installation work.

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 Discuss the rights, duties and remedies, if any, of Faruq and of George arising out of the negotiations for the sale of George's car. *(25 marks + 5 marks for AO3)*
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 Discuss Faruq's rights and remedies, if any, against Sharpview and against James, arising out of the purchase, and the installation, of the TV aerial. *(25 marks)*
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 Consider whether the current law on exclusion and limitation clauses is satisfactory **and** suggest what reforms may be desirable. *(25 marks)*

END OF QUESTIONS

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