

General Certificate of Education
January 2003
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 20 January 2003 9.00 am to 10.30 am

In addition to this paper you will require:
an 8-page answer book.

Time allowed: 1 hour 30 minutes

Instructions

- Σ Use blue or black ink or ball-point pen.
- Σ Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is LAW3.
- Σ Answer **all** questions.
- Σ Do all rough work in the answer book. Cross through any work you do not want marked.
- Σ Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- Σ The maximum mark for this paper is 80.
- Σ Mark allocations are shown in brackets.
- Σ You will be awarded up to 5 marks for the quality of your written communication. You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The degree of legibility of your handwriting and the level of accuracy of your spelling, punctuation and grammar will also be taken into account.

Advice

- Σ You are advised to spend no more than 35 minutes on Question 1, no more than 35 minutes on Question 2 and no more than 20 minutes on Question 3.

Answer **all** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

You are advised to spend no more than 35 minutes on Question 1, no more than 35 minutes on Question 2 and no more than 20 minutes on Question 3.

Read the scenario and answer **all** questions which follow.

Jason, aged 16, was very bored. He decided to throw small plastic bags filled with water from a footbridge onto a busy road. Unfortunately, one of the bags went through the open sunroof of a car driven by Harry, and burst on his head. Harry was soaked in water, lost control of his car and crashed into a bus shelter.

Luckily, Harry was not injured in the crash, though he was very shocked by the incident. However, Sally, who was sitting in the bus shelter, was struck by the car and suffered serious injuries.

Criminal Law

1

Total for this question: 30 marks

- (a) In a criminal case, the prosecution normally have to prove *mens rea* unless the crime is one of **strict liability**. Explain the meaning of these terms. (10 marks)
- (b) Explain the *actus reus* and *mens rea* of an appropriate offence with respect to Harry's soaking and the shock caused by the incident. (10 marks)
- (c) Assuming Jason is to be prosecuted for the injuries to Sally, the prosecution will have to prove **causation**.

Explain what is meant by this term and discuss how the rules of causation may apply in the incident involving Jason, Harry and Sally. (10 marks)

Tort

2

Total for this question: 30 marks

- (a) Explaining the relevant rules of law, discuss whether Harry, as a motorist, owed a duty of care to Sally in this situation. (10 marks)
- (b) Assuming that Harry was found to owe Sally a duty of care, discuss whether or not Harry is in breach of that duty of care. (10 marks)
- (c) With respect to the tort of negligence, explain, using cases and/or examples, what is meant by the term "**remoteness of damage**". (10 marks)

Sanctions and Remedies**3****Total for this question: 15 marks**

If Jason were to be convicted of an offence arising from this incident, the court would have to decide on a suitable sentence.

Bearing in mind Jason's age, outline the range of sentences that would be available to the court in this situation and discuss the factors that the court is likely to take into account when deciding on his sentence. *(15 marks)*

END OF QUESTIONS