

General Certificate of Education
January 2008
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 14 January 2008 1.30 pm to 2.30 pm

For this paper you must have:

- an 8-page answer book.

Time allowed: 1 hour

Instructions

- Use blue or black ink or 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 LAW3.
- Answer **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
Five of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets.

Answer **both** questions.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenarios and answer **all** parts of the questions which follow.

Criminal Law

Total for this question: 25 marks

- 1 John, a teacher, went to break up a fight, involving Ben, at the school gates. Ben left the fight with a knife in his hand, ran past John and slashed him in his side. This caused severe damage to one of John's kidneys.
- (a) Criminal offences usually require *actus reus* and *mens rea*, although some crimes are crimes of **strict liability**. Outline the meaning of **each** of the terms *actus reus*, *mens rea* and **strict liability**. (15 marks)
- (b) Discuss the criminal liability of Ben for the injuries suffered by John. (10 marks)

Tort

Total for this question: 35 marks

- 2 Graham bought four long fence posts which he put in the back of his pick-up truck. He did not secure them, as he was only travelling a short distance and he did not think they would fall out. As he drove down a country lane, one fence post caught the hedge at the side of the lane. This caused all the fence posts to fall off the back of his truck.

Asif, a fashion model, was driving behind the pick-up truck and was unable to avoid the falling fence posts. His car was damaged. Unfortunately, one post came through the windscreen of the car, causing severe cuts to his face. This has ended his career as a model.

- (a) If Asif is to succeed in a claim for negligence against Graham, **duty**, **breach** and **damage** will have to be proved. Outline what each of these **three** terms means. (15 marks)
- (b) Using the rules set out in your answer to 2(a) above, discuss whether Graham has been negligent towards Asif. (10 marks)
- (c) Assuming Graham was found to be negligent in the above situation, explain how the court would calculate an award of damages to Asif. (10 marks)

END OF QUESTIONS