

General Certificate of Education
June 2004
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Tuesday 15 June 2004 Morning Session

In addition to this paper you will require:
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 **all** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
- Mark allocations are shown in brackets.
- 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.

Answer **all** questions.

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

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

Criminal Law

1

Total for this question: 25 marks

Richard was riding his mountain bike along an unmade road. He saw Sally, his former girlfriend, walking in the road with her new boyfriend, Tom. Richard was still upset that Sally had left him for Tom. He went past Sally and Tom as fast as he could, deliberately shouting “Boo” as he went past them. Sally was startled by the shout and jumped to the edge of the road where she slipped and fell into a ditch, suffering bruising.

- (a) Criminal liability generally depends on proof of **actus reus** (including **causation**) and **mens rea**. Briefly explain and illustrate what is meant by these **three** terms. (15 marks)
- (b) Discuss Richard’s criminal liability for the incident involving Sally. (10 marks)

Tort

2

Total for this question: 35 marks

Yannick and Zoe, university students, were at a music festival organised by XS Limited. They were sitting on the ground in the main tent, listening to a band, when one of the tent supports became detached and the tent collapsed.

Yannick suffered severe head and neck injuries. He spent many months in hospital and, despite the best efforts of the medical teams, he was paralysed from the neck down.

Zoe was fortunate not to be injured, but spent so much time visiting Yannick in hospital that she failed her exams and had to repeat the year.

- (a) In relation to the law of negligence, discuss whether XS Limited owes a duty of care to Yannick and Zoe. (10 marks)
- (b) Explain how the law decides whether a loss is too **remote** to be recovered. Apply the rules on **remoteness of damage** to the losses suffered by Yannick and Zoe. (15 marks)
- (c) Explain how the court would **calculate** an award of **damages (compensation)** to Yannick. (10 marks)

END OF QUESTIONS