

General Certificate of Education
June 2008
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3 R

Friday 23 May 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 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 LAW3 R.
- Answer **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Use continuous prose. 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.

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

Total for this question: 25 marks

- 1 Linda had recently started going out with Mia's boyfriend. Mia was very upset about this and told all her friends that when she saw Linda she would "sort her out". Mia saw Linda chatting with friends in the College café. She went up to Linda and started shouting and waving her arms around. She eventually stormed off, knocking the table over which resulted in Linda being covered in hot coffee.
- (a) Criminal offences require **actus reus** (including causation) and **mens rea**. Explain the meaning of the terms **actus reus** (including causation) and **mens rea**. (15 marks)
- (b) Discuss the criminal liability of Mia arising from the incident with Linda. (10 marks)

Tort

Total for this question: 35 marks

- 2 Derek was taking an old upright freezer in his pick-up truck to the recycling centre. He did not bother to secure the freezer in the back of the truck as the centre was nearby. However, he did ask his friend Amir to travel in the back and keep an eye on it.

Unfortunately, Derek went over a speed hump too quickly and the freezer fell over, landing on Amir and breaking his leg. Amir had an operation on his leg, but the surgeon failed to straighten the leg properly. As a result, Amir now has a permanent limp and his career as a promising footballer with United's youth squad is finished.

- (a) In negligence cases, there has to be proof of **duty**, **breach** and **damage**. Outline what **each** of these **three** terms means. (15 marks)
- (b) Using the rules set out in your answer to (a) above, discuss whether Derek has been negligent towards Amir. (10 marks)
- (c) Explain how the court would calculate an award of damages, if appropriate, to Amir in the situation given. (10 marks)

END OF QUESTIONS