

General Certificate of Education
June 2004
Advanced Level Examination



LAW
Unit 4

LAW4

Monday 21 June 2004 Afternoon Session

In addition to this paper you will require:
a 12-page answer book.

Time allowed: 1 hour 15 minutes

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 LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- 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 85.
- Mark allocations are shown in brackets.
- You will be awarded up to 10 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 **one** question from two on the theme you have studied for this unit.

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

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

1

Total for this question: 75 marks

Having taken drugs prescribed by her doctor, Ann went to a bar with a crowd of her friends. Standing close by was another group, including Ben, who was behaving aggressively. Ann, who by this time had drunk half a bottle of wine, suddenly kicked Ben in the groin and then punched him in the face whilst she was holding a glass. The glass broke and cut Ben so badly that he lost the sight in one eye. Later, Ann insisted that she thought that Ben was about to attack her and that she had forgotten that she was holding the glass.

In the confusion that followed, Ben's friend, Charles, became enraged and chased one of Ann's friends, Derek, out of the bar and down to the river. Derek was very frightened and threw himself into the river to escape. Charles, still shouting and waving his arms about, walked away after seeing Derek struggling, but apparently failing, to keep his head above the water. In fact, Derek could not swim and drowned shortly afterwards.

- (a) Discuss Ann's criminal liability for the injuries to Ben. (25 marks)
- (b) Discuss Charles's criminal liability for unlawful homicide (involuntary manslaughter, murder, voluntary manslaughter) in connection with Derek's death. (25 marks)
- (c) Discuss the suggestion that the current law of murder is satisfactory and does not require any modification. (25 marks)

2

Total for this question: 75 marks

Emma, who was 12 years of age but looked older, paid for her tongue to be pierced and a stud to be inserted by Farah. Emma's tongue rapidly developed a serious infection which required hospital treatment. The treatment was administered by George, a newly qualified doctor. George misinterpreted Emma's medical record and gave her an antibiotic drug which her body could not tolerate. This resulted in her death.

During the past few years, Michael had often experienced powerful delusions. When he learned of the circumstances of Emma's death, he immediately became convinced that there was a conspiracy between Farah and the hospital to kill children. He left a number of telephone messages on Farah's answerphone, in which he called her "scum" and threatened to destroy her business. In consequence, Farah became very depressed. Michael also threw a stone at the windscreen of Farah's car as she drove past him. Farah lost control of the car and crashed into a wall, causing her to suffer a severe neck injury.

- (a) Discuss the criminal liability of Farah and of George for involuntary manslaughter arising out of Emma's death. (25 marks)
- (b) Discuss Michael's criminal liability arising out of the incidents involving Farah. (25 marks)
- (c) Relating your answer **either** to involuntary manslaughter **or** to non-fatal offences against the person, discuss the suggestion that the law is in urgent need of reform. (25 marks)

TURN OVER FOR THE NEXT QUESTION

Turn over ►

Contract Law**3****Total for this question: 75 marks**

Jacksons Ltd sent a letter to Harry, stating that his house had been selected to have the exterior woodwork painted “free of charge”. As required by the letter, Harry signed and sent back a form on which he ticked one box to agree to the work, and a second box to agree that Jacksons Ltd could use photographs of the house, when painted, to promote their business. When half of the woodwork had been painted, Harry discovered that he was expected to pay £100 for the paint, though the labour was free. When he objected, Jacksons Ltd refused to continue with the work until he agreed to make the payment.

Jacksons Ltd agreed to paint the exterior of Imran’s house for £1000, for which Imran paid a deposit of £200. Imran believed that the agreement included not only woodwork but also brickwork. Jacksons Ltd believed that the agreement included only woodwork. Neither knew of the other’s belief. By the time that the mistake came to light, Jacksons Ltd had hired scaffolding costing £300. Shortly afterwards, and before any work had been done, Imran’s house was struck by lightning and was very badly damaged.

- (a) Having regard to the relevant rules on formation of contract **and** on terms in a contract, consider the rights and remedies which may be available to Jacksons Ltd and to Harry.
(25 marks)
- (b) Having regard to the relevant rules on mistake **and** on termination of a contract by frustration, consider the rights and remedies which may be available to Jacksons Ltd and to Imran.
(25 marks)
- (c) Consider how far it is true to say that there are many uncertainties about the meaning and application of the rules on offer and acceptance in contract.
(25 marks)

4

Total for this question: 75 marks

Javed was on very good terms with his neighbour, Kevin, a central heating engineer. They frequently helped each other out with jobs in the house and garden. When Kevin was away on holiday for two weeks, the fence around his garden was damaged by vandals. Javed bought a new fence panel and replaced and repaired the broken fencing before Kevin came back from holiday. On his return, Kevin paid Javed for the fence panel. He also promised to do about £200 worth of repairs to Javed's central heating for no charge. Two months later, Kevin told Javed that he had changed his mind and would not do the repairs.

Javed arranged to have a course of 12 driving lessons with Learnright Driving School (LDS), for which he paid £300. He chose LDS because work commitments gave him little time during the week and LDS offered lessons on a Sunday. However, he then discovered that, because of a persistent shortage of instructors, no Sunday lessons had been provided during the past year and could not now be provided. He was further appalled when his instructor was 45 minutes late for both of his first two lessons.

- (a) Consider what rights and remedies, if any, are available to Javed in connection with Kevin's refusal to keep his promise to repair Javed's central heating. *(25 marks)*
- (b) Having regard to the relevant rules on misrepresentation **and** on terms in a contract, consider the rights and remedies which may be available to Javed against LDS, if he wishes no longer to be bound by the contract. *(25 marks)*
- (c) **EITHER**

Select any **one** element required in the formation of a contract (offer and acceptance, intention to create legal relations, consideration) and outline and critically evaluate the relevant rules. *(25 marks)*

OR

Select any **one** method of termination of a contract (breach, frustration, performance, agreement) and outline and critically evaluate the relevant rules. *(25 marks)*

END OF QUESTIONS

THERE ARE NO QUESTIONS PRINTED ON THIS PAGE

THERE ARE NO QUESTIONS PRINTED ON THIS PAGE

THERE ARE NO QUESTIONS PRINTED ON THIS PAGE