

General Certificate of Education
June 2008
Advanced Level Examination



LAW

LAW4

**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

Monday 16 June 2008 9.00 am to 10.15 am

For this paper you must have:

- a 12-page answer book.

Time allowed: 1 hour 15 minutes

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 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 to be marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
Ten 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 **one** question from two on the theme you have studied for this unit.

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)

Total for this question: 75 marks

- 1** Femi persuaded her boyfriend, Ewan, to cut his initials into her arm, using a razor blade with which he had recently shaved. At the time when this happened, Ewan was awaiting an appointment for hospital tests for a possible serious infection, though he did not mention this to Femi. In fact, Ewan did have the infection, some of which was in his blood on the razor blade. The infection was transmitted to Femi. When Femi found out, she broke off their relationship and sent a message telling him to watch out because her brother was going to 'sort him out'. Ewan became depressed and had to have medical treatment.

Unknown to him, a friend put a powerful stimulant drug into Ewan's coffee one day when they were in a café. After he left the café, Ewan ran off and found himself in a small park with a lake. He entered the children's playground, which was deserted apart from Gemma and her two-year-old son, Harry. There, Ewan stood up on a swing and began swinging very fast and high before suddenly jumping off when the swing was at its highest. At that moment, Gemma was walking past and Ewan landed very heavily on her, breaking her neck and killing her. Ewan hurried off, leaving Harry on his own. Eventually, Harry wandered over to the lake, where he fell into the water and drowned.

- (a) Discuss the criminal liability of Ewan arising out of the cutting of the initials, and of Femi arising out of the message that she sent to Ewan. *(25 marks)*
- (b) Discuss the criminal liability of Ewan for the involuntary manslaughter of Gemma and of Harry. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), consider what criticisms may be made of the current law. *(25 marks)*

OR

In relation to involuntary manslaughter, consider what criticisms may be made of the current law. *(25 marks)*

OR

In relation to non-fatal offences against the person, consider what criticisms may be made of the current law. *(25 marks)*

Total for this question: 75 marks

- 2 Alvin, a diabetic who had forgotten to take his regular dose of insulin, was sitting holding a glass of lemonade in a pub. Suddenly, he began shouting and waving his arms around whilst still holding the glass. Other customers nearby, including Bez and Chris, reacted by trying to get away from him. However, Bez collided with Chris, causing Chris to lose his balance and strike his head on the corner of a table as he fell. Chris was unconscious for some time and suffered from persistent and severe headaches for a month afterwards. Alvin had no recollection of anything that had happened after he had gone into the pub.

Following this incident, Chris appeared to undergo a personality change which resulted in frequent bouts of bad temper and aggressiveness. He blamed Bez for his injury rather than Alvin, and had had a number of arguments with him. One night when out in town, Chris came across Bez and his girlfriend, Danni. When Chris and Bez began to argue, Danni said that they were behaving like “a pair of kids”. Chris suddenly punched her in the face, knocking her backwards. As she fell to the ground, he kicked her in the head. Danni died from head injuries.

- (a) Discuss the criminal liability of Alvin in relation to Bez, Chris and other customers, arising out of the incident in the pub. *(25 marks)*
- (b) Discuss the criminal liability of Chris for the murder of Danni. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), consider what criticisms may be made of the current law. *(25 marks)*

OR

In relation to involuntary manslaughter, consider what criticisms may be made of the current law. *(25 marks)*

OR

In relation to non-fatal offences against the person, consider what criticisms may be made of the current law. *(25 marks)*

Turn over for the next question

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

- 3 Ian got an estimate of £1200 from Jez for some work on his garden. Ian then sent Jez a letter proposing some changes and offering to pay £1500. Jez telephoned Ian and left a message on his answerphone to say that he would do the work for that price and would start in 14 days' time, as suggested. The message was accidentally wiped from the machine by Ian's son, who was too afraid to mention it to Ian. Consequently, Ian believed that Jez had decided against doing the work and he engaged Ken to do it for £1500. Whilst the garden was still in a considerable mess from the work he had begun, Ken said that he could not complete the work unless he was paid an extra £500. Ian agreed, but then refused to pay the extra £500 when the work was finished. Jez was very annoyed to discover that Ken was doing the work because he had turned down other work so that he would be available for Ian.

Luke advertised two garden sheds for sale. One was long but narrow, the other wide but short. Ian wanted the long, narrow shed, which he thought of as the 'big' shed. Luke thought of the other shed as the 'big' one. They agreed a deal for £400 and Luke delivered the wide, short shed to Ian. By the time that Ian discovered what had happened, Luke had already sold the shed that Ian wanted. When Ian examined the shed that was delivered, he found that, contrary to what Luke had said, it had no window.

- (a) Taking into account the rules on formation of contract, consider whether Jez has any rights and remedies against Ian, and whether Ken is entitled to the extra £500 from Ian. (25 marks)
- (b) Taking into account the rules on mistake and misrepresentation, consider the rights and remedies of Ian and Luke in connection with the sale of the shed. (25 marks)
- (c) Choose **one** of the following:

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on offer and acceptance. (25 marks)

OR

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on consideration. (25 marks)

OR

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on intention to create legal relations. (25 marks)

Total for this question: 75 marks

- 4 Mike was out of the country on holiday for a few days. His car was damaged whilst parked in his drive. Nick, his brother-in-law, who was a car mechanic, was unable to contact Mike. However, he sometimes did jobs for Mike, so he spent some time carrying out repairs to the car. When Mike returned, he paid Nick for the materials he had used, and promised to give him free lifts to and from work for two weeks to repay him for the work he had done. Nick subsequently became furious that Mike never carried out his promise.

Nick decided to set up in business on his own. He entered into a contract with Perry, who owned a fleet of taxis, to carry out repairs to all of Perry's current vehicles. The total price agreed was £5000. Of this, £1000 was to be paid immediately and the remainder on completion of the work. Nick spent £1500 on materials and on other preparation for the work. However, shortly before the work was due to begin, the local authority removed Perry's licences for most of his taxis because of persistent problems with Perry's drivers. Perry refused to go ahead with the contract with Nick and demanded the return of the £1000 already paid.

- (a) Taking into account the rules on formation of contract, consider what rights and remedies, if any, are available to Nick against Mike, arising out of the work done on Mike's car, and Mike's subsequent promise. *(25 marks)*
- (b) Taking into account the rules on frustration and on breach of contract, consider the rights and remedies of Nick and of Perry in relation to the contract for the repairs to the fleet of taxis. *(25 marks)*
- (c) Choose **one** of the following:

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on offer and acceptance. *(25 marks)*

OR

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on consideration. *(25 marks)*

OR

What problems do you think exist in the rules on formation of contract? In your answer, discuss the rules on intention to create legal relations. *(25 marks)*

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