



General Certificate of Education  
Advanced Subsidiary Examination  
June 2013

## Law

## LAW02

### Unit 2 The Concept of Liability

Thursday 23 May 2013 9.00 am to 10.30 am

**For this paper you must have:**

- an AQA 12-page answer book.

**Time allowed**

- 1 hour 30 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 LAW02.
- Answer questions on **two** scenarios.
- Answer **all** questions on Scenario 1 (**Section A**), and choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** questions on the scenario you choose.
- Do all rough work in your answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

**Information**

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 94.
- In questions 

0	3
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, 

0	9
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 and 

1	5
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, **two** marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
  - use good English
  - organise information clearly
  - use specialist vocabulary where appropriate.

## Section A Introduction to Criminal Liability

Answer **all** questions on Scenario 1.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

**Total for this scenario: 45 marks + 2 marks for AO3**

### Scenario 1

Amir saw Carla, a teenager, whom he knew was easily frightened. Amir offered to give Carla a lift home in his car. As Amir sped off down the road, they discussed 'The Prisoner', a television programme which they both liked. Amir suddenly said, "Now you are my prisoner!" Carla immediately panicked, opened the passenger door and jumped out of the moving car. Carla fell and hurt her wrist. When she got home, her wrist was very sore, so her mother took her to hospital. She was treated by a doctor who incorrectly put her wrist in a splint. As a result, Carla suffered permanent damage to her wrist. This permanent injury would not have happened if she had been properly treated.

*Actus reus* usually depends on proof of an act, causation and a criminal consequence. *Mens rea* is also required for criminal liability, but there is an exception where the offence is one of strict liability.

- 0 | 1** Explain the meaning of the term '*mens rea*' in criminal law. (8 marks)
- 0 | 2** Explain the meaning of the coincidence (contemporaneity) rule. (7 marks)

**Refer to the scenario when answering the remaining questions in this section.**

- 0 | 3** In relation to the criminal liability of Amir:
- outline the law relating to the offence of assault, **and** briefly discuss whether Amir would be guilty of this offence
  - briefly discuss what difference, if any, it would have made if Carla had taken Amir's statement as a joke and had not panicked or jumped from the car.
- (10 marks + 2 marks for AO3)
- 0 | 4** Briefly explain the rules on causation **and** briefly discuss whether Amir has caused the permanent damage to Carla's wrist. (10 marks)
- 0 | 5** Outline the pre-trial procedure which would be followed if Amir were to be charged with assault (a summary offence). (5 marks)
- 0 | 6** Assuming that Amir is convicted of an offence, briefly outline the factors which the court would take into account before Amir is sentenced. (5 marks)

Choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** questions on the scenario you choose.

### Section B Introduction to Tort

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

**Total for this scenario: 45 marks + 2 marks for AO3**

#### Scenario 2

Susan, aged sixteen, had recently started a care course at college and was on her first work experience placement, looking after Tim, aged two. Tim demanded to do some painting and, in order to keep him quiet, Susan agreed. She found some old pots of paint in the shed and gave Tim some cotton wool to spread the paint on sheets of paper. Some of the pots had a small label marked 'Danger, Toxic', which Susan did not notice or read. Tim suffered poisoning as a result of handling the paint, but fortunately recovered after a short spell in hospital. A solicitor has estimated that Tim's damages might be around £3000 in a simple personal injuries claim.

Negligence requires proof of duty of care, breach of duty, and damage.

**0 | 7**

Breach of duty involves the failure to reach the standard of care of the reasonable man, taking into account various risk factors.

Briefly explain **three** risk factors.

*(8 marks)*

**0 | 8**

Damage in negligence involves the rules of factual causation **and** the rules of remoteness of damage. Briefly explain these rules.

*(8 marks)*

**Refer to the scenario when answering the remaining questions in this section.**

**0 | 9**

Outline the tests used to decide whether a duty of care is owed **and** briefly discuss whether or not Susan owed a duty of care to Tim.

*(8 marks + 2 marks for A03)*

**1 | 0**

Assuming that Susan did owe a duty of care to Tim, discuss whether she was in breach of that duty of care.

*(8 marks)*

**1 | 1**

Outline the three-track case management system used in the civil courts **and** identify which track and which court would be used in any claim that Tim could make against Susan.

*(5 marks)*

**1 | 2**

Outline how a court calculates an award of damages **and** briefly explain how the court would calculate an award of damages to Tim.

*(8 marks)*

**Turn over for the next section**

**Turn over ►**

Choose **either** Scenario 2 (**Section B**) or Scenario 3 (**Section C**) and answer **all** questions on the scenario you choose.

### Section C Introduction to Contract

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

**Total for this scenario: 45 marks + 2 marks for AO3**

#### Scenario 3

Jess wanted to buy a better car. She went to Baz's garage and saw a car that she liked. It had a price sticker on the windscreen for £1999. Jess asked Baz whether the price could be reduced. Baz said, "No".

Jess then asked Baz how much the new car would cost if she gave her own car in part exchange. Baz said, "£1750". Jess said, "I'll give you £1500". Baz said that he would accept £1600, but before Jess agreed, Baz said – "but it would have to be through my finance company".

Jess did not want to use Baz's very expensive finance company, so she said, "OK, I'll give you £1750".

A valid contract requires an offer, acceptance, an intention to create legal relations and consideration.

**1 | 3** Other than by acceptance, outline **three** ways in which an offer can come to an end. (8 marks)

**1 | 4** Briefly explain the law on acceptance by conduct **and** acceptance by post. (8 marks)

**Refer to the scenario when answering the remaining questions in this section.**

**1 | 5** Discuss, in terms of contract law, the stages in the negotiations between Jess and Baz. (8 marks + 2 marks for AO3)

**1 | 6** Outline the meaning of 'consideration' **and** briefly discuss the consideration that would exist if there were a contract between Jess and Baz for Jess to buy the car from Baz. (8 marks)

**1 | 7** Outline the procedure which would be followed in any claim for breach of contract arising out of the potential contract between Baz and Jess. (5 marks)

**1 | 8** Outline the law relating to calculation of damages in contract **and** briefly discuss how this law would apply to any claim arising out of any potential contract between Baz and Jess. (8 marks)

**END OF QUESTIONS**