

General Certificate of Education
January 2004
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Tuesday 13 January 2004 Afternoon 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: 35 marks

Vincent, an Afro-Caribbean, was walking home when Kevin, a member of an extreme right-wing group, started shouting racist abuse. Kevin then attacked Vincent and pulled out a knife. Vincent suffered several deep cuts to his face and part of his ear was severed.

- (a) Explain the terms *actus reus* and *mens rea*. Using those explanations, outline an appropriate offence with which Kevin might be charged. (15 marks)
- (b) Some crimes are known as crimes of **strict liability**. Explain, with appropriate examples, what is meant by the term **strict liability**. (10 marks)
- (c) Briefly explain the range of sentences available to the criminal courts if Kevin, who is over 21, were to be convicted of any offence. Briefly discuss the range of factors which the court may take into account before Kevin is sentenced. (10 marks)

Tort

2

Total for this question: 25 marks

Pamela suffers from severe learning difficulties and is unable to read. She enrolled at West Coast College on a course for “special needs” students. On her first day, she became separated from the rest of her group and wandered into a laboratory which a member of staff had forgotten to lock. She saw a bottle containing a clear liquid, which she believed to be water, and drank some. In fact it was acid, as the label indicated, and Pamela was severely injured.

- (a) Discuss whether West Coast College owes a duty of care to Pamela. (10 marks)
- (b) Assuming West Coast College owes a duty of care to Pamela, discuss whether or not the college is in **breach** of that duty. (15 marks)

END OF QUESTIONS