

General Certificate of Education  
January 2006  
Advanced Subsidiary Examination



**LAW**  
**Unit 3 The Concept of Liability**

**LAW3**

Friday 13 January 2006 1.30 pm to 2.30 pm

**For this paper you must have:**

- 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 **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Give reasoned answers. Where appropriate, make reference to authority.

**Information**

- The maximum mark for this paper is 65.  
5 of these marks will be awarded for the Quality of Written Communication.
- The marks for questions are shown in brackets.
- You are reminded of the need for good English and clear presentation in your answers. All questions should be answered in continuous prose. Quality of Written Communication will be assessed in all answers.

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Answer **both** questions.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenarios and answer **all** parts of the questions which follow.

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### Criminal law

1

Total for this question: 35 marks

Jamal, a man of middle-eastern appearance, was walking to work when Sam ran up behind him. As he ran up, Sam shouted racial abuse and made suggestions that Jamal was a terrorist. Jamal was afraid that Sam was going to attack him, so he ran across the street without looking. Unfortunately, he ran in front of a moving car and suffered a badly broken leg.

- (a) At Sam's criminal trial, the prosecution will have to prove *actus reus*, including **causation**, and *mens rea*. Explain what is meant by **each** of these **three** terms. (15 marks)
- (b) Using the explanations given in your answer to question 1(a), briefly discuss Sam's potential criminal liability in relation to Jamal's fear **and** the injuries he suffered. (10 marks)
- (c) Assuming Sam is convicted of an offence, outline the **factors** that the court may take into account before passing sentence, and also the **range** of sentences available to the court. (10 marks)

### Tort

2

Total for this question: 25 marks

Pearl is a singer with a rock band. At the end of the band's concert at a big festival, Pearl decided to leap into the crowd, who were prepared to catch her. Unfortunately, Pearl misjudged the distance and landed on top of Tom, a security guard. Tom was facing the crowd at the time, as required by his job, and had no idea of what was about to happen. Tom suffered a severe neck injury.

- (a) Explain what is meant by a **duty of care** in negligence, and discuss whether Pearl owes a duty of care to Tom. (10 marks)
- (b) Assuming Pearl owes a duty of care to Tom, explain the legal principles relating to **breach of duty**. Discuss whether or not she is in breach of that duty. (15 marks)

END OF QUESTIONS