

General Certificate of Education
June 2005
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Wednesday 15 June 2005 Morning 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 **both** 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 **both** questions.

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

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

Criminal Law

1

Total for this question: 35 marks

Reg believed that Jack had given a statement about him to the police. He was furious about this and went to Jack's house. Jack was asleep in a chair in the garden. Reg went up to Jack, knocked him unconscious with a cosh and then cut out his tongue.

- (a) Criminal offences are usually defined in terms of a guilty act (*actus reus*) and a guilty mind (*mens rea*). Explain, using examples, how the law deals with
- (i) criminal omissions;
 - (ii) strict liability. (15 marks)
- (b) Taking into account both *actus reus* and *mens rea*, discuss Reg's criminal liability for the attack on Jack. (10 marks)
- (c) Assuming Reg were to be found guilty of an offence, consider the factors that the court would take into account when passing sentence on him. (10 marks)

Tort

2

Total for this question: 25 marks

Having bought herself a cheap windsurfer, Ursula decided to teach herself to windsurf on a lake near her home. After several hours' practice, she began to tire and decided to have one last attempt at crossing the lake. She failed to notice Vera, who was fishing from a boat on the lake. Unfortunately, Ursula crashed into the boat, which capsized, and Vera lost her expensive fishing equipment in the lake.

- (a) Negligence requires proof of **duty**, **breach** and **damage**. Briefly describe what **each** of these **three** terms means. (15 marks)
- (b) Taking into account your answer to 2(a), discuss whether or not Vera would be likely to succeed in a negligence action against Ursula. (10 marks)

END OF QUESTIONS