

General Certificate of Education
June 2007
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 11 June 2007 9.00 am to 10.00 am

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 **all** parts of **both** questions.
- 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 65.
Five 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 **both** questions.

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

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

Criminal Law

Total for this question: 35 marks

- 1 Rose had an argument at work with Leanne. The argument was about Leanne's new boyfriend, Gary, who used to go out with Rose. Leanne shouted at Rose that Gary had dumped her because of Rose's history of violent offences. Rose lost her temper and threw a tray that hit Leanne on the head, knocking her unconscious for a short while. The manager of the workplace insisted that Leanne be taken to hospital for a check-up. Unfortunately, the car taking her to hospital was hit by a falling tree and Leanne suffered severe injuries, resulting in paralysis.
- (a) Criminal offences require *actus reus*, including **causation**. Explain, using examples, the meaning of the terms *actus reus* and **causation**. (15 marks)
- (b) Taking into account the explanations in your answer to part (a) above, discuss the criminal liability (including any causation issues) of Rose for **all** the injuries suffered by Leanne. (10 marks)
- (c) Assuming Rose is convicted of an offence, outline the **issues** that the court may take into account before passing sentence on her, and also the **range** of sentences available to the court. (10 marks)

Tort

Total for this question: 25 marks

- 2 Abdul invited his neighbour's children to swim in his pool. Abdul had just finished cleaning around the pool, and the surrounding paving was very slippery. As the children ran in, he shouted to them to be careful as the surround was slippery. Tom, aged four, immediately slipped and suffered a broken leg.
- (a) In negligence cases, there has to be proof of **duty, breach** and **damage**. Outline what **each** of these **three** terms means. (15 marks)
- (b) Using the rules set out in your answer to part (a) above, discuss whether Abdul has been negligent towards Tom. (10 marks)

END OF QUESTIONS