

General Certificate of Education
January 2007
Advanced Level Examination



LAW
**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

LAW4

Friday 19 January 2007 1.30 pm to 2.45 pm

For this paper you must have:

- a 12-page answer book.

Time allowed: 1 hour 15 minutes

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 LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- 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 85.
Ten 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 **one** question from two on the theme you have studied for this unit.

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

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

Total for this question: 75 marks

- 1 Petra's best friend, Kerry, had secretly been carrying on a relationship with Petra's boyfriend, Ricky. Petra discovered this a few minutes before she and Kerry were due to meet, and she immediately sent a text message to Kerry's mobile phone, which read, "Leave Ricky alone or I'll knock your teeth out." Kerry became very agitated when she read the message and avoided Petra for the next few weeks. However, Petra and Kerry happened to be in the same bar one night when Petra had drunk a large amount of alcohol. Petra had just clumsily broken a glass when Kerry walked by. Petra stuck out her foot, causing Kerry to stumble and fall. Petra then put her foot on Kerry's head and pushed her face into the floor. The broken glass was underneath Kerry and she suffered extensive and deep cuts to her face.

Two days later, Kerry's brother, Simon, went to Petra's house in the middle of the night and set fire to it in revenge for the attack on Kerry. He then telephoned a warning to the fire service, who, in turn, telephoned the house. Only Petra's friend, Tracey, was in the house and, despite advice from the fire service about what to do until firefighters arrived, she panicked and became trapped by the fire in a bedroom upstairs. She then slipped and fell to her death whilst trying to climb out onto the roof.

- (a) Discuss Petra's criminal liability arising out of the text message sent to Kerry, and for the injuries suffered by Kerry in the bar. *(25 marks)*
- (b) Discuss Simon's criminal liability for murder and for **involuntary** manslaughter in connection with the death of Tracey. *(25 marks)*
- (c) In relation to murder (including voluntary manslaughter) **or** involuntary manslaughter **or** the non-fatal offences against the person, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

Total for this question: 75 marks

- 2 Lorna and Millie regularly carried out street robberies, often in a short underpass near the town centre. As Nadia was walking through the underpass, Lorna and Millie moved into place to block both exits, and Lorna shouted to Millie, "I'll take her. No problem!" However, Nadia quickly took a can of hairspray out of her bag, ran at Lorna, and squirted the spray directly at her face before escaping. Lorna's vision was affected for only a few minutes, but she suffered a severe allergic skin reaction which lasted for a few weeks.

Lorna's boyfriend, Otto, had been addicted to drugs from an early age, and had developed an unpredictable, aggressive personality for which he had received medical treatment from time to time. When he learned of Lorna's injuries, he blamed Millie and went to see her to "have it out with her". During the course of an argument in which Millie screamed abuse at him, Otto seized a bread knife from the table and stabbed her once in the chest before running out of the house. An ambulance was called, but Millie died during an operation in which the surgeon made some mistakes.

- (a) Discuss the criminal liability of Lorna and of Nadia arising out of the incidents in the underpass. *(25 marks)*
- (b) Discuss Otto's criminal liability for the murder of Millie. *(25 marks)*
- (c) In relation to murder (including voluntary manslaughter) **or** involuntary manslaughter **or** the non-fatal offences against the person, discuss the suggestion that the current law is satisfactory and is **not** in need of reform. *(25 marks)*

Turn over for the next question

Contract Law

Total for this question: 75 marks

- 3** A festival organised by Chris included a sale of various arts and crafts items in a large hall. Delia agreed to pay £200 to hire a stall in a suitably prominent position in the hall (the cheapest position being £100, and the most expensive £300). However, Delia was dissatisfied with the position allocated, which was set back from the main route through the hall. By midday, her sales totalled £250, when she would normally have expected sales of £600. She stopped trading, closed up her stall, and refused to pay any money for the hire of the stall. She also claimed that she was entitled to compensation from Chris.

Whilst visiting Chris's home, Ed saw that Chris had two tables which, to all appearances, were very similar. Unknown to either Chris or Ed, one of the tables was an antique worth about £15 000. Ed liked that table so much that he offered to buy it from Chris for £300, and was delighted when Chris accepted. However, Chris had thought that he was accepting an offer for the other table and would not part with the one that Ed wanted. Subsequently, they both discovered the true value of the table.

- (a) Having regard to the contractual rules on terms and on breach, consider what rights and remedies, if any, are available to Chris and Delia in connection with the hire of the stall. *(25 marks)*
- (b) Having regard to the relevant rules on mistake and on breach of contract, discuss the rights and remedies, if any, available to Ed in connection with the purchase of the antique table. *(25 marks)*
- (c) What criticisms would you make of the rules on formation of contracts? Relate your answer to the rules on offer and acceptance **or** consideration **or** intention to create legal relations. *(25 marks)*

Total for this question: 75 marks

- 4 Ulric wanted to sell a box of tools in which he knew that Vernon, his friend, was interested. He left a message on Vernon's home telephone answer machine saying, "The tools are yours for £70. Tell me 'yes' or 'no' by Tuesday. Leave a message if I am out." Later that day, Vernon sent a text message to Ulric's mobile phone telling him that he would buy the tools. Ulric did not see the message until Friday. On Wednesday, Ulric put an advertisement in the window of a local shop, which stated, 'Great offer. Box of tools – £80.' On Thursday, Wayne rang Ulric and asked whether he would accept £60 for the tools, which Ulric refused. Wayne then rang Ulric again, on Friday, shortly after Ulric had seen Vernon's message, and said that he would pay £80. Five minutes later, Yan rang Ulric and offered £90 for the tools.

Alexa advertised a power drill for sale at £50. Bina agreed to buy it over the telephone, having first asked whether it was a 'variable speed' drill. Alexa, who knew little about power tools, said "yes", because she could see that it had two specific drill speed settings. (This was not, in fact, 'variable speed'.) When Bina examined the drill at home, after having paid £50, she discovered that it was not a variable speed drill.

- (a) Having regard to the relevant rules on formation of contracts, consider whether Ulric is legally entitled to accept Yan's offer of £90 for the box of tools. *(25 marks)*
- (b) Having regard to the relevant rules on misrepresentation and on breach of contract, consider the rights and remedies which may be available to Bina in connection with her purchase of the power drill from Alexa. *(25 marks)*
- (c) What criticisms would you make of the rules on formation of contracts? Relate your answer to the rules on offer and acceptance **or** consideration **or** intention to create legal relations. *(25 marks)*

END OF QUESTIONS

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