General Certificate of Education
June 2005
Advanced Level Examination

ASSESSMENT and QUALIFICATIONS ALLIANCE

LAW **LAW4**

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

Monday 20 June 2005 Afternoon Session

In addition to this paper you will require:
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 marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
- Mark allocations are shown in brackets.
- You will be awarded up to 10 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.

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

Use continuous prose. 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)

1 **Total for this question: *75 marks***

Ena, who was 65 years old, was returning from shopping as Harry and Javad were skateboarding in the street. Harry deliberately approached Ena very fast from behind, intending suddenly to swerve past her. However, another pedestrian shouted to Ena, "Look out!" Terrified, and without knowing what was happening, Ena stepped backwards and Harry's elbow caught her in the ribs as he passed. Subsequently, Ena became mildly anxious and depressed. Harry and Javad continued skateboarding, practising tricks involving narrowly missing each other at speed. Harry tried a trick he had never been able to perform before, lost control and smashed into Javad. Javad's knee was dislocated, requiring painful surgery.

Frank, Ena's neighbour, suffered from a physical illness which affected his judgment and made him very short-tempered. When he heard about Ena, he was very upset and he began to hate all skateboarders. So, when he saw Luke walking through town with a skateboard, he began shouting at him. Luke laughed and told him not to be such a stupid old man. Frank seized Luke's skateboard and hit him over the head with it twice with considerable force. Luke died from a brain haemorrhage, made worse by a genetic weakness.

(a) Discuss Harry's criminal liability arising out of the incident with Ena **and** the injury suffered by Javad. *(25 marks)*

(b) Discuss Frank's liability for the murder of Luke. *(25 marks)*

(c) In relation **either** to the offence of murder (including voluntary manslaughter) **or** to the non-fatal offences against the person, discuss the suggestion that the law is in urgent need of reform. *(25 marks)*

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2 **Total for this question: *75 marks***

Rob drank a few glasses of wine and then took a rowing boat out onto the river with Salma. Unknown to him, someone had slipped a drug into the wine and, by the time that he began rowing, he was already feeling rather confused. Tom, who was walking along the riverbank, jeered at Rob and then threw a stone at him, striking him in the chest. Rob stood up and persistently shouted and shook his fist, even though the boat was rocking dangerously. Shortly afterwards, the boat overturned and Salma, who could not swim, drowned in the river.

Mike saw the boat overturn and tried to run to the nearest lifebelt. At that moment, however, Paul came along and assumed that Mike had something to do with the overturned boat and was now trying to escape. He chased Mike, pulled him to the ground and pinned him down. Paul then realised his mistake, released Mike and ran off. Meanwhile, Mike had begun to experience breathing problems and Vera stopped to help him. As his breathing got worse, Vera became very alarmed and sneaked guiltily away. Mike almost died and spent some weeks recovering.

(a) Discuss the criminal liability of Rob **and** of Tom for the involuntary manslaughter of Salma.
(25 marks)

(b) Discuss the criminal liability of Paul **and** of Vera for the incidents involving Mike.
(25 marks)

(c) In relation **either** to the offence of involuntary manslaughter **or** to the non-fatal offences against the person, discuss the suggestion that the current law is essentially satisfactory.
(25 marks)

TURN OVER FOR THE NEXT QUESTION

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Contract Law

3 **Total for this question: *75 marks***

Brightco owned a car park in the centre of town. They told Chris that he could rent one of the two remaining spaces for the year for £3000. Chris replied that he would take one of the spaces, but asked if he could rent it for 9 months only, at reduced cost. Brightco then sent a letter to all local businesses offering "the last two spaces" for the year at a rent of £3000 each. Dave sent an e-mail on Monday "accepting" the "offer" of one space. On Tuesday, Chris left a telephone message to say that he had changed his mind and would take the space for the full year at £3000. On Wednesday, Brightco received a letter from Elaine stating that she wished to rent both spaces for £6000.

Elaine engaged George to install a computer network in her offices, after making some brief enquiries about his claims to be an expert in computer networks. However, a week before George was due to start, Elaine changed her mind about the computer network and "cancelled" the contract. She then discovered that George had very limited experience in computer networks.

(a) Having regard to the rules on offer and acceptance, consider the rights and remedies, if any, of Chris **and** of Dave, if Brightco make both car parking spaces available to Elaine. *(25 marks)*

(b) Having regard to the rules on misrepresentation and breach, consider the rights and remedies of Elaine **and** of George. *(25 marks)*

(c) Critically evaluate the rules **either** on offer and acceptance **or** on misrepresentation in contract. *(25 marks)*

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4 **Total for this question: *75 marks***

The annual National Hairdressing Convention was due to take place soon. As part of a heavily advertised promotion of its hair products, Sleekstyle promised half-price rail travel to the Convention to anyone who sent to Sleekstyle a total of 6 labels from any of its products. However, Sleekstyle refused the half-price travel to Marie, who had admitted that she had got some of the labels from friends. Two weeks before the Convention took place, Sleekstyle published an advertisement in the specialist hairdressing press, withdrawing the promotion. Nina did not see the notice of withdrawal but was refused half-price travel when she sent in her labels.

Pravin hired a minibus and driver to take his hairdressing staff to the Convention, at which they were participating in a competition. He paid a deposit of £100 to Transwest, the remaining £100 to be paid on the day of travel. Transwest itself made an advance payment of £50 to obtain the services of a driver for the day. The day before the visit was due to take place, most of Pravin's staff became ill with food poisoning, and Pravin informed Transwest that he no longer needed the minibus.

(a) Having regard to the relevant rules on formation of a contract **and** on terms in a contract, consider what rights and remedies, if any, are available to Marie **and** to Nina against Sleekstyle. *(25 marks)*

(b) Having regard to the relevant rules on termination of a contract by frustration and by breach, consider the rights and remedies which may be available to Pravin **and** to Transwest in connection with the contract for the hire of the minibus and driver. *(25 marks)*

(c) Critically evaluate the rules **either** on offer and acceptance **or** on frustration in contract. *(25 marks)*

END OF QUESTIONS

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