

General Certificate of Education
June 2007
Advanced Level Examination



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

LAW4

Monday 18 June 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** George and Henry were brothers who led a violent gang. Henry had suffered some brain damage in an accident when younger, and was well known for his sudden rages and unpredictable, extreme violence. George argued with an associate, John, and sent a mobile telephone text message to him, which stated, "If I see you on the street after tomorrow, you are dead." Two nights later, George approached John in a crowded nightclub. As soon as he saw George, John took out a can of pepper spray, which was in his possession illegally, and sprayed it into George's face. George suffered eyesight problems which were expected to last for up to a year.

Henry was also in the nightclub and was armed with a gun. When he realised what had happened, he chased John out of the nightclub but lost him in a maze of streets. About 10 minutes later, as Henry was still walking around, a car being driven by John passed him and then stopped at traffic lights. Henry ran towards the car and fired three bullets into the back of it as it started up again. Though John was unharmed, one of the bullets hit his passenger, Karen, in the head and killed her.

- (a) Discuss the criminal liability of George and of John arising out of the text message and the use of the pepper spray. *(25 marks)*
- (b) Discuss the criminal liability of Henry for the murder of Karen. *(25 marks)*
- (c) Choose **one** of the following.

In relation to murder (including voluntary manslaughter), consider the suggestion that the current law is unsatisfactory. *(25 marks)*

OR

In relation to involuntary manslaughter, consider the suggestion that the current law is unsatisfactory. *(25 marks)*

OR

In relation to non-fatal offences against the person, consider the suggestion that the current law is unsatisfactory. *(25 marks)*

Total for this question: 75 marks

- 2 Mike and Neil went to see Les, who had been drinking heavily. Following some good-natured joking about, they began to push and wrestle each other. Mike was much weaker than the others and, despite protesting, suffered a broken wrist when he was wrestled vigorously to the floor by Les. Les then fell asleep, giving Neil the opportunity to shave off Les's beard, something that he had jokingly threatened to do many times before. When Les woke up, he was very annoyed that he had lost his beard, which he had been growing for a number of years.

Before leaving Les's house, Neil swallowed some tablets which he found in the bathroom. Subsequently, back in his own flat, he set fire to the carpet (which belonged to the landlord) under the delusion that he was making a camp-fire. The fire spread rapidly through the house, trapping Pam in her top-floor flat. In an attempt to help her to escape, Raisa, a next-door neighbour, put a ladder up to the window. However, Raisa did not lock the sections of the ladder properly and it collapsed when Pam stepped onto it. Pam fell from the ladder and was killed.

- (a) Discuss the criminal liability of Les arising out of Mike's injury, and of Neil arising out of shaving off Les's beard. *(25 marks)*
- (b) Discuss the criminal liability of Neil and of Raisa for the involuntary manslaughter of Pam. *(25 marks)*
- (c) Choose **one** of the following.

In relation to murder (including voluntary manslaughter), consider the suggestion that the current law is unsatisfactory. *(25 marks)*

OR

In relation to involuntary manslaughter, consider the suggestion that the current law is unsatisfactory. *(25 marks)*

OR

In relation to non-fatal offences against the person, consider the suggestion that the current law is unsatisfactory. *(25 marks)*

Turn over for the next question

Contract Law**Total for this question: 75 marks**

- 3** Brian was a member of the Alpha Wine Club. He received a letter from the Club which stated, “As one of our most valued customers, Brian, we offer you this opportunity to buy a case of French red wine at the specially low price of £95. Stocks are limited, so reply within five days to be certain of getting your wine.” Brian sent an e-mail that same day to order a case of the wine. However, though the e-mail was received by the Club, it was accidentally deleted by a trainee customer service employee before it had been dealt with. Consequently, Brian did not receive the wine, which had sold out by the time that he queried the lack of delivery. Subsequently, Brian discovered that, had he obtained the wine, he could have re-sold it for £150 on the open market.

Brian’s membership of the Club entitled him to attend occasional wine-tastings for a fee of £75. The information leaflet advertising the latest wine-tasting said that a range of wines from exciting new producers would be available, and that all attending would be entered in a draw for a set of free wine glasses worth £40. About 40 members attended the wine-tasting, but there was general disappointment at the lack of wines from new producers, and no draw was held. Brian felt that he had wasted his money.

- (a) Taking into account the rules on formation of contract, consider whether Brian has any rights and remedies against the Alpha Wine Club in connection with the case of red wine. *(25 marks)*
- (b) Taking into account the rules on misrepresentation and on breach of terms, consider whether Brian has any rights and remedies against the Alpha Wine Club in connection with the wine-tasting. *(25 marks)*
- (c) Choose **one** of the following.

Relating your answer to the rules on offer and acceptance, consider how satisfactory are the rules on formation of contract. *(25 marks)*

OR

Relating your answer to the rules on consideration, consider how satisfactory are the rules on formation of contract. *(25 marks)*

OR

Relating your answer to the rules on intention to create legal relations, consider how satisfactory are the rules on formation of contract. *(25 marks)*

Total for this question: 75 marks

- 4 Craig was renting a house from David, the landlord. The roof of the house was damaged when gales swept through the town. Craig asked his brother-in-law, Edmund, a builder, to repair the roof. Edmund agreed, though no price for the job was discussed. Before Edmund began the work, and unknown to Craig, David asked Edmund to repair the roof, for which a price of £400 was agreed. After Edmund had done the work, both Craig and David refused to pay for it, both arguing that the other should pay.

Edmund had agreed with Fiona to carry out extensive alterations to her house at a cost of £25 000. Fiona had paid £8000 of this in advance. One week before the date agreed for the work to start, Fiona told Edmund that the work could not begin for two months. Edmund had already spent £5000 on building materials. During those two months, the area in which Fiona's house was located was designated a conservation area. Consequently, it became impossible to make the extensive alterations to Fiona's house, though some small changes could have been made.

- (a) Taking into account the rules on formation of contract, consider whether Edmund has any rights and remedies against Craig **and/or** David in connection with the repairs to the roof. *(25 marks)*
- (b) Taking into account the rules on breach and on frustration of contract, consider the rights and remedies of Edmund and of Fiona in connection with the contract for the alterations to Fiona's house. *(25 marks)*
- (c) Choose **one** of the following.

Relating your answer to the rules on offer and acceptance, consider how satisfactory are the rules on formation of contract. *(25 marks)*

OR

Relating your answer to the rules on consideration, consider how satisfactory are the rules on formation of contract. *(25 marks)*

OR

Relating your answer to the rules on intention to create legal relations, consider how satisfactory are the rules on formation of contract. *(25 marks)*

END OF QUESTIONS

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