



Oxford Cambridge and RSA

**Monday 12 June 2023 – Morning**

**A Level Law**

**H418/04** The nature of law and the law of contract

**Time allowed: 2 hours**



**You must have:**

- the OCR 12-page Answer Booklet

**INSTRUCTIONS**

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **four** questions in total:
- Answer **one** question in Section A.
- Choose **one** Part in Section B. Answer the **three** questions for that part.

**INFORMATION**

- The total mark for this paper is **80**.
- The marks for each question are shown in brackets [ ].
- Quality of extended response will be assessed in questions marked with an asterisk (\*).
- This document has **4** pages.

**ADVICE**

- Read each question carefully before you start your answer.

**SECTION A**

**The nature of law**

Answer **one** question using examples from your full course of study.

- 1 'The rule of law is seen as an essential principle within our legal system.'

Discuss the extent to which you agree that the rule of law is central to our legal system. **[20]**

- 2 'It is much harder for a multicultural society, reflecting a diversity of views, to arrive at a moral consensus.'

Discuss how effectively the legal system of England and Wales can adapt to changes in morality, in the light of the above statement. **[20]**

**SECTION B****Law of contract**

Choose **Part 1** or **Part 2**.

**Part 1**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Sara is a successful and wealthy singer. She has three children, Tom, Layla and Heidi. Tom has borrowed some money from Sara. Sara takes various members of her family to her concerts but she has never taken Tom. Tom complains that she is treating him unfairly. Sara says that if Tom stops complaining, she will not make him repay the money he owes her. Tom does stop complaining.

Layla drew a picture to send to Sara on her birthday. Sara liked the picture very much and the following year she used it in her stage design. After the concert, she promised to pay Layla for using the picture.

Sara owns an old and very valuable sports car. Heidi is very interested in cars so Sara offers to sell her the sports car for £100, which Heidi pays. The car is worth a lot more than this.

Amir is a gardener. He makes a contract with Rosa to work on her garden for two hours every week. When making the contract, Amir asks Rosa to sign a lengthy document, which she does. In the middle of the document there is a term that requires Rosa to pay £1000 compensation if she stops using Amir.

Before making the contract with Rosa, she explained to him that she wanted everything in her garden to be organic, and that this was very important to her. Amir agreed that he would only use organic seeds. However, this was not included in the written document.

After each gardening session, Amir always gives his customers a note to explain the hours he has worked and what he has done. On the back of the note there are some contract terms.

- 3** Advise Sara whether Tom, Layla and Heidi have given good consideration for her promises. Do **not** discuss intention to create legal relations. **[20]**
- 4** Advise whether the term about paying £1000 compensation, the promise to use organic seeds, and the terms on the back of the note are incorporated into Amir's contract with Rosa. **[20]**

**Essay question on law of contract**

- 5\*** The rules of offer and acceptance can cause confusion and parties may not be clear at what point a binding agreement has been formed.

Discuss the extent to which you agree with this statement.

**[20]**

**Part 2**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Ben is a car dealer. He buys and sells second-hand cars. Ben tells Yoshi that a car he is interested in has never been in an accident, which is true. The following day, another customer takes the car for a test drive and has an accident. Ben arranges for the car to be repaired straight away. Yoshi returns to Ben's garage a few days later and buys the car. Ben does not tell him about the accident and repair.

Rishi buys a car with a large boot. He tells Ben that he wants to be able to carry his wife's wheelchair. Ben knows that the boot is not big enough for a wheelchair but he does not tell Rishi.

Ben needs insurance for his own car. When he contacts an insurance company to make the insurance contract, he does not tell them that he has a conviction for theft. If he had told them, the insurance would have cost more. Ben has now had an accident and wishes to claim on the insurance.

Dev's transport company has two extra-large lorries available. They make a contract to transport a large machine for Sam. In the contract they do not specify which lorry they are going to use. They decide to use Lorry 1 for Sam's contract, so they allocate Lorry 2 to other contracts. Shortly before the contract with Sam starts, Lorry 1 is involved in an accident and is unusable.

Dev also contracts with Boom, a rock band, to transport their equipment to a music festival. Since making the contract, the festival has been cancelled because of flooding.

Dev also contracts with Yana to transport some goods to a seaside town. The usual route involves using a bridge. Dev checks whether their lorries can use the bridge and is told that they can. However, shortly before carrying out the contract, the rules change and lorries are no longer allowed on the bridge. The alternative route is much longer and will cost Dev a large amount in fuel.

- 6 Advise whether Ben's failure to disclose information to Yoshi, Rishi and the insurance company will allow them to rescind their contracts for misrepresentation. [20]
- 7 Advise whether Dev's contracts with Sam, Boom and Yana are frustrated. [20]

**Essay question on law of contract**

- 8\* The rules of offer and acceptance can cause confusion and parties may not be clear at what point a binding agreement has been formed.

Discuss the extent to which you agree with this statement. [20]

**END OF QUESTION PAPER**

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