

A-level LAW

Unit 4 Criminal Law (Offences against Property) or Tort, AND Concepts of Law

Friday 16 June 2017

Afternoon

Time allowed: 2 hours

Materials

For this paper you must have:

- an AQA 12-page answer book.

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Paper Reference** is LAW04.
- Choose **one** scenario from two from **either** Section A (Criminal Law – Offences against Property) **or** Section B (Tort) **AND one** question from Section C (Concepts of Law).
In Section A **or** Section B, answer **both** questions on the scenario you choose.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 85.
- In Questions **09**, **10** and **11**, **five** marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

Advice

- You are advised to spend no more than **one** hour on Section A or Section B. It is recommended that you spend 15 minutes planning your answer in Section C.

Choose **one** scenario from **either** Section A **or** Section B **AND one** question from Section C.

Section A Criminal Law (Offences against Property)

Choose **one** scenario from two on the theme you have studied for this unit.

Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 1

Anna had recently made contact with Ben, whom she had given up for adoption at birth. When they first met at Anna's house, she told him that he could come to her house at any time. Ben wanted revenge on Anna for having 'abandoned' him. He lied to her that he had been robbed of all his savings, and Anna gave him £10 000.

Ben later boasted of his new wealth to his friend, Carlo. Carlo wanted money for a holiday. He threatened Ben that he would tell Anna that Ben had cheated her unless Ben gave him £5000. Ben ignored the threat, so Carlo told Anna of Ben's lying. Anna then barred Ben from her house.

Ben soon spent the £10 000. He then decided to steal any valuables he could find in Anna's house. Ben knew that Anna often forgot to lock her back door. While Anna was out shopping, Ben got into the house through the unlocked back door. He picked up some photos which were of great sentimental value to Anna. Ben intended to tell her that he would return them to her if she paid him £5000. Anna suddenly returned to the house. She went to hit Ben with a heavy metal poker. Ben pushed her over, causing her to suffer a serious head injury. He then ran out of the house with the photos.

Several weeks later, Ben drank a few whiskies. He then went back to Anna's house and saw her bicycle outside. He loosened the bolt securing the saddle to the bicycle. Later, Anna was riding the bicycle on a busy road. The saddle twisted around and she fell off, narrowly avoiding being run over.

0 1

Discuss the possible criminal liability of:

- Ben for any **property** offences arising out of his first meeting with Anna **and**;
- Carlo for any **property** offence arising out of his threat to Ben.

[25 marks]

0 2

Discuss the possible criminal liability of Ben:

- for any **property** offences arising out of his activities in Anna's house **and**;
- for any **property** offences arising out of his loosening the bolt on Anna's saddle.

[25 marks]

Total for this scenario: 50 marks

Scenario 2

Dave was a member of a criminal gang led by Errol, a violent man. Dave owed Errol a large sum of money. Dave had a teenage son, Fred. Dave's father, George, gave Dave £10 000 'for Fred's education'.

Errol later threatened Dave to 'get me my money quick or Fred will suffer'. Errol also told Dave that he would be 'closely following' Dave. Dave had at first planned to use the £10 000 for Fred, but he handed it over to Errol the day following Errol's threat.

Several months later, Dave wanted to get a present for Fred. Dave had no money, but he happened to see George's credit card and copied the card details. Without George's consent, Dave used the details online to try to buy a tablet for Fred, but the website declined the purchase as the card had expired.

George took his expensive coat to Hasan's tailor's shop for alterations. Hasan told him that the work would cost £100. Later, George went to collect the coat and tried it on in the shop. George was so disgusted by the poor quality of Hasan's work that he refused to pay Hasan and ran off from the shop wearing the coat.

Imran was Hasan's brother and also George's gardener. Imran decided to 'teach George a lesson' for his treatment of Hasan. He partially sawed through a heavy branch on a tall tree in George's garden. The tree was very close to a picnic table which George and his wife often used. The branch later fell and just missed George while he was eating at the table.

0 3

Discuss the possible criminal liability of Dave:

- for any **property** offence in connection with the £10 000 **and**;
- for any **property** offences arising out of his copying of George's credit card details **and** of using these details online.

[25 marks]

0 4

Discuss the possible criminal liability of:

- George for any **property** offences arising out of his dealings with Hasan **and**;
- Imran for any **property** offences arising out of his sawing of the tree branch.

[25 marks]

Turn over ►

Section B Tort

Choose **one** scenario from two on the theme you have studied for this unit.

Read the scenario and answer **both** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 3

Jack bought a house in a narrow road near to a village. Ken's road haulage business was next door. Ken's trucks generated persistent noise and dust. After months of this inconvenience, Jack complained to Ken. Ken responded by expanding his business so that the noise and dust got worse. Some of Ken's trucks were often parked in the road during the day, causing severe obstruction to other motorists.

Jack was a chemistry teacher who often conducted chemistry experiments in his garden shed. He used chemicals which he carefully stored in the shed in metal containers. One night, the chemicals exploded. Harmful chemicals and large metal fragments from the containers damaged Ken's office building.

Jack met Layla at a dinner party. She had recently qualified as an accountant. Jack asked Layla how best to invest his money for his children's university education. On Layla's advice, Jack bought £20 000 worth of shares in Medico plc. Soon afterwards, Medico became insolvent and Jack's shares became worthless.

Layla's sister gave her a liquid carpet cleaner, manufactured by Nodirt. Layla used the cleaner on her carpet without wearing gloves. Soon afterwards, painful burns developed on her hands. It turned out that the cleaner was safe to use only with gloves, but the instructions supplied with the liquid cleaner did not say this. Dr Omar, a hospital consultant, gave Layla a drug for her painful burns. It was usual practice to test patients to see whether they were allergic to the drug, but Dr Omar did not do this. Layla suffered a minor heart attack following a severe allergic reaction to the drug.

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Discuss the rights and remedies, if any, of:

- Jack against Ken regarding the noise and dust
- the motorists against Ken regarding the obstruction
- Ken against Jack regarding the damage to his office building.

[25 marks]

0	6
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Discuss the rights and remedies, if any, of:

- Jack against Layla regarding the losses on his shares
- Layla against Nodirt regarding the burns on her hands
- Layla against Dr Omar regarding her heart attack.

[25 marks]

Total for this scenario: 50 marks

Scenario 4

Patrick owned an historic house and grounds. Patrick paid Rodrigo to replace some windows near the top of the house. While Rodrigo was climbing a ladder on scaffolding to gain access to the windows, the ladder slipped. Rodrigo fell and suffered head injuries. Patrick had engaged a contractor to erect the scaffolding, but the contractor did not secure the ladder properly.

Patrick placed an urgent order for wine with Steve. Steve told Theo, his van driver, to take the wine to Patrick's house and to 'drive directly' there. On the way there, Theo made a detour to visit a friend. Theo answered his mobile phone when he was speeding round a bend on a narrow road. He lost control of his van and crashed into Viggo's shop. The shop was severely damaged and had to close for repairs. This meant that Viggo lost business profits worth £2000.

Patrick later opened his grounds, including a children's play area, to the public. Several parents complained to Patrick that a high metal climbing frame in the area was unstable. He then placed a high fence and 'No entry' signs around the area. Will and his friend Anton, both aged 13, got over the fence into the play area. Anton was watching from some distance away as Will climbed up the climbing frame. It suddenly fell backwards onto Will and broke his legs. When Anton phoned Becca, Will's mother, for help, she could hear Will screaming in the background. Becca later saw Will covered in blood as he was being lifted into an ambulance. Both Anton and Becca suffered trauma for months afterwards.

0 7

Discuss the rights and remedies, if any, of:

- Rodrigo against Patrick regarding his injuries
- Viggo against Theo regarding the damage to his shop and loss of business profits
- Viggo against Steve regarding the damage to his shop and loss of business profits.

[25 marks]

0 8

Discuss the rights and remedies, if any, of:

- Will against Patrick regarding his injuries
- Anton and Becca against Patrick regarding the trauma that each suffered.

[25 marks]

Turn over ►

Section C Concepts of Law

Answer **one** question only from this section.

It is recommended that you spend 15 minutes planning your answer.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

0	9
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Discuss the different possible meanings of 'justice'. Analyse the relationship between law and justice.

[30 marks + 5 marks for AO3]

1	0
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Explain the meaning of 'fault'. Discuss the relationship between law and fault, and discuss the extent to which law should be based on fault.

[30 marks + 5 marks for AO3]

1	1
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Explain the notion of 'balancing conflicting interests'. Discuss the extent to which the law succeeds in balancing conflicting interests.

[30 marks + 5 marks for AO3]

END OF QUESTIONS

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