



GCE AS

B150U20-1



TUESDAY, 13 OCTOBER 2020 – AFTERNOON

LAW – AS component 2
Understanding Substantive Law

1 hour 30 minutes

B150U201
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ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions in total: **one** question from Section A (private law) and **one** question from Section B (public law).

Write your answers in the separate answer booklet provided.

INFORMATION FOR CANDIDATES

The number of marks is given in brackets at the end of each question or part-question.

Section A: Private Law

Answer **either** question 1 or question 2.

These questions require you to:

- demonstrate knowledge and understanding of the English legal system and legal rules and principles
- apply legal rules and principles to a scenario in order to present a legal argument using appropriate legal terminology
- analyse and evaluate legal rules, principles and concepts.

Credit will be given for the use of relevant supporting case law and authority.

EITHER,

Question 1: Law of Contract

- (a) Explain what is meant by intention to create legal relations. [6]
- (b) Explain how discharge of a contract occurs. [6]
- (c) Assess the various forms of remedies available for a breach of contract. [9]

Read the scenario below and answer part (d).

In March David agrees with Lovely Landscapes Ltd that they will landscape his garden, with the work to be finished by the end of June, as he wants to hold his 25th wedding anniversary party in his garden in July. Lovely Landscapes Ltd inform David at the beginning of June that they are short of workers and money and will not be able to complete the work by the agreed date. David agrees to pay an extra £1,500 to Lovely Landscapes Ltd to complete the work on time.

- (d) Advise David as to whether he is obliged to pay the extra £1,500 to Lovely Landscapes Ltd. [9]

OR,

Question 2: Law of Tort

- (a) Explain the Caparo test for duty of care. [6]
- (b) Explain breach of duty of care. [6]
- (c) Assess the differences between primary and secondary victims. [9]

Read the scenario below and answer part (d).

Chris, a chemistry teacher, liked making his own fireworks. He took a firework he had just finished to show his neighbour Ben, who invited Chris into his living room. Chris put the firework on Ben's coffee table so that they could admire it. Unfortunately, the fuse on the firework was not secured properly and the firework exploded, wrecking the living room and severely injuring Ben who can no longer work and requires constant care. His life expectancy is greatly reduced as a result. The explosion also damaged an expensive painting hanging on the wall in the living room, which cost £3,000 to repair. In addition, the cost of repairing the living room was £10,000.

- (d) Assume that Chris was found liable in negligence. Advise Ben how the court would calculate his award of damages. [9]

Section B: Public Law

Answer either question 3 or question 4.

These questions require you to:

- *demonstrate knowledge and understanding of the English legal system and legal rules and principles*
- *apply legal rules and principles to a scenario in order to present a legal argument using appropriate legal terminology*
- *analyse and evaluate legal rules, principles and concepts.*

Credit will be given for the use of relevant supporting case law and authority.

EITHER,

Question 3: Criminal Law

- (a) Explain the meaning of the term 'mens rea' in criminal law. [6]
- (b) Explain the actus reus and mens rea of s.18 Offences Against the Person Act 1861. [6]
- (c) Assess the principles used by the courts when deciding whether an offence is one of strict liability. [9]

Read the scenario below and answer part (d).

Arthur is a disabled man who lives next door to Joseph. Arthur was angry about Joseph's constant jokey comments about him being disabled and using a wheelchair. Whenever Arthur saw Joseph, he shouted and waved his walking stick at him saying he would 'get' him. After several months of shouting at Joseph, Arthur asked Joseph to come over to his house on the pretence that he needed help unloading his shopping. Arthur was planning to scare Joseph. As soon as Joseph started to walk over, Arthur deliberately fired his air pistol, aiming close to Joseph's feet. However, Arthur could not steady the pistol and the pellets from his shot hit Joseph in the leg. Joseph fell over and bled slightly from his injury.

- (d) Advise Arthur as to whether he would be liable for the injuries caused to Joseph by the shooting. [9]

OR,

Question 4: Human Rights Law

- (a) Explain the role of the European Convention on Human Rights. [6]
- (b) Explain what is meant by a declaration of incompatibility under section 4 of the Human Rights Act 1998. [6]
- (c) Assess whether the UK needs a Bill of Rights. [9]

Read the scenario below and answer part (d).

Stacey Snoop is a journalist who writes for the *Daily Dirt*, a popular newspaper with a large readership. She was approached by a reality TV star, Lulu Devine, who told her that she was having an affair with a married football star, Harry Balls, and offered to reveal the man's identity in return for £10,000. Stacey, convinced that she had stumbled upon a good story, persuaded her editor to print a photo of Harry and his wife looking sad with Lulu digitally edited in. The headline which accompanied the photo was, "Harry Scores with Lulu!" and strongly suggested, that Harry and Lulu were having an affair. As a result of the article Harry has been dropped by his football club. Both Harry and Lulu have strongly denied that there was ever any relationship between them.

- (d) Advise Harry as to whether he can sue for defamation. [9]

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