



**GCE A level**

1253/03



S15-1253-03

**LAW – LA3**

**UNIT 3: Understanding Substantive Law:**

**Freedom, the State and the Individual**

**OPTION 3: Freedom of the Individual and Protection of Human Rights**

A.M. MONDAY, 15 June 2015

1 hour 30 minutes

### **ADDITIONAL MATERIALS**

In addition to this examination paper, you will need a 12 page answer book.

### **INSTRUCTIONS TO CANDIDATES**

Use black ink or black ball-point pen.

Answer **two** questions.

### **INFORMATION FOR CANDIDATES**

Each question carries 25 marks.

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

You are reminded that assessment will take into account the quality of written communication used in your answers.

***You are reminded of the importance of including knowledge from all areas of the course, where appropriate including the Legal System of England and Wales. Part (b) of each question will test understanding of the connections between the different elements of the subject.***

### Option 3: Freedom of the Individual and Protection of Human Rights

*Answer two questions.*

1. Study the text below and answer the questions based on it.

A local authority decided to merge two secondary schools: Sweet Meadow, which was located in an affluent area, and Hilltop, which served an area of mainly social housing. The plan was opposed by parents of both schools. On the morning that the decision to go ahead with the merger was announced, the leader of the Sweet Meadow parents, Nessa, quickly organised a protest march from the school to the council offices. At Hilltop, a similar march was organised by Wendy. The two groups kept in contact by mobile phone, and coordinated the marches so that both would arrive outside the council offices at the same time. As the Hilltop marchers were coming within sight of the council offices, Sergeant Lewis arrived with a police van full of officers, and told Wendy that he was banning the march, as the marchers did not have prior permission to march from the police. He arrested Wendy for taking part in a banned procession, and ordered the other marchers to disperse or face immediate arrest. Meanwhile, the Sweet Meadow march had been halted by Inspector Jones, who surrounded the marchers with officers in riot gear, and ordered them to stand still until the Hilltop marchers had been cleared from the street. When Nessa protested, Inspector Jones arrested her for taking part in a banned assembly.

- (a) In the light of reported case law and other sources of law, consider whether the police were acting within their powers. [14]
- (b) Explain how the Crown Prosecution Service decides whether or not someone should be prosecuted. [11]

2. Study the text below and answer the questions based on it.

Minerva, a well-known health writer and columnist with the Sunday Probe, read an article in an eminent scientific journal which claimed that inadequate mothering caused serious mental underdevelopment in baby rats. Convinced that this vindicated her belief that mental disability in human children was caused by career women not spending enough time with their children, Minerva wrote a major article for the Sunday Probe, under the title "Crimes Against Children", in which she claimed that children with severe learning difficulties were the victims of neglectful mothers. To illustrate her article, Minerva included a photo of Penny Peace, a popular MP and cabinet minister, holding her severely disabled daughter Rachel. The editor of the Sunday Probe, Huxley Chuff, passed the article for publication. When the article was published, Penny was dismissed from her job in the Cabinet, deselected as an MP by her local party, and vilified in the popular press. In fact, Penny's daughter Rachel had been born with the rare genetic disorder known as Rett syndrome, which causes profound mental disability in girls.

- (a) In the light of reported case law and other sources of law, consider whether Penny could sue for defamation. [14]
- (b) Explain how the right to freedom of expression is protected under the law in England and Wales. [11]

3. Study the text below and answer the questions based on it.

Andrew, a senior civil servant in the Ministry of Defence, was given the task of calculating how far it might be possible to reduce the Government's expenditure upon the armed forces. It was made clear to him that the Government regarded the matter as highly confidential. Andrew strongly disagreed with the policy of cutbacks, and believed that it ought to be discussed openly in Parliament. He therefore approached an Opposition front-bench MP, Sir Stoneleigh Shovell, and asked him to raise the matter of defence cutbacks as discreetly as possible the next time an opportunity arose. However, Sir Stoneleigh was so incensed by the prospect of further cutbacks that he sent a furious e-mail to Martha Mutton, the editor of the Daily Slur, urging her to publish the story in her newspaper.

- (a) In the light of reported case law and other sources of law, consider whether Andrew, Sir Stoneleigh and Martha may have committed any offence. [14]
- (b) Explain how a jury would be selected if any of them were to be tried in the Crown Court. [11]

4. Study the text below and answer the questions based on it.

Liam visited his grandmother, who gave him a box of freshly laid eggs to take home to his mother. Liam soon became fed up with carrying the box, so he put the eggs into the large outer pockets of his coat. PC Keen noticed the bulges in Liam's pockets, and thought they looked suspicious, so he stopped Liam and searched him. When PC Keen was feeling inside Liam's pocket he broke some of the eggs. His hand was covered in egg yolk, which dripped all over his uniform as he withdrew it. Liam said "Oops," causing some passers-by to laugh. Annoyed, PC Keen marched Liam to the nearby police station. The custody officer asked PC Keen what Liam had been arrested for. PC Keen replied, "Just shove him in a cell, and I'll sort him out when I've cleaned myself up." Liam was placed in a cell and left there for eight hours. Liam asked if he could phone his mother, but the custody officer told him he would need permission from a senior officer. No senior officers were available, so Liam was left sitting in his cell. Eighteen hours later, Superintendent Slack came on duty, and asked what Liam was being held for. Nobody seemed to know, so Superintendent Slack told the custody officer to charge Liam with disorderly conduct and release him on bail.

- (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police. [14]
- (b) Explain the powers of the police to grant bail to Liam. [11]

**END OF PAPER**