



GCE A level

1253/03



S16-1253-03

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. TUESDAY, 21 June 2016

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.

PC Holmes and PC Watson were sitting in their police car when Rhidian walked past wearing a hoodie and with a backpack slung over his shoulder. PC Holmes said, "Let's have him," and called out to Rhidian to stop. PC Watson grabbed Rhidian's backpack, opened it and found it contained about fifty mobile phones. PC Holmes said to Rhidian, "Alright, get in the car, you're coming with us." Rhidian obeyed, and was driven to the police station. On the way, Rhidian explained that the members of the choir group he was a member of were donating their old mobile phones to raise money for the Ebola relief effort in Africa, and had put Rhidian in charge of the collection. When they arrived at the police station, Rhidian asked to be allowed to contact his wife and consult a solicitor. The custody officer said that he would have to wait to contact his wife and speak to a solicitor until the police had checked out his story. Rhidian was then detained for 52 hours, during which time he was interviewed for lengthy periods without a break and with no food or water. At the end of that time, the police told Rhidian that he would be bailed pending further enquiries.

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

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

Donald works as a cleaner for a firm which has a contract to clean the offices of civil servants in a government building in Cardiff. One evening when Donald arrived to clean the office occupied by Ian, he found Ian had gone down to the canteen to get a sandwich, leaving his computer switched on. The computer screen showed an e-mail from the Ministry of Defence in London, stating that the government had decided to close a factory in South Wales which makes military equipment for British troops in Iraq. Donald read the e-mail and realised that the closure would mean the loss of several hundred jobs in the area. When Donald got home, he told his brother Rhys, who is a Trades Union official. Rhys passed the information on to Morgan, a journalist with a weekly business magazine, who wants to publish the information in next week's edition.

- (a) Consider whether any criminal offences have been committed by Ian, Donald, Rhys and Morgan. [14]
- (b) Explain the role of the jury in deciding criminal cases. [11]

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

Tony Tackle, a famous rugby player, went to a nightclub to drown his sorrows after losing the league cup final and drank several bottles of wine. He was approached by a female fan, who asked him for his autograph. Tony signed the fan's autograph book, gave her a kiss on the cheek, and posed with his arm around her while her friend took a photograph of them with a tablet computer. The fan sent a copy of the photograph to a national newspaper, the Daily Slur. The following week the Daily Slur ran the headline: "Terrible Tackle's Cheating Try", and claimed in the article that a drunken Tackle had cheated on his wife while she was at home looking after their newborn baby.

- (a) In light of reported case law and other sources of law, consider whether Tony Tackle has any legal redress against the Daily Slur. [14]
- (b) Explain how the European Convention on Human Rights protects freedom of expression. [11]

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

Cheryl, Louis and Mel organised a protest march against a new wind turbine farm that was due to be built near their homes. The route of the march passed through the town centre. As the protesters approached the town centre, PC Dermot approached Cheryl, Louis and Mel and asked them to change their route because of the Christmas market. They refused. A little while later, they reached the Christmas market entrance and found they were unable to proceed any further as it was full of shoppers. As the march came to a halt, a senior police officer advised the marchers to turn down a side street. The marchers complied but were stopped by PC Dermot who was not aware of the senior police officer's advice and ordered the marchers to turn back. They again refused, whereupon PC Dermot arrested Louis. This infuriated Cheryl who shouted abuse at PC Dermot. Mel brandished her placard at PC Dermot and shouted: "Police Brutality".

- (a) In light of reported case law and other sources of law, consider whether any public order offences may have been committed. [14]
- (b) Explain the tests that would be used by the Crown Prosecution Service when deciding whether Cheryl, Louis and Mel should be prosecuted. [11]

END OF PAPER