



GCE AS – **NEW**

B150U20-1



LAW – AS component 2
Understanding Substantive Law

THURSDAY, 24 MAY 2018 – AFTERNOON

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 when an offer comes into existence and briefly explain how an offer can come to an end through lapse of time, and by revocation of the offer. [6]
- (b) Explain the meaning of 'intention to create legal relations'. [6]
- (c) Assess the differences between an offer and an invitation to treat. [9]

Read the scenario below and answer part (d).

The Bear Hotel was preparing for a very large party on Saturday. On Monday, they sent an email to Bubbles & Fizz asking for a written quote for the price of a large quantity of champagne. Bubbles & Fizz emailed back that they would send a letter as the Bear Hotel had requested. Bubbles & Fizz's letter arrived on Tuesday. In the letter, Bubbles & Fizz offered to supply the champagne for a price of £5000 and asked the Bear Hotel to reply by letter to accept their offer. The Bear Hotel immediately replied by email, "We will pay £4500." Bubbles & Fizz then telephoned to state that the price was not negotiable, but that they could still supply the champagne for £5000, and also to ask on what day delivery was required. The Bear Hotel replied "Friday" and Bubbles & Fizz asked the Bear Hotel to send a letter confirming acceptance. The Bear Hotel sent a letter, posted on Tuesday night, which arrived at Bubble & Fizz on Thursday. On Wednesday, Bubble & Fizz sent an email stating that they could not now supply the champagne on Friday. The Bear Hotel had to find another supplier for the champagne on Thursday. However, the price was then £7000 because the order was at such short notice.

- (d) Advise the Bear Hotel as to whether they are entitled to claim against Bubbles & Fizz. [9]

OR,

Question 2: Law of Tort

- (a) Explain what is meant by duty of care in the tort of negligence. [6]
- (b) Explain remoteness of damage in the tort of negligence. [6]
- (c) Assess the difference between primary and secondary victims. [9]

Read the scenario below and answer part (d).

The local council owned a park which also included a lake. Warning signs were displayed throughout the park, informing visitors to the park that swimming and diving in the lake is both dangerous and not permitted; but the council knew that the signs were generally ignored. David decided to go swimming in the lake. Unfortunately, when David dived in, he hit his head on the bottom of the lake and broke his neck. David suffered paralysis as a result of the accident and has been told that he will never walk again.

- (d) Advise David as to whether the council is liable for his injuries. [9]

Section B: Public Law

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 *actus reus* and *mens rea* of battery. [6]
- (b) Explain the *actus reus* and *mens rea* of s.18 of the Offences Against the Person Act 1861. [6]
- (c) Assess the differences between s.47 and s.20 of the Offences Against the Person Act 1861. [9]

Read the scenario below and answer part (d).

John decided to make a door-to-door collection to raise cash for a local children's charity. He thought it would be a good joke to turn up on people's doorsteps wearing a horrific gorilla mask. At the first house he came to, the door was opened by an elderly lady, Martha, who screamed and fainted at the sight of John. Her scream frightened John so much, he pushed her backwards. On falling backwards, she broke her hip.

- (d) Advise John as to whether he would be likely to be found guilty of any non-fatal offences against the person on these facts. [9]

OR,

Question 4: Human Rights Law

- (a) Explain the powers of the police to impose conditions on a procession under s.12 of the Public Order Act 1986. [6]
- (b) Explain the provisions and restrictions under Article 10 of the European Convention on Human Rights. [6]
- (c) Assess whether the law provides adequate protection to a suspect who has been stopped and searched. [9]

Read the scenario below and answer part (d).

Izzy organised a march to protest against plans to close the hospital's intensive care ward. Sergeant Jones who was escorting the march instructed Izzy and her fellow marchers to turn down a side street away from the hospital grounds and towards the town centre. PC Davies who was assisting Sergeant Jones also instructed Izzy not to display any placards. As the procession wound through the town centre, Izzy and some of the other marchers held up placards showing graphic images of serious injuries. Sergeant Jones found the placards distressing and told Izzy and the marchers to put them down. They refused. One woman was so frightened, she refused to enter the Post Office outside which the protesters had stopped.

- (d) Advise Izzy as to whether she has committed any public order offences. [9]

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