



GCE AS – **NEW**

B150U20-1



LAW – AS component 2
Understanding Substantive Law

TUESDAY, 21 MAY 2019 – 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 what is meant by consideration in contract law. [6]
- (b) Explain the elements of a valid contract. [6]
- (c) Assess the significance of the postal rule of acceptance to the formation of valid contracts. [9]

Read the scenario below and answer part (d).

Ann, Rebecca, her daughter, and Ann's paying lodger, Tim, regularly take part in playing and entering magazine competitions. Ann, Rebecca and Tim all contribute to the cost of entering the competitions, such as paying for postage; however the entries were always made in Ann's name. One day Ann receives a letter stating that her competition entry has been successful; Ann tells Rebecca and Tim the good news but refuses to share the prize with Tim. Tim wishes to sue Ann for his share.

- (d) Advise Tim as to whether there is an intention to create legal relations on these facts. [9]

OR,

Question 2: Law of Tort

- (a) Explain what is factual causation in tort law. [6]
- (b) Explain what is meant by occupier's liability. [6]
- (c) Assess the different types of damages in the law of negligence. [9]

Read the scenario below and answer part (d).

Joel is a lorry driver who is transporting a load of heavy duty wooden fence posts. As Joel drives around a sharp corner, two of the wooden fence posts fall off due to Joel not tying them on properly. The post hits Chris and Mary, two cyclists, who are chatting away to each other whilst cycling along the cycle lane and knocks them off their bikes. Chris suffers a broken leg and Mary suffers internal bruising.

- (d) Advise Chris and Mary as to whether they will be able to succeed in a claim for negligence against Joel. [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 'but for' test in causation. [6]
- (b) Explain when an intervening act might break the chain of causation. [6]
- (c) Assess whether the current law on intention is uncertain and unjust. [9]

Read the scenario below and answer part (d).

Sam is on holiday and is sitting by the side of the pool at his hotel. The pool is empty apart from one swimmer, Ethan. Ethan jumps out of the pool and goes to the diving board and attempts to dive in, unfortunately he misjudges his dive and he hits his head on the side of the swimming pool, knocking him unconscious he sinks to the bottom of the pool. Sam sees all of this happen but he does nothing. Ethan drowns.

- (d) Advise Sam as to whether he would be liable for failure to act on these facts. [9]

OR,

Question 4: Human Rights Law

- (a) Explain the powers of the police to stop and search under the Police and Criminal Evidence Act 1984. [6]
- (b) Explain the powers of the police to search premises under the Police and Criminal Evidence Act 1984. [6]
- (c) Assess whether the law provides adequate protection to a suspect who has been arrested. [9]

Read the scenario below and answer part (d).

Sarah had just finished college for the day, she was walking through town to catch her bus home when she was stopped and searched by PC Carr who thought that she looked suspicious. PC Carr found in Sarah's bag an expensive camera, and despite Sarah saying that she used it for her college course PC Carr arrested her as he believed she had stolen it. Sarah was taken to the police station; she was immediately placed in a cell. Sarah was detained in police custody for 48 hours. During that time she asked if she could telephone her mother or speak to a solicitor, but both requests were refused. Sarah was interviewed for 16 hours, and her fingerprints were taken by force. Eventually, she was told that she was to be charged with theft, and would be brought before the magistrates' court in the morning.

- (d) Advise Sarah as to whether her rights as a detainee were respected while she was in police custody. [9]

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