



GCE A LEVEL – **NEW**

A150U20-1



THURSDAY, 13 JUNE 2019 – MORNING

LAW – A level component 2
Substantive Law in Practice

2 hours 15 minutes

ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen. Do not use pencil or gel pen. Do not use correction fluid. Answer **three** questions in total, each question from a different section.

Section A – Law of Contract (private law)

Section B – Law of Tort (private law)

Section C – Criminal Law (public law)

Section D – Human Rights Law (public law)

The same three sections that you choose for this examination must also be chosen for the component 3 examination.

Write your answers in the separate answer booklet provided following the instructions on the front of the answer booklet.

Use both sides of the paper. Write only within the white areas of the booklet.

Write the question number in the two boxes in the left hand margin at the start of each answer.

e.g.

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Leave at least two line spaces between each answer.

INFORMATION FOR CANDIDATES

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

Answer three questions in total.

Section A

Law of Contract

Answer one question from this section if you have studied this area of private law.

The questions which follow require you to:

- demonstrate knowledge and understanding of the English legal system;
- apply legal rules and principles to the scenario; and
- present a legal argument using appropriate legal terminology.

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

Either,

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Daniel, a talented amateur photographer who was sometimes paid to take photographs, took a very expensive camera to be repaired by Emma, who often repaired Daniel's cameras for him. As Daniel was leaving Emma's shop, Emma handed him a piece of paper which had a repair number on it to identify Daniel's camera and which also contained the following clause:

"Liability for any breach of contract is limited to £50 and, in any event, there is no liability for any breach not reported within 24 hours of the camera's collection."

As a result of Emma's negligent work when repairing the camera, the camera was ruined. Daniel did not discover this until a few days later when he went to use the camera. When he took it back to Emma, she refused to pay for the camera, claiming that she was protected by her contract with him.

Advise Daniel whether Emma can refuse to pay him for the camera, applying your knowledge and understanding of legal rules and principles. [25]

Or,

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Ben had wanted to buy a caravan. He went to see the stock of second-hand caravans at 'Colin's Caravans'. Ben liked the look of a blue 'Sunshine Traveller' caravan. However, Ben was very anxious not to purchase a caravan which had ever been involved in an accident. He made that clear to Colin, who told him that, in his opinion the caravan in which Ben was interested had never been in an accident. Ben purchased the caravan and had it redecorated inside with leopard print wallpaper, to suit his personal taste. He then discovered that the caravan had once been involved in a serious accident. Ben paid £15,000 for the caravan. As it had been involved in a serious accident, it was only worth £7,000.

Advise Ben whether he can take action for misrepresentation and the remedies available to him, applying your knowledge and understanding of legal rules and principles. [25]

Section B

Law of Tort

Answer **one** question from this section if you have studied this area of private law.

The questions which follow require you to:

- demonstrate knowledge and understanding of the English legal system;
- apply legal rules and principles to the scenario; and
- present a legal argument using appropriate legal terminology.

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

Either,

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Eric works for Sweets R Us Ltd, a small company which makes sweets. Eric works in the manufacturing area of the factory and has to wear protective clothing and headgear. One of Eric's jobs is to add boiling hot sugar to the sweet mix. As the boiling hot sugar is at an extremely high temperature, in order to protect his skin, Eric has to wear special insulated gloves, provided by the company. The gloves are made from a special non-slip material. In July 2017, Eric was carrying some boiling hot sugar across the factory floor. He had lost his special gloves and was wearing a pair of ordinary woollen gloves. These gloves did not have any non-slip properties and when the container of boiling hot sugar began to slip from Eric's hands he nearly dropped it. As a result some boiling hot sugar spilled onto Eric's arm and burned it badly.

Garry was a colleague working nearby. Some of the boiling hot sugar also splashed on to Garry's lips causing a burn. Unfortunately, due to an existing predisposition to cancer, the burn turned cancerous. Garry is currently undergoing treatment.

Advise Garry of any legal action he may be able to take under the law of tort, applying your knowledge and understanding of legal rules and principles. [25]

Or,

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After several weeks of persistent rain, Sara noticed a leak coming through her bedroom ceiling so she rang a roofing company and arranged for Jim, a roofing contractor, to come and have a look to see if any of the roof tiles were loose. Jim said that there were five tiles that were damaged and loose, and that he would have to come back and replace them. A week later, when Jim was replacing the tiles on the roof, he used the wrong nails, which did not secure the new tiles properly. As a result, some of the tiles came loose and fell on Julie, a delivery driver, as she was delivering a parcel to Sara, causing her to suffer a broken leg. Julie had thought that the tiles were loose and might fall, but had decided to ignore the risk and go ahead and deliver the parcel anyway.

Advise Julie if Sara could be held liable in tort for her injuries, applying your knowledge and understanding of legal rules and principles. [25]

Section C

Criminal Law

Answer **one** question from this section if you have studied this area of public law.

The questions which follow require you to:

- demonstrate knowledge and understanding of the English legal system;
- apply legal rules and principles to the scenario; and
- present a legal argument using appropriate legal terminology.

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

Either,

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Tilly, Jim and Kelly were walking home from the pub late at night, rather drunk, when they came across an abandoned supermarket trolley. Tilly jumped in and Jim and Kelly began to push the trolley around in circles, laughing and shouting loudly. A woman in a nearby house put her head out of an upstairs window and told them to be quiet. Tilly shouted back at the woman: "Shut your mouth, or I'll come up there and punch you in the face." Kelly and Jim then carried on walking along the street, still pushing the trolley with Tilly in it. Minutes later a police car came down the street towards them and braked to a halt. Two police officers, PC West and PC Cull, got out. Jim ran off, but PC West caught up with him and grabbed him by the shoulder. In his drunken state, Jim thought that PC West was attacking him, and punched the officer in the face, cutting his lip. Meanwhile, Kelly tried to stop PC Cull from arresting her by charging at him with the trolley. The trolley spun out of control, and struck the edge of the pavement. Tilly was thrown out of the trolley by the impact, and suffered serious injuries to her back.

Advise Tilly, Jim and Kelly whether they may have committed any offences, taking account of any defences which may be available to them, applying your knowledge and understanding of legal rules and principles. [25]

Or,

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Joe is a member of his school's mixed hockey team. The team's captain, Kevin, constantly criticises Joe in front of the other members of the team for being overweight and slow. During a particularly difficult game against another school, Joe lost the ball to Kim, a girl from the opposing team, who promptly scored a goal. Kevin ran over to Joe, shouting furiously, "You idiot, even a girl can play better than you!" Joe felt upset and humiliated and when Kate next moved in to tackle him, he lost all control and struck her hard on the leg with his hockey stick. After the game was over, Kate noticed a swelling in her leg, and showed it to her sports teacher, Linda. Linda said that it was probably just a bad bruise, but advised Kate to rest her leg and see her doctor in the morning. Kate ignored this advice and went out to party where she danced all night. However, that night Kate collapsed and was taken to hospital, where she died. It was later discovered that her death was due to a blood clot caused by the blow to her leg, and that her life could have been saved if she had received early medical treatment.

Advise Joe whether he may be criminally liable for Kate's death, applying your knowledge and understanding of legal rules and principles. [25]

Section D

Human Rights Law

Answer **one** question from this section if you have studied this area of public law.

The questions which follow require you to:

- demonstrate knowledge and understanding of the English legal system;
- apply legal rules and principles to the scenario; and
- present a legal argument using appropriate legal terminology.

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

Either,

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Sergio came to Britain on a visit to improve his English. During a sight-seeing tour around London, Sergio put down his backpack to take some photographs. Another tourist, Paula, picked up Sergio's backpack in mistake for her own. Minutes later Sergio was stopped in the street by PC Smith, who was accompanied by a very upset Paula. Sergio and Paula swapped backpacks, and PC Smith advised them to check the contents to make sure nothing had been lost. Paula announced that five hundred pounds were missing from her backpack. PC Smith searched Sergio and found over a thousand pounds in his wallet, so he told Sergio that he would have to go with him to the police station. Sergio went willingly, unaware that he was under arrest. Sergio was taken directly to an interview room, where the police took his fingerprints. He was refused the right to phone someone to tell them where he was. He was then questioned for eleven hours before being placed in a cell. After sitting in the cell for 20 hours Sergio grew worried about the time it was taking to sort out the mix-up. Finally after 39 hours Sergio was released without charge.

Advise Sergio as to the legality of the actions of the police, applying your knowledge and understanding of legal rules and principles. [25]

Or,

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David works as an electrician for a firm which has a contract to carry out work on the offices of civil servants in a government building in London. One afternoon when David was checking the wiring in the office occupied by Ian, he found that Ian had gone down to the canteen to get some food, leaving his computer switched on. The computer screen showed an email from the Ministry of Defence, stating that the government had decided to close a factory in Manchester which makes military equipment for British troops. David read the e-mail and realised that the closure would mean the loss of several thousand jobs in the area. When David got home, he told his brother Rick, who is a trades union official. Rick passed the information on to Matthew, a journalist with a monthly business magazine, who wants to publish the information in next month's edition.

Advise Ian, David, Rick and Matthew whether they have committed any criminal offences, applying your knowledge and understanding of legal rules and principles. [25]

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