

LAW

LAW4

**Unit 4 Criminal Law (Offences against the Person)
or Contract Law**

Tuesday 16 June 2009 9.00 am to 10.15 am

For this paper you must have:

- a 12-page answer book.

Time allowed: 1 hour 15 minutes

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is LAW4.
- Answer **one** question from two on the theme you have studied for this unit.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 85.
Ten of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets.

Answer **one** question from two on the theme you have studied for this unit.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Read the scenario and answer **all** parts of the question which follows.

Criminal Law (Offences against the Person)

Total for this question: 75 marks

- 1** Alan, who had spent the last two hours in a bar, was still drinking from a bottle of whisky when he left the bar and met his friend, Bill. They began showing off by running along a high wall and pushing each other. Eventually, Bill fell three metres from the wall, when pushed by Alan, and struck his head on the concrete floor below. Carla saw him fall and went to help him but, as she bent towards him, he lashed out at her with his fist. He was wearing a ring which cut her face. Subsequently, Bill could remember nothing of the incident, in which he had suffered a minor skull fracture caused by his fall.

When Carla's partner, Darren, learned what had happened, he went round to Bill's house, banged on the door and shouted for Bill to come out so that they could "sort things out". However, only Bill's 70-year-old father, Edward, was in the house. Darren saw Edward at the window and waved his arms angrily at him. Hearing and seeing Darren, Edward suffered a heart attack and collapsed to the floor. Darren hurriedly left and did not telephone for an ambulance until two hours had passed, by which time Edward had died.

- (a) Discuss the criminal liability of Alan and of Bill arising out of the incidents involving Alan, Bill and Carla. *(25 marks)*
- (b) Discuss the criminal liability of Darren for the involuntary manslaughter of Edward. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), consider whether the current law is satisfactory. *(25 marks)*

OR

In relation to involuntary manslaughter, consider whether the current law is satisfactory. *(25 marks)*

OR

In relation to the non-fatal offences against the person, consider whether the current law is satisfactory. *(25 marks)*

Total for this question: 75 marks

- 2 Fred became increasingly annoyed by the late-night parties being held by his neighbour, Gemma. Eventually, during one of the parties, he sent her a text message which read, “I’ll burn you out if this does not stop.” The message was read by Gemma’s 16-year-old daughter, Hannah, who became very worried about it. When Hannah told Gemma, Gemma went round to Fred’s house and a furious argument broke out, during which Fred pinned Gemma against a wall. Gemma kicked Fred in the groin and then, when he doubled up in pain, brought her knee up into his face, breaking his nose and loosening three of his teeth.

A few days later, Fred’s son, John, saw Gemma’s boyfriend, Keiran, in a café. Keiran laughed and made a loud remark about Fred being beaten up by a woman. Because of his prolonged abuse of drink and drugs, John was prone to irrational, aggressive responses to various situations. He picked up a knife from a table and stabbed Keiran in the body. Keiran thought that he had simply been punched and did not at first seek medical treatment. When he finally went to the Accident and Emergency department at the hospital, he was thought to be a low priority case and was not immediately dealt with. By the time the mistake was discovered, it was too late to save Keiran’s life.

- (a) Discuss the criminal liability of Fred and of Gemma. *(25 marks)*
- (b) Discuss the criminal liability of John for the murder of Keiran. *(25 marks)*
- (c) Choose **one** of the following:

In relation to murder (including voluntary manslaughter), consider whether the current law is satisfactory. *(25 marks)*

OR

In relation to involuntary manslaughter, consider whether the current law is satisfactory. *(25 marks)*

OR

In relation to the non-fatal offences against the person, consider whether the current law is satisfactory. *(25 marks)*

Turn over for the next question

Turn over ►

Contract Law

Total for this question: 75 marks

- 3 As part of a campaign designed to increase sales, *The National Record*, a daily newspaper, advertised that anyone who collected six vouchers from the newspaper over a two-week period would be entitled to a pack of free DVD films. The newspaper advertisements stated, “Last date for return of vouchers is 10 May.” Amy collected six vouchers and posted them first class on 2 May. However, they were not received until 12 May because of postal delays. Ben had collected five vouchers but was unable to collect the sixth when *The National Record*, alarmed by the number of responses already received, suddenly stopped publishing any more vouchers before the end of the two-week period. *The National Record* has denied that Amy and Ben are entitled to the free DVDs.

Ben signed an agreement with The DVD Club (‘The Club’) by which he agreed to pay a subscription of £5 per month for a minimum period of a year. In return, he was promised a DVD film each month consisting of ‘box office hits’, as well as the opportunity to buy half-price DVDs from ‘The Club’s extensive catalogue’. He was very disappointed to find that, of the first three films, one was famous but very old, whilst the other two were little-known films which had not been on general release. Additionally, he had been given no opportunity to buy any half-price films. Ben now wanted to ‘cancel’ his subscription but The Club refused to allow him to do so.

- (a) Taking into account the rules on formation of contract, consider whether Amy and Ben have any rights and remedies against *The National Record* in connection with the vouchers and the free DVDs. (25 marks)
- (b) Taking into account the rules on breach and misrepresentation, consider the rights and remedies of Ben and of The Club in connection with Ben’s wish to ‘cancel’ his subscription to The DVD Club. (25 marks)
- (c) Choose **one** of the following:

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on offer and acceptance. (25 marks)

OR

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on consideration. (25 marks)

OR

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on intention to create legal relations. (25 marks)

Total for this question: 75 marks

- 4 Paul and Ray are cousins. Paul is an accountant and Ray is a builder specialising in roofs. Ray often did small building jobs for Paul and, in return, Paul would deal with Ray's accounts and other financial affairs. Whilst Paul was out of the country on business, the roof of his house was damaged by stormy weather. Ray was unable to contact Paul but carried out repairs on the roof which would have cost about £500. When Paul got back, he told Ray that he would pay him £500. However, Paul never made the payment.

Using a brochure supplied by Sanjay, and following a telephone conversation with Sanjay, Ray ordered and paid for wall tiles which had been made to his own specification. However, when they were delivered, Ray realised that he and Sanjay must have been talking about different tiles when the conversation took place. He did not want the tiles, but Sanjay would not take them back or make a refund.

Ray agreed to make alterations to the roof of Tina's house for £4000. Tina paid £1000 in advance. Ray had spent £1200 on materials when Tina discovered that planning restrictions introduced after the work was agreed now prevented the work from going ahead.

- (a) Taking into account the rules on formation of contract, consider what rights and remedies, if any, are available to Ray against Paul, arising out of the work done by Ray on Paul's roof for which Paul subsequently promised to pay. *(25 marks)*
- (b) Taking into account the rules on mistake and on frustration, consider the rights and remedies of Ray and of Sanjay in connection with the purchase of the tiles, and of Ray and of Tina in connection with the roof alterations. *(25 marks)*
- (c) Choose **one** of the following:

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on offer and acceptance. *(25 marks)*

OR

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on consideration. *(25 marks)*

OR

What criticisms would you make of the rules on formation of contract? In your answer, discuss the rules on intention to create legal relations. *(25 marks)*

END OF QUESTIONS

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