A-level
LAW
Paper 2

Specimen 2016

Time allowed: 2 hours

Instructions
- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer all questions. You must answer the questions in the spaces provided. Do not write on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.
Rik, a claimant, has a duty to mitigate his losses when seeking damages in negligence. Which one of the following is the most accurate explanation of Rik’s duty to mitigate?

A. Rik can only claim for losses which are foreseeable

B. Rik cannot claim for pure economic loss

C. Rik should establish a link between the negligence and the loss suffered

D. Rik should take reasonable steps to minimise his losses

[1 mark]

If established by the defendant, the defence of contributory negligence has the following effect on a claim brought by the claimant:

A. Damages are reduced according to the level of fault demonstrated by the claimant

B. Damages are reduced by half

C. Damages are reduced without taking account of the level of fault demonstrated by the claimant

D. No damages will be awarded

[1 mark]
Select the one **true** statement.

Proposed new legislation affecting the whole of the Country but which is promoted by a minority interest group is most likely to be brought to Parliament as a:

A Government Bill

B Private Bill

C Private Member’s Bill

D White Paper

[1 mark]

Which one of these statements about tribunals is correct?

A Most administrative tribunals are set up by professional bodies like the General Medical Council

B Most administrative tribunals are set up under common law

C Most tribunal panels consist of three members, a legally qualified chair and two others

D The appeal from a tribunal decision is to the Supreme Court

[1 mark]

The Law Commission's role includes codification of specific areas of law. Choose the best definition of codification.

A Integrating all relevant laws in a new Act of Parliament

B Combining two Acts of Parliament

C Repealing obsolete and old-fashioned laws

D Reviewing all the relevant law from every source

[1 mark]
06

Explain **three** differences between the resolution of civil law disputes in courts on the one hand, and through alternative dispute resolution mechanisms on the other.  

[5 marks]
Amina’s property was damaged by Ben’s negligence. Most of the damage was of a kind that might have been expected but some of the damage was much more extensive than might have been expected.

If the remoteness of damage principles are applied to Amina’s claim against Ben for compensation in an action in negligence, suggest why she is likely to recover compensation for some, but perhaps not for all, of the damage.

[5 marks]
Claire bought a detached house in a quiet residential area. Dan, the owner of the neighbouring house, ran a small welding business at weekends in the shed in his back garden. Claire became increasingly annoyed by the noise, despite the fact that a local estate agent had warned her of Dan’s activities before Claire bought her house. When Claire complained to Dan, he started welding on Fridays as well.

Advise Claire as to her rights and remedies against Dan in connection with the noise.

[10 marks]
In question 9 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

Examine the meaning and significance of ‘fault’ as a basis for liability in English law. Discuss the extent to which liability is based on fault in the tort in Rylands v Fletcher.

[15 marks]
In question 10 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

Ella and her three years old son, Finley, were walking along the pavement of a busy road. Ella was answering a text on her mobile phone and did not notice that Finley had wandered off the pavement and into the road. Gavin was driving his motorbike along the road. As he came around a bend, he suddenly saw Finley immediately in front of him in the middle of the road. In swerving to avoid Finley, Gavin lost control of the motorbike and narrowly missed Hana, who was also walking along the pavement. The motorbike then struck a lamppost and the collision threw Gavin high into the air and some distance along the road.

Gavin was obviously very badly injured and in considerable pain. Despite being very shaken herself, Hana rang for an ambulance and tried to comfort Gavin. By the time the ambulance arrived, Gavin’s wife, Isabel, had also been contacted. She arrived at the scene shortly after the ambulance had left but she saw Gavin’s badly mangled motorbike, along with bloodstains and bits of clothing strewn along the road. Gavin survived, though he was left with permanent physical disability. Both Hana and Isabel subsequently suffered from severe depression and personality changes.

Consider the rights and remedies of Gavin, Hana and Isabel against Ella. [30 marks]
Extra space
Jackson Ltd owned a warehouse and yard fenced off from the public. Large empty wooden crates were frequently stacked in the yard to await collection by a road haulage company. Recently, a section of the fence had been vandalised and youths, including Karl, aged 15, had been entering the yard and damaging vehicles and equipment. Whilst waiting for the fencing to be renewed, Jackson Ltd made a temporary repair and put up notices stating, “Danger! Keep out!”.

One night, Karl easily broke through the repaired fence, climbed one of the stacks of crates and began jumping about at the top. When the stack moved under his weight, he lost his balance, fell and broke his arm. In jumping about on the crates, Karl had caused the stack to become unstable. The next morning, Lech, a driver for the road haulage company, began to inspect the stack before loading the crates onto his lorry. The stack collapsed onto him and caused injuries to his back which were made much worse by a pre-existing physical weakness.

Consider the rights and remedies of Karl and of Lech against Jackson Ltd in connection with the incidents involving the stack of crates.

Assuming that Karl has a small income and no savings, assess the options that may be open to him to pursue legal action against Jackson Limited.

[30 marks]
END OF QUESTIONS
There are no questions printed on this page