A-level
LAW
Unit 4 Criminal Law (Offences against Property) or Tort, AND Concepts of Law

Monday 18 June 2018   Afternoon   Time allowed: 2 hours

Materials
For this paper you must have:
• an AQA 12-page answer book.

Instructions
• Use black ink or black ball-point pen.
• Write the information required on the front of your answer book. The Paper Reference is LAW04.
• Choose one scenario from two from either Section A (Criminal Law – Offences against Property) or Section B (Tort) AND one question from Section C (Concepts of Law).
  In Section A or Section B, answer both questions on the scenario you choose.
• 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 cases, statutes and examples.

Information
• The marks for questions are shown in brackets.
• The maximum mark for this paper is 85.
• In Questions 09, 10 and 11, five marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
  – use good English
  – organise information clearly
  – use specialist vocabulary where appropriate.

Advice
• You are advised to spend no more than one hour on Section A or Section B. It is recommended that you spend 15 minutes planning your answer in Section C.
Choose one scenario from either Section A or Section B AND one question from Section C.

Section A Criminal Law (Offences against Property)

Choose one scenario from two on the theme you have studied for this unit.

Read the scenario and answer both questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 1

Al is the owner of a car showroom. He urgently needed £1500 to repay a debt to a drug dealer. Belle asked Al whether he could get a cheap second-hand car for her to buy. He lied to her that, if she paid him £1500, he would use it to buy a suitable car for her. Belle paid Al £1500 in cash, but Al used this money to repay the drug dealer. When Belle later asked Al about the car, Al lied that the car was ‘no longer available’ and that he would repay her the £1500.

Belle soon realised that she would not get the £1500 back. She met Chas, her boyfriend, in a bar and told him what had happened. Chas drank several pints of beer and texted Al that, unless he repaid £1500 to Belle, he would burn down Al’s showroom. Al knew that Chas had a reputation for violence, but he ignored his threat.

Chas was furious with Al. The next day, he entered Al’s car showroom with the intention of ‘roughing him up’, but was told that Al was not in work that day. Chas saw a notice on an office door which read ‘Al’s office. Private’. Chas found the office door unlocked and went in to see if there was anything worth stealing. He took £500 from the open drawer of Al’s desk. As he pocketed the money, he thought, ‘Belle deserves this’. Eric, Al’s mechanic, saw what Chas was doing and ran into Al’s office. As Eric raised his fist to punch Chas, Chas head-butted Eric. As Eric lay unconscious on the office floor, Chas ran from the building.

0 1 Discuss the possible criminal liability of:

• Al for any property offences arising out of his dealings with Belle
• Chas for any property offence arising out of his text to Al.

[25 marks]

0 2 Discuss the possible criminal liability of Chas for any property offences in connection with his activities at Al’s showroom.

[25 marks]
Scenario 2

Mike, a boy aged 17, lived in an old abandoned house and was very short of money. Mike was friends with Norm, a frail old man. Mike borrowed £50 from Ollie, a violent moneylender. When Mike told Ollie that he could not repay him, Ollie pointed a gun at Mike and told him to ‘steal me some valuables soon, or else’. The next day, Ollie phoned Mike with another threatening message. An hour later, Mike saw Norm and lied to him that it was his birthday and that he had received no gifts. Norm gave Mike his gold watch, which Mike then handed over to Ollie.

Pete lived in the same house as Mike. He went into a cafe and ordered and ate a fish and chips meal costing £7. When he was given the bill, he suddenly realised that he had no money with him. He then ran from the cafe without paying. Later that day, Pete saw a skip in the road outside Ron’s house. Ron had hired the skip from the council to dispose of old kitchen items. Pete saw some stale sandwiches which Ron had thrown away and took them from the skip.

Later that night, Pete was walking down an unlit street with a sharp bend. The council had blocked off one of the two driving lanes to carry out roadworks. They had also erected traffic lights at both ends of the roadworks, which allowed only one-way traffic at a time. For a ‘laugh’, Pete smashed both sets of lights. Soon afterwards, Ron was driving around the sharp bend and only just avoided crashing into Ted’s car which was coming the other way.

0 3 Discuss the possible criminal liability of Mike for any property offences arising from his meeting with Norm.

[25 marks]

0 4 Discuss the possible criminal liability of Pete for any property offences in connection with:

- the cafe meal and
- his taking the sandwiches and
- his smashing the traffic lights.

[25 marks]
Section B Tort

Choose one scenario from two on the theme you have studied for this unit.

Read the scenario and answer both questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Total for this scenario: 50 marks

Scenario 3

Albie often held parties in his large garden. Before one party, he paid Bob, a carpenter, to erect a wooden stage for a live band. During the band’s performance, part of the stage collapsed because Bob had not used strong enough supports. Cal, a guitarist, fell and broke his arm and his guitar was smashed.

Albie often saw young boys climbing over the garden fence to get into the garden parties, so he placed ‘Keep out’ signs on the fence. However, a group of boys, including Doug, aged 13, climbed over the fence during a party. They ran down the concrete steps leading to the party area, even though some steps were obviously crumbling. Doug suffered a broken leg when one of the crumbling steps gave way which caused him to fall.

During one party Albie asked Fred, a local builder, if it would be ‘legal’ to replace the old wooden doors in his house with new ones made of PVC, a cheaper material. Fred advised, free of charge, that Albie would have to use wooden doors because the house was in a conservation area. Albie followed Fred’s advice. Albie later discovered that he could legally have fitted PVC doors, which would have cost £10 000 less.

Later, Fred was driving a truck with heavy machinery in the back. As Fred drove round a sharp bend, the machinery suddenly shifted in the back of the truck because Fred had not secured it properly. This caused Fred to lose control of the truck and hit Greg’s bicycle. Greg was hurled from the bicycle and fractured his skull. He was not wearing a helmet. An hour later, Greg’s fiancée, Jane, arrived at the hospital and saw Greg unconscious and bleeding heavily. She later suffered mental trauma.

Discuss the rights and remedies, if any, of:

• Cal against Albie
• Doug against Albie.

[25 marks]

Discuss the rights and remedies, if any, of:

• Albie against Fred
• Greg against Fred
• Jane against Fred.

[25 marks]
Scenario 4

Carl bought a house in a busy street next to Den’s printing works. There were very few houses in the street, but many shops and noisy traffic. Den did a lot of printing for charities. Carl had sensitive hearing and he was very annoyed by the considerable daytime noise from the printing machinery. After four months, Carl complained to Den, who ignored him. In fact, Den even increased his printing to include night work for the next six months.

The following year, Den’s other neighbour, Ed, created a lake in the field at the back of his house to sail his large model boats. A violent rain storm occurred one night which caused the lake to overflow and flood Den’s printing works. As a result, Den’s machinery could no longer be used.

Ed wanted to replace some broken tiles on his roof. Freda, his sister, gave him a bag of ‘Superstick’, an adhesive for fixing roof tiles. ‘Superstick’ was manufactured by GoodBuy. Ed fixed the tiles to his roof following GoodBuy’s instructions. The next day, some tiles suddenly fell from the roof as Ed was cleaning his car in his driveway. One of the tiles hit Ed on the head, making him unconscious. Other tiles dented his car, costing £500 to repair. The adhesive used by Ed had been made useless by contamination during its manufacture.

Ed was taken to hospital. As Dr Field, a junior hospital doctor, was examining him on a hospital bed, Ed suddenly had a fit. Dr Field immediately injected Ed with a drug to stop the fit. Because the dosage was far stronger than most doctors would use, Ed’s fit got worse. Ed’s shaking caused him to fall out of bed and suffer a dislocated shoulder.

Discuss the rights and remedies, if any, of:

- Carl against Den
- Den against Ed.

[25 marks]

Discuss the rights and remedies, if any, of:

- Ed against GoodBuy in connection with his head injury and the damage to his car
- Ed against Dr Field in connection with his dislocated shoulder
- Ed against the hospital in connection with his dislocated shoulder.

[25 marks]
Section C Concepts of Law

Answer one question only from this section.

It is recommended that you spend 15 minutes planning your answer.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

09 Consider what is meant by ‘justice’. Discuss whether English law fully achieves justice. [30 marks + 5 marks for AO3]

10 Discuss the extent to which judges are able to display creativity in the operation of judicial precedent and in the interpretation of statutes. Discuss whether judges should have this ability. [30 marks + 5 marks for AO3]

11 Consider the view that there is a close relationship between law and morality. Examine the debate as to whether law should reflect moral principles. [30 marks + 5 marks for AO3]

END OF QUESTIONS
There are no questions printed on this page