



**GCE A LEVEL**

1150U30-1



Z22-1150U30-1-R1

**MONDAY, 6 JUNE 2022 – MORNING**

**LAW – A2 unit 3**

**The Practice of Substantive Law**

1 hour 45 minutes

### **ADDITIONAL MATERIALS**

A WJEC pink 16-page answer booklet.

### **INSTRUCTIONS TO CANDIDATES**

Use black ink or black ball-point pen. Do not use gel pen or correction fluid.

Answer **two** questions in total, each question from a different section.

**Section A** – Human Rights Law

**Section B** – Law of Contract

**Section C** – Criminal Law

Write your answers in the separate answer booklet provided. 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,

for example 

1	0
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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 **two** questions in total.

### Section A

#### Human Rights Law

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

The questions which follow require you to:

- demonstrate knowledge and understanding of legal rules and principles;
- 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,**

1	0
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The Government recently set up a scheme under which the job seekers' allowance benefit was paid instead to a private company. Unemployed people were set to work in the community and allowed a proportion of their benefits depending on how many hours they worked each week. Stories soon began to circulate about the large profits being made by the company and the terrible poverty which the scheme was causing to unemployed people and their families. The editor of the *Daily Deceiver*, Katie Kittle, was informed by a usually reliable source that Digby Dollard, one of the government ministers responsible for setting up the scheme, had been receiving payments from the company. Katie printed the story, together with a photo of Digby coming out of an expensive restaurant, under the headline: "Digby Dines while Families Face Hard Times". As a result of the article, Digby has received death threats and has been suspended from his role as government minister. In fact, the story was not quite accurate, as it was actually Digby's ex-wife who had received payments from the company.

In light of reported case law and other sources of law, consider whether Digby has a case for defamation against the *Daily Deceiver* and Katie. [50]

**Or,**

2	0
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In 2011 Adam suffered a massive stroke which left him completely paralysed from the neck down, but he could move his head and his eyes. For many years, he had wanted to end his life, but could not do so without assistance, other than by self-starvation which would be a long, painful and distressing death. He wanted someone to kill him by injecting him with a lethal drug. If necessary he was prepared to kill himself by means of a machine which, after being loaded with a lethal drug, could be digitally activated by Adam, using a password, via an eye blink computer. Adam wants to apply to the High Court for a declaration that it would be lawful for a doctor to assist him in terminating his life this way, or if the court refused, then Adam would like a declaration that the current law, which states that encouraging or assisting a suicide is a crime, is incompatible with his right to a private life under article 8 of the European Convention on Human Rights.

Advise Adam of the powers that judges have under the Human Rights Act, 1998 to challenge the law on assisted suicide. [50]

## Section B

### Law of Contract

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

The questions which follow require you to:

- demonstrate knowledge and understanding of legal rules and principles;
- 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,**

3	0
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Active Athletics stadium in Newport was to host the annual race event on 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> October 2019. As the event would attract more crowds than usual, Active Athletics contracted with Builders R Us for them to build a bigger car park close to the stadium. As part of the contract, Builders R Us were required to re-lay and widen the existing car park. The new car park was to be completed by 7<sup>th</sup> October 2019. A deposit of £40 000 was payable by Active Athletics before the 7<sup>th</sup> September 2019 and the balance of £80 000 was payable on the 7<sup>th</sup> October 2019.

Mr King, a local resident, decided to make some money out of the forthcoming event, and knowing that visitors to the event would be looking for accommodation, he let out his house in Newport for £2 000 for the 3 days of the event to Mrs Mann. Mrs Mann paid a deposit of £800 on entering into the contract with Mr King and the balance was due on 10<sup>th</sup> October 2019.

During the first week of October 2019 Newport experienced exceptionally heavy rain. The stadium, which was next to the local river, was flooded so the athletics event had to be cancelled.

The event could not be rescheduled. The area is no longer suitable for any development. Builders R Us are claiming the balance of the money they say is due. They say that their labour costs for the new car park amount to £50 000 and they wish to recover this from Active Athletics. Mrs Mann has also informed Mr King that as the event has been cancelled she no longer wants to stay at his house in Newport.

Advise Active Athletics as to their liability to Builders R Us and also advise Mr King who is seeking to recover the balance of £1200 from Mrs Mann. [50]

**Or,**

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Fiona bought a new pond filter system from Pond Life Ltd who assured her that it would be perfect for improving the quality of the water in her garden fish pond. Fiona arranged for Jack to install the filter system. Jack missed two appointments, for which Fiona had taken time off work. When he finally turned up for the third appointment, Jack damaged the mosaic garden tiles around the pond when he dropped his tools whilst installing the filter system. Though Jack properly installed the filter system, it was of poor quality and failed to improve the water quality of the pond leading to several fish dying. Pond Life Ltd refused to accept any responsibility. Jack also pointed out that Fiona had signed a “completion of work” form, which included a statement that he would not be liable for any damage resulting from the installation work.

Advise Fiona whether there has been a breach of any implied or express terms for the purchase and installation of the filter system, applying your knowledge of legal rules and principles. [50]

## Section C

### Criminal Law

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

The questions which follow require you to:

- demonstrate knowledge and understanding of legal rules and principles;
- 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,**

5	0
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Steven enjoys driving his open-top sports car at speed. On a beautiful sunny day Steven is driving very fast through a country village when he passes Davina, a pedestrian, who is out walking. Davina is so startled by the speed of the car passing her on the narrow road, that she leaps out of Steven's way and in doing so she falls over, suffering cuts and bruises to her arms and legs. Aidan, a passer-by, helps Davina to her feet. Davina's boyfriend, Mike, hears Davina's cries and rushes to find out what is going on. He sees Aidan holding Davina's arm. He runs over and shouts at Aidan, 'Let go of her or I will kill you!' Meanwhile Steven has stopped his car to see what is going on. Mike, realising that Steven is to blame for Davina falling over and hurting herself, drags Steven from the car and kicks and punches him repeatedly, breaking four of Steven's ribs.

Advise Steven and Mike as to whether they have committed any non-fatal offences, applying your knowledge and understanding of legal rules and principles. [50]

**Or,**

6	0
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Alfie and Simon went to a music festival together. They watched numerous bands and drank lots of cider. Whilst in the festival bar Alfie taunted Simon saying that his favourite band was better than Simon's favourite band and they began to argue, resulting in Alfie punching Simon on the chin, causing him to fall and bang his head on the floor. The barman, Richie, physically threw them both out into the field, causing Simon to fall over and bang his head for a second time. By now Simon was barely conscious, so Alfie ran over to the St John's Ambulance tent, who arranged for an ambulance to take Simon to the accident and emergency department of the nearest hospital. Simon was examined by Chris, a young and inexperienced doctor. Chris sent Simon for an X-ray, but did not think it necessary to order a brain scan. The X-ray looked normal, so Chris told Simon he could go home. In fact Simon had suffered a serious brain injury which did not show up on the X-ray, but which could have been diagnosed and treated if Chris had ordered a brain scan. Simon died a few days later.

In the light of reported case law and other sources of law, consider whether Alfie may be criminally liable for Simon's death. [50]

**END OF PAPER**