

General Certificate of Education
June 2006
Advanced Subsidiary Examination



LAW
Unit 3 The Concept of Liability

LAW3

Monday 12 June 2006 9.00 am to 10.00 am

For this paper you must have:

- an 8-page answer book

Time allowed: 1 hour

Instructions

- Use blue or black ink or 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 LAW3.
- Answer **both** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
5 of these marks are for the Quality of Written Communication.
- The marks for questions are shown in brackets.
- You are reminded of the need for good English and clear presentation in your answers. All questions should be answered in continuous prose. Quality of Written Communication will be assessed in all answers.

Answer **both** questions.

Give reasoned answers. Where appropriate, make reference to authority.

Read the scenarios and answer **all** parts of the questions which follow.

Criminal Law

Total for this question: 25 marks

- 1 Jo, her boyfriend, Peter, and Karen shared a flat. Jo was angry and upset because she believed that Peter and Karen had slept together.

Jo heard the door to the flat being opened, and assumed that Karen or Peter had come in. In fact it was the landlord, Richard, who was delivering a new fridge. Without looking, Jo threw a pan full of boiling water in the direction of the door to the flat, and Richard was badly scalded.

- (a) At a criminal trial, the prosecution is required to prove *mens rea* unless the crime is one of **strict liability**. Explain, with the help of decided cases, what **each** of these **two** terms means. (15 marks)
- (b) Discuss Jo's criminal liability for Richard's injuries. (10 marks)

Tort

Total for this question: 35 marks

- 2 William was sorting out some files that were on a high shelf next to the open window in his office. As William could not reach the files easily, he used a pole to push them to the end of the shelf, and then tried to catch them as they fell.

William tried to catch a heavy file, but he failed to do so and it fell out of the window onto Lyn, who was sitting outside in her car. The car's sunroof shattered, and Lyn suffered a broken collarbone. Because of the injury, Lyn was unable to work as a freelance hairdresser for three months, and had to cancel a planned skiing holiday.

- (a) If Lyn is to succeed in a claim for negligence against William, she will have to prove **duty, breach and damage**. Outline what **each** of these **three** terms means. (15 marks)
- (b) Using the rules you have outlined in your answer to part (a) above, discuss whether William is liable to Lyn in negligence. (10 marks)
- (c) Assuming William were found to be liable to Lyn in negligence, explain how the court would calculate an award of damages to Lyn. (10 marks)

END OF QUESTIONS