



GCE A LEVEL

1150U30-1



TUESDAY, 6 JUNE 2023 – AFTERNOON

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

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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,

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Following some unpleasant racist incidents, Zara and Harry organised a march to call for peace and reconciliation. The march was to be followed by an open-air gathering in the town centre with music and dancing to celebrate harmony between different cultures. Around a thousand people took part in the march. As they approached the town centre, the police officer in charge of the march, Superintendent Jones, received information that a loud group of individuals known to be responsible for previous racist attacks was on its way to the town centre to confront the marchers. Superintendent Jones therefore gave instructions to the marchers to alter their route to avoid going anywhere near the town centre. Zara and Harry protested that this would make it very difficult for people to take part in the planned gathering. Superintendent Jones told them that, with great regret, he had banned their gathering as well. In the town centre itself, police officers ordered everyone who had already arrived for the gathering to leave the town centre immediately. Those who objected were arrested for taking part in a banned assembly and brought before the magistrates the following day.

In light of reported case law and other sources of law, advise Zara and Harry as to whether the police were acting within their powers to control these public order situations. [50]

Or,

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Daniel, a sixth-form student, was on his lunch break and he was wandering around the shops in town. He was observed by two police constables, PC Fenn and PC Owen, who noticed the school's logo on his sweatshirt and formed the opinion that Daniel was probably up to no good. PC Fenn took Daniel by the arm and said, "Alright lad let's see what you've got". He then proceeded to search Daniel in front of the passers-by. Finding nothing, he was about to let Daniel go when PC Owen commented that the school which Daniel attended had been the scene of a recent stabbing. The two officers then told Daniel that he was going to the police station so he could be questioned about the stabbing. At the station Daniel was beginning to lose his temper, and when he was taken before the custody officer, he shouted: "I know my rights; I'm studying law". The custody officer replied: "Well, you won't want a solicitor then," and put Daniel straight into a cell. Daniel sat in the cell waiting to be interviewed before he was taken out and forced to give his fingerprints. He was then questioned for twelve hours before being returned to the cell for the night. Daniel asked for his mother to be contacted, but the detective thought that Daniel would be more likely to confess if he was refused contact with his family. The questioning continued all the next day. After being in custody for more than 42 hours, Daniel confessed to the stabbing.

In the light of reported case law and other sources of law, advise Daniel as to the legality of the actions of the police. [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,

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Adam, a dealer in rare books, obtains a rare and valuable Harry Potter First Edition book. He decides to give two of his regular customers, Carl and Debbie, the opportunity to purchase it and writes individually to them telling them of this unique offer. He states in both letters that he is prepared to sell the book for around £10,000 and asked them to telephone him no later than 25 May if they are interested. Carl replies by email on 25 May, saying "I agree to pay £10,000, subject to you issuing a certificate of authenticity". Debbie posts a letter on 24 May indicating that she wishes to purchase the book for £10,000. Although correctly addressed, Debbie's letter is delayed in the post and does not reach Adam until 26 May. By the time Adam receives Debbie's letter, he has already despatched the book to Carl with a covering letter stating that he cannot issue a certificate of authenticity.

Advise Adam as to whether he can change his mind and sell the book to Debbie, applying your knowledge of legal rules and principles. [50]

Or,

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Ann wanted to purchase a piece of antique furniture. She went to Ken's shop which was world famous for selling antique furniture. She saw a table which she particularly liked. It had only come in that morning and Ken's new assistant, Ian, who had never worked in an antiques shop before, had brought it into the main showroom of the shop. Ann asked Ken if she could see the table and examine it. She said that she liked the table but would only buy it if it was a genuine antique. Although Ken had not examined the table properly, he assured her that, in his opinion, it was a 17th century antique table. In fact, the table is a 1980s reproduction. Ann has now discovered this to be the case and the table is worth less than 10% of the price that she paid for it. Furthermore, had the table been genuine it would now be worth more than twice the price that she paid for it.

Advise Ann as to whether there was a misrepresentation, 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,

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Section 1 of the Law Library Act 2019 (fictitious) states that it is a criminal offence “to be in possession of a hardback or paperback law textbook, law report or law journal”.

Ella is the law librarian at a local university. In preparation for renovations to the library building she removes all the law books and stores them in cupboards in her office.

One of the law lecturers, Mike, is leaving the university soon for a new job. As a thank you for all the help she has given him over the years Mike hands Ella a wrapped thank you present which she places on her desk, planning to open it later. The present is a limited edition of a Criminal Law textbook.

When Ella leaves to go home that night she is arrested under section 1 of the Act.

Advise Ella as to whether she might have committed a strict liability offence, applying your knowledge of legal rules and principles. [50]

Or,

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Dean looked after his mother, who was old and weak. When visiting Dean’s mother the family GP, Dr. Price noticed that Dean seemed anxious and tired and was complaining of bad headaches. Dr. Price examined Dean and diagnosed that he was suffering from depression. She also suspected that Dean might be showing symptoms of an incurable brain disease, so she arranged for Dean to have some tests, to check whether Dean’s mental functioning was becoming impaired. However before this could be done, Dean was arrested for the murder of his mother. The explanation which Dean gave for his actions was that his mother always said, when she wanted to go to bed, “It’s time to sleep now.” On the night of his mother’s death, Dean put his mother to bed as usual and watched her fall asleep. But later in the night he kept hearing his mother’s voice in his head, saying over and over again, “It’s time to sleep now.” Believing that his mother was still awake and talking to him, Dean gently placed a pillow over his mother’s face thinking that it would help her fall asleep.

Advise Dean as to whether he may have any defences to a charge of murder, applying your knowledge of legal rules and principles. [50]

END OF PAPER