



GCE AS

B150U20-1



FRIDAY, 24 MAY 2024 – MORNING

LAW – AS component 2
Understanding Substantive Law

1 hour 30 minutes

B150U201
01

ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Write your answers in the separate answer booklet provided.

Answer **two** questions in total: **one** question from Section A (private law) and **one** question from Section B (public law).

INFORMATION FOR CANDIDATES

The number of marks is given in brackets at the end of each question or part-question.

Section A: Private Law

Answer **either** question 1 **or** question 2.

These questions require you to:

- demonstrate knowledge and understanding of the English legal system and legal rules and principles
- apply legal rules and principles to a scenario in order to present a legal argument using appropriate legal terminology
- analyse and evaluate legal rules, principles and concepts.

Credit will be given for the use of relevant supporting case law and authority.

EITHER

Question 1: Law of Contract

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|-----|---|-----|
| (a) | Explain the elements of a valid contract. | [6] |
| (b) | Explain the law surrounding intention to create legal relations between family and friends. | [6] |
| (c) | Assess the importance of the postal rule in the law of contract. | [9] |

Read the scenario below and answer part (d).

On Monday morning, Tristan had a phone call from the art gallery where he exhibits his sculptures, saying that Cynthia was interested in buying one of his pieces of work. Tristan phoned Cynthia that Monday evening, stating that he was prepared to sell her the sculpture for £650. She was unsure and so he agreed to hold it for her until 5:30 pm the next day. Cynthia phoned Tristan at 9:30am the next morning and said that she would give him £575 for the sculpture; Tristan said that he would think about it. However, later that morning Steve, who was visiting the gallery, fell in love with the sculpture and offered Tristan the asking price. Tristan accepted and the sculpture was sold. When Cynthia phoned later on the Tuesday afternoon, stating that she wanted to buy the sculpture and offering to pay £650 for it, the gallery informed her that it was no longer available.

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| (d) | Advise Cynthia as to whether a valid contract has been formed. | [9] |
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OR

Question 2: Law of Tort

- (a) Explain what is meant by 'duty of care' under the law of tort. [6]
- (b) Explain what is meant by a primary victim and a secondary victim. [6]
- (c) Assess the different types of damages available under the law of tort. [9]

Read the scenario below and answer part (d).

Following a major storm, Sunita saw pieces of broken tile from her roof on the driveway and realised that there was a hole in the roof of her house caused by the bad weather. Colin, a local roofer, said that there were four tiles missing and that he would be back later in the day to deal with it. Sunita took the day off work and Colin arrived at the end of the afternoon when the light was fading. He was quick in replacing the tiles and, much to Sunita's relief, soon told her that the job was done. A week later, unbeknown to Sunita, some of the tiles had started to slip off the roof as Colin had not secured them properly. That same day, Anna, a delivery driver, dropped off a case of wine to Sunita. It was another windy day and, as she made her way down the drive, Anna was hit on the back of the head by a loose tile which came off the roof. She was severely concussed and had to take several weeks off work.

- (d) Applying your knowledge and understanding of legal rules and principles, advise Anna if she has a valid claim under the Occupiers Liability Act 1957. [9]

Section B: Public Law

Answer **either** question 3 **or** question 4.

These questions require you to:

- demonstrate knowledge and understanding of the English legal system and legal rules and principles
- apply legal rules and principles to a scenario in order to present a legal argument using appropriate legal terminology
- analyse and evaluate legal rules, principles and concepts.

Credit will be given for the use of relevant supporting case law and authority.

EITHER

Question 3: Criminal Law

- (a) Explain what is meant by the coincidence of actus reus and mens rea in criminal law. [6]
- (b) Explain what is meant by the 'thin skull rule'. [6]
- (c) Assess the factors taken into account by the court when deciding whether an offence is one of strict liability. [9]

Read the scenario below and answer part (d).

Debbie and her boyfriend, Aaron, got together to celebrate her 19th birthday. Initially they enjoyed a bottle of Prosecco at home with her parents and then joined some of their friends at the local nightclub. As the evening progressed, it was obvious that Aaron had had far too much to drink. When he saw Debbie talking to Ivan, a male friend from college, he got jealous and angry and warned him to stay away or he would hit him. Ivan was concerned at Aaron's attitude but Debbie told him to just ignore him. Before Ivan had had a chance to reply, he was knocked off his feet as Aaron hit him from behind. The club's bouncer, Joe, tried to pull Aaron away from Ivan but was prevented from doing so when Aaron hit him in the face, breaking his jaw. Aaron then proceeded to kick Ivan in the head as he lay on the ground. Finally, the police arrived, Aaron was arrested and Ivan was immediately taken to hospital. Ivan suffered life-changing injuries as a result of the attack.

- (d) Advise Aaron as to whether he has committed any non-fatal offences under s18 and s20 of the Offences Against the Person Act 1861. [9]

OR

Question 4: Human Rights Law

- (a) Explain the key elements of Article 10 European Convention on Human Rights. [6]
- (b) Explain the difference between the offences of riot and violent disorder under the Public Order Act 1986. [6]
- (c) Assess the impact of a Bill of Rights on UK citizens. [9]

Read the scenario below and answer part (d).

PC Pounce saw Krish walking along the street at 11pm one Saturday night and decided to stop and question him. Krish said, "Look, mate, I'm tired. Let's do this another time", and attempted to walk away. PC Pounce pushed Krish against a wall and forcibly searched him, bruising his arm. In Krish's pocket he found five £20 notes, a gift for his 16th birthday from his grandmother. Krish told PC Pounce about this but the police officer believed that the money might be the proceeds of a street robbery that had taken place in the vicinity a short time earlier. He arrested Krish and took him to the police station. At the police station, Krish was immediately placed in a cell and left there until 9:30am the next morning. He demanded to see a solicitor but was told that no solicitors were available on Sunday when he was released without charge.

- (d) Advise Krish as to the legality of the actions of the police in relation to the stop and search and arrest. [9]

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