GradeMax

Pearson Edexcel
International Advanced Level

Law
Paper 2

Tuesday 2 June 2015 – Afternoon
Time: 3 hours

Paper Reference
YLA0/02

You must have:
Answer book (AB16)

Instructions

- In the boxes on the answer book, write your centre number, candidate number, your surname and initials, the paper reference (YLA0/02) and your signature.
- This paper is divided into **FIVE** sections (A–E). Choose **TWO** of these sections and answer any **TWO** questions from each – **FOUR** questions in total.
- Your answers must be fully supported with appropriate legal authority and examples.
- Answer your questions in the answer book.
- Indicate which questions you are answering, in the boxes on the front page of the answer book **AND** in the left-hand margin of the answer space.
- Do not use pencil. Use blue or black ink.

Information

- All questions carry equal marks.
- The total mark for this paper is 100.
- This paper has 20 questions. Any blank pages are indicated.

Advice

- Write your answers neatly and in good English.

Turn over ▶

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PEARSON

Answer any FOUR questions chosen from TWO sections.

Candidates must answer TWO, and only TWO, questions from each section chosen.

SECTION A: The Market

1 A student newspaper published a crossword competition. Clues were printed in the newspaper on 2nd May 2014, and instructions published on the same page indicated that the prize for the winning entry was £500. The rules stated:

"To claim the prize, players must notify the newspaper as soon as possible that they have completed the crossword. The first correct entry to be opened and marked will be the winner. The selection of the winning entry is entirely at the discretion of the editor".

A bought the early morning edition of the newspaper on 2nd May. She did not usually buy that particular newspaper, but did so after seeing an advertisement about the competition on a noticeboard in the Students' Union the previous day. *A* was disappointed to discover that the crossword competition was not published in the early morning edition of the newspaper on 2nd May, and felt that she had wasted her money. She had won several international crossword competitions in the past, and was very confident that she could win a local student competition.

B, *C* and *D* each bought a copy of the evening edition of the newspaper on 2nd May, and they all completed the crossword correctly.

B posted her entry to the newspaper by first class mail. Her letter arrived at 10.00 am on 3rd May.

C telephoned the newspaper office at 9.30 am on 3rd May. The office was closed until 11.00 am, but as the answering machine was switched on, *C* left a message saying that she had scanned the crossword and had attached it to an e-mail sent the night before. The message was not recorded because the machine was faulty.

D gave his entry to *E* to deliver to the newspaper office on 2nd May. However, *E* forgot to do this until 10.30 am on 3rd May, but as it was handed personally to the editor of the newspaper, the envelope containing *D*'s correct solution was opened and seen immediately.

B's letter and *C*'s email were never opened because *D*'s correct entry had already been marked.

Consider whether *B*, *C* or *D* is entitled to the prize, and explain the law that governs this matter. Explain whether *A* would be entitled to a refund of the cost of the newspaper and compensation for loss of a chance of winning.

(Total for Question 1 = 25 marks)

2 *F* arranged for himself and his wife *G* to stay, for the weekend of 14th to 16th February 2014 in a hotel, on a "*bed and breakfast*" basis. He paid £200 in advance by debit card.

On Friday 14th February, *F* drove with *G* to his local railway station to catch a train to the station nearest to the hotel. He frequently parked at that station on weekdays. He took a ticket from the machine at the entrance to the car park. A sign above the car park entrance stated:

"*Fee £1.50 per hour. Terms and conditions apply*".

As usual, *F* drove into the car park without examining the ticket. On the back of the ticket the following statement was written:

"Payment conditions: Cars left for more than 24 hours attract a £50 surcharge".

On arrival in the station near the hotel, *F* took a taxi from the station. At the reception desk in the hotel, *J*, the hotel manager, greeted *F* and *G*, with the words:

"We will do everything possible to make your stay more enjoyable this weekend – it's our treat".

F and *G* therefore ordered breakfast in bed and a newspaper for Saturday and Sunday mornings. On arrival at their room, they did not notice a small sign on the back of the door that stated:

"*Newspapers from £2.00 per day, Breakfast in bed £5.50 extra per person per day*".

On Saturday *F* and *G* both drank a glass of wine from their mini-bar. Although there was a price list inside the mini-bar, they did not notice this and thought that the drinks were free.

During Saturday night, *G* was very ill. She thought her sickness was caused by ice from the mini-bar in her drink, as *F* had not put ice in his. On Sunday morning when checking out, *F* was presented with an additional bill to cover the newspapers, the breakfasts in bed and the wine. *F* paid these extra charges very reluctantly.

On his return to his car at his local station, the car park attendant demanded payment of the £50 surcharge. *F* again paid but under protest.

Advise *F* as to whether he was legally obliged to make these additional payments and whether *G* can claim damages for her illness.

(Total for Question 2 = 25 marks)

3 *K* ran an internet-based business from his factory in England. He sold a range of perfumed oils which he claimed would be helpful in the treatment of stress, muscle pain and several other medical conditions. He falsely claimed to be a qualified aroma therapist, registered with an approved UK regulatory organisation. In fact he had once been a member, but had been struck off the register of the organisation.

K's web site could be accessed from anywhere in the world. Purchasers of *K*'s oils had to pay £100 per product, this sum to be paid in advance of dispatch. This was not the first on-line business of this type that *K* had run, but all his previous businesses had failed.

The *L* Trading Standards Department received several complaints from consumers who had sent the money, but had received no oils. A test carried out on a sample bottle by the same Department on some of *K*'s products showed that it was simply coloured water.

M, a qualified aroma therapist, who lived in England, sent £500 to *K* for containers of the perfumed oil. After 60 days *M* had still not received any of the oils. After 65 days, one container of oil arrived, but *M* realised that the liquid had no perfume at all and was only coloured water.

N, who suffered from muscle pain, paid the £100 and received the oil that she had ordered. Although she used the oil as directed for four weeks, her condition deteriorated.

Advise *M* and *N* as to whether they have any civil remedies, and explain the role of the *L* Trading Standards Department in dealing with the legal aspects of this situation, and any possible criminal sanctions. Consider whether the regulatory organisation for aroma therapists has any authority to impose further sanctions on *K*.

(Total for Question 3 = 25 marks)

4 *P* bought a new television from the *Q* Electrical Store. The television had been reduced in price as a "Manager's Special", and *P* paid for it by credit card. After he had used the television for six weeks, *P* noticed that it had started making a high pitched whining sound which irritated him, but it did not prevent him watching the television.

P complained to the manager of the *Q* Electrical Store, who told him that they did not provide any after-sales service for reduced items, and he would have to contact the manufacturers, *R* Television Plc of London.

P had a manufacturer's guarantee which was in the box when he bought the television. It promised free repairs including parts and labour, and free replacement of the television up to 12 months from the date of purchase if the television could not be repaired.

R Television Plc sent *S*, a repair man to *P*'s home on two occasions, to repair the television. On the first occasion the repair succeeded, but the whining noise returned after two weeks. On the second occasion, *S* could not repair the television, and he took it away to *R*'s factory to be repaired.

After 4 months the television was returned, but *P* lost patience because the annoying sound soon came back and he wrote to *R* and the *Q* Electrical Store telling them to arrange a replacement television. *Q* wrote back informing *P* that it was far too late for him to reject the television and that in any event, they believed that the noise had been caused by *P*'s misuse of the television.

R claimed to have carried out all their obligations under the guarantee, and pointed out to *P* a clause in the guarantee (in very small print) which read:

'*While the manufacturers will use their best endeavours to honour their obligations under this guarantee it gives rise to no legal obligations on their part and is binding in honour only.*'

To what extent does the law provide *P* with any remedies that he may have against the *Q*, the retailer, and/or *R*, the manufacturer of the television?

(Total for Question 4 = 25 marks)

TOTAL FOR SECTION A = 50 MARKS

SECTION B: The Workplace

5 *A* was employed by *B* Ltd as an engineer, at a salary of £90,000 a year. She was very highly qualified and was soon promoted to be head of a department of 30 people. She worked at premises owned by *B* Ltd near London where they made precision instruments.

There was a clause in *A*'s contract stating that she must not work for any other manufacturer of precision instruments during her employment with *B* Ltd, or for 2 years after she left *B*'s employment. Another clause stated that the contract could be ended by 6 months' notice on either side.

B Ltd announced to the workforce that at some future date it would have to close its London factory, and would offer all employees jobs in a town about 150 miles away from London. *A* immediately walked out of the workplace, claiming that the announcement amounted to repudiation of her contract of employment. The contract did not contain any express clause requiring her to work at any location chosen by *B* Ltd.

Soon afterwards *A* discovered that *C*, a director of *B* Ltd, and chief executive at the London factory, had made critical remarks about her to the other staff in her department when she was on holiday a few weeks earlier.

A has just been offered work as an electrical engineer at a salary of £100,000 per year by *D* Ltd, which also manufactures precision instruments. Its premises are near London, and *A* has been asked to start work immediately. Meanwhile *B* Ltd has continued to pay *A*'s salary and is willing to do so if that would strengthen its legal position.

Explain whether *B* Ltd is in breach of its contract with *A*. How might the law enable *B* Ltd to take any legal action against *A* and/or *D* Ltd, and if so what remedies might be available?

(Total for Question 5 = 25 marks)

6 *E* worked for *F* Ltd as a salesman. He was a full-time employee and he had been with the company for 48 weeks. His salary was £20,000 a year plus commission on his sales. *E*'s sales were consistently very good. His contract of employment stated:

"*At the end of each complete year of service the employee will qualify for a bonus of an amount to be decided by the company, in its complete discretion, on the basis of the sales achieved by the employee in the year*".

The contract also entitled *E* to 3 months' notice if *F* Ltd wanted to terminate his employment.

Before working for *F* Ltd, *E* had worked for another company for five years, but that employment had ended when the company concerned had become insolvent. Most of that company's assets were purchased by *F* Ltd.

F Ltd had become dissatisfied with *E* because he was bringing a claim for compensation against it for a back injury he had sustained in an accident in one of its sales depots. *G*, the chief executive of *F* Ltd, firmly believed that *E* was exaggerating the severity and extent of his injuries.

G followed the procedures set out in the Employment Act 2002, and at a meeting held under those procedures, *E* volunteered to have a medical examination by a doctor chosen by *F* Ltd. In fact he had recently been examined by a medical consultant about his personal injury claim and the report would be available very soon. *G* knew about this consultation, but she did not want to wait, so she decided to dismiss *E* immediately. She wrote to *E* the following day informing him of her decision and of his right of appeal and dismissing him without notice or pay in lieu. *E* appealed using the company's internal procedures, but without success.

E wants to obtain compensation for the dismissal. Explain *E*'s legal position, and assess his chances of success if he decides to make a claim.

(Total for Question 6 = 25 marks)

7 *H* was employed by the *J* Hospital Trust as an assistant in the Human Resources department. *H* discovered that in May of the previous year, one hospital in the *J* Hospital Trust, had dismissed 60 percent of its kitchen staff, in an effort to reduce costs. Two months later, there was a serious outbreak of a stomach infection in several of the wards in the hospital and this became common knowledge amongst staff.

At the same time, *H* was dealing with a grievance in which one of the occupational therapists, *K*, had brought a complaint of bullying by *L*, the most senior occupational therapist, alleging that she was victimising him because he was a homosexual.

Despite the support of several witnesses, *K* was warned by his colleagues that his grievance was 'sure to fail', as several previous complaints against *L*, had all been rejected as the management team had suppressed evidence and silenced whistle blowers. *K*, who was extremely angry, wrote to a local newspaper disclosing information about the recent infection at the hospital, and suggesting that it was caused by the dismissal of a large number of the kitchen staff.

H wrote to the Management Committee of the Hospital Trust, expressing her concern that the correct procedures were not being followed in the organisation. She then received a letter informing her that she was being given her contractual four weeks' notice of termination of her employment.

At the same time, *K* was reassured that the proper grievance procedure would be followed, but two weeks later he was advised that he would no longer be able to attend a conference in Canada because of "financial cuts", even though several other people in his department would still be attending the conference.

Advise *H* and *K* as to how they might protect their employment positions, and explain how the law deals with the question of whistle-blowing (whereby employees call attention to bad work practices).

(Total for Question 7 = 25 marks)

8 *N* Ltd decided to close its factory and to carry on its manufacturing business from another smaller site 20 miles away. As a result, *P*, *Q*, *R* and *S*, the factory branch committee of the *T* Trade Union, decided to take "*all necessary steps to keep the factory open as a workers' co-operative*".

For some time, *P, Q, R* and *S* had been dissatisfied with the way in which union representatives had been treated by *N* Ltd. They had frequently been refused permission to attend union training courses and meetings of the national panel of their union.

After conducting a ballot of union members, *P* organised members to picket the entrance to the factory to persuade trade customers entering and leaving the premises not to enter into contracts with *N* Ltd.

Q threatened lorry drivers employed by *N* Ltd that their vehicles might be "seriously delayed" by his members if they attempted to move machinery or materials from the factory. *R* tried to persuade the workers at a local dock yard not to unload materials intended for *N* Ltd. *S* sent e-mails to all employees, including those who were not union members, urging them to leave work early every day for a week, in protest.

How far does the law enable *N* Ltd to take any action against *P*, *Q*, *R* and *S*, and if so what remedies might be available?

Consider whether *P*, *Q*, *R* and *S* might be able to make legally recognised complaints about the way in which they had been treated by *N* Ltd.

(Total for Question 8 = 25 marks)

TOTAL FOR SECTION B = 50 MARKS

SECTION C: The Family

9 *A* and *B*, both aged 40, had lived together for four years. They were married three years ago, and had two children, aged 5 and 2. *A* was a well-known fashion designer and the sole earner in the family. *B* was an artist, but his paintings were not popular, and he had been unable to support the family financially. Instead, he had been the main carer of the children since they were born.

The family lived in a house in London, which had cost £800,000 when *A* bought it four years ago, but was now valued at £1,500,000. *A*'s business had become very successful and she had contracts to supply clothes to a chain of fashion stores. The turnover from her business was £2 million per annum, and she paid herself £200,000 annual salary, with a pension plan into which her company paid £45,000 per annum. The business was predicted to grow substantially over the next five years.

A wants to end the marriage because she has met someone else with whom she plans to set up home. The couple *A* and *B* have agreed to a divorce on the grounds of irretrievable breakdown of the marriage following *A*'s adultery. *A* and *B* cannot agree where the children will live nor how often they will have contact with the parent who has not been given custody of the children.

Discuss the financial settlement that might be reached in the divorce case, and explain the process by which arrangements for the children will be made.

(Total for Question 9 = 25 marks)

10 *C*, aged 20, has mild learning disabilities. Although *C* is vulnerable, she has been managing to live independently in a bed-sitting room with some support from the local authority social services department. However, *C*'s social worker has some concerns that *C* is becoming promiscuous, following police reports that *C* has been seen soliciting men.

D, aged 50, recently moved in with *C*, who was expecting his baby in two months' time. The local authority social services department has been informed by another local authority that *D* has convictions for drug dealing and also for violence against a former partner. Although *C* has told her social worker that *D* has moved out, the social worker does not believe her because there is evidence that *D* is still living with *C*.

C's mother, *E*, has contacted *C*'s social worker to say that she wants to do anything she possibly can to care for the baby within the family.

The local authority is becoming increasingly concerned about *C*, as she has become very withdrawn, and appears to have bruising on her face.

Explain how the law enables the local authority to take steps to ensure the safety of *C* and her baby when it arrives.

(Total for Question 10 = 25 marks)

11 *F* and *G* had been married for five years. They had hoped to start a family as soon as possible after they married, but *G* had not become pregnant after four years of marriage.

They went to a fertility clinic where they were told that *F* had a low sperm count and that their chance of conceiving would be improved if they used fertility treatment. They had two cycles of the treatment, the second of which used sperm from a donor. However, by this time, their marriage was under great strain, and *G* resumed a sexual relationship with an ex-boyfriend, *H*, who had contacted her after returning to England from Scotland to work for a year.

Two months later, *G* discovered she was pregnant, and the baby, *J*, was born six months ago. *F* was registered as *J*'s father on the birth certificate, but *G* moved out of the family home to live with *H*, and she told *F* that she wanted to go with *H* to live in Scotland, taking *J* with her.

G was convinced that *H* was the father of *J*, but *F* believed that he, *F*, was *J*'s father. It is also possible that *J* is the child of the sperm donor.

Explain how the law can help *F* to discover who is the genetic father of *J*, and who is *J*'s legal father. He would also like to know whether he can prevent *G* from taking *J* with her to Scotland. Advise *G* whether *J* will be able to discover the identity of his genetic father when he is older, and establish who is responsible for supporting *J* financially.

(Total for Question 11 = 25 marks)

12 *K* had given birth to *L*, an apparently healthy baby girl and 2 months later, 20 minutes after putting *L* in her cot, *K* checked on her and discovered that *L* had stopped breathing.

K immediately telephoned for an ambulance and a nurse instructed her over the telephone to administer cardio pulmonary resuscitation (CPR) until the ambulance arrived. As soon as they arrived, the ambulance paramedics took over the CPR but *L* was pronounced dead on arrival at the hospital.

A post mortem examination revealed that *L* had one fractured rib but no other injuries and an inquest found that the cause of death was unknown. However, there is an expert view that the pressure involved in CPR can cause fractured ribs, particularly when carried out on young babies. A year later, *K* had another baby, *M* and social workers who were waiting in the delivery room, removed *M* immediately after birth, and took her into local authority care. *M* was placed in a foster home.

K's partner, *N* who was the father of both children, had lived with her for 5 years. Neither *K* nor *N* had criminal records but *N* had been involved in a minor brawl 6 years previously. However, there was closed circuit television evidence that he had been acting in self defence and no charges had been brought against him.

M remained in the same foster home for 3 years and her foster parents applied to adopt her. *K* and *N* object to the adoption but the social workers strongly recommend that it should proceed.

Advise *K* and *N* as to how the law might help them to have *M* returned to live with them and consider whether the adoption is likely to proceed.

(Total for Question 12 = 25 marks)

TOTAL FOR SECTION C = 50 MARKS

SECTION D: The Criminal Offender

13 *A*, aged 18, *B*, aged 15 and *C*, aged 14, regularly went rock climbing. On one occasion they were roped together by equipment belonging to *C*, who was climbing below the other two on a sheer rock face, *A* being the lead climber.

C lost her footing and was left hanging in mid-air. The effect was that *B*, who was climbing above her, was rapidly losing his grip. If he had done so, his fall would have put a terrible strain on *A*, who would also have lost his grip and fallen, taking all three of them to an almost certain death on the rocks below.

Aware of what was happening, and sensing the likely outcome, *A* instructed *B* to cut the rope linking him and *C*. *B* did so immediately, and *C* fell. *C* landed on a rocky ledge 40 feet below, breaking both legs, and suffering terrible pain. *C* wriggled around in an effort to find a more comfortable position on the ledge, but in so doing, she fell off the ledge onto rocks below, and was killed instantly.

Consider the criminal liability, if any, of *A* and *B*. Explain which courts would try any offences and if they are convicted of an offence, the way in which the courts are likely to deal with them.

(Total for Question 13 = 25 marks)

14 *D* and *E* were engaged to be married. During the engagement *D* had given *E* some presents, including a sports car, a diamond necklace and an expensive engagement ring.

D called to visit *E* unexpectedly one day, and found her in bed with *F*. Furiously jealous, *D* attacked *F*, hitting him several times with a heavy iron door stop which he picked up from beside the front door. *F* later died as a result of his injuries. Seeing the attack, *E* put on her coat, and ran from the house, screaming.

When *D* saw the blood pouring from *F*'s head wound, he realised what he had done and ran away. However, he returned to the scene, thinking he had a right to take back the presents he had given *E*, and he put the diamond ring in his pocket. He took the car keys and drove off in the car he had given *E*, to search for her.

He spotted *E* running for help, and noticed that she was wearing the necklace he had given her. *D* shouted from the car in a temper, "*Give me that necklace, or you're dead*".

E refused, and *D* leapt from the car, slapped *E* across the face and pulled the necklace from her neck. *D* then drove off with the necklace, leaving *E* standing in the middle of the road. She was stunned by the violence of *D*'s behaviour, and she failed to see a car approaching at a sensible speed along the dark road. The car hit *E*, causing her to suffer a broken arm and minor cuts and bruises.

To what extent might *D* be held criminally liable for his behaviour?

(Total for Question 14 = 25 marks)

15 *G* stopped his car at a manned petrol station and asked for his fuel tank to be filled. Half way through the filling process, he realised that he did not have his wallet with him, and he had no money or credit cards with which to pay for the fuel, but he said nothing.

When the tank was full he told the attendant, *H*, that he was a well-known broadcaster, and that the bill for the fuel should be sent to the British Broadcasting Corporation who would pay for it. *H* asked for an autograph and extended his wrist for it to be written on. Instead, *G* wrote "Best Wishes", and the name of the broadcaster on the sleeve of the white coat which belonged to *H*'s employers.

When *H* looked suspiciously at the signature, *G* drove away at speed without paying, causing *J*, who was crossing the petrol forecourt, to fear for her life. *J* had a weak heart, and she suffered a heart attack which resulted in a long stay in hospital and many months away from her job.

Consider *G*'s possible criminal liability.

(Total for Question 15 = 25 marks)

16 After an investigation into alleged corruption at *K* University, the police have discovered the following situations.

L obtained a bursary from his local authority, to cover his fees and living expenses at the *K* University. He made the claim on a form which requested only details of his father's income. *L*'s father had retired, so he had a very small income, however the father had previously transferred all his capital, around £200,000 to *L*'s bank account, details of which were not requested on the form.

M was appointed to a post as a lecturer. He had stated on his application form for the post that he held a First Class Honours degree, when his degree was, in fact, a Lower Second Class, and he would not have been offered the post with that class of degree.

N, aged 18, was recently appointed as a porter at the *K* University. He was studying A Level Law in his spare time and he took a newspaper from the Senior Common Room every evening as he left work. *N* always took the newspaper home, where he cut out the Law section, and returned the paper to the Senior Common Room the following day.

The Vice Chancellor of the University, Professor *P*, routinely claimed, and was paid for, first class air travel when on University business trips, even though everyone knew that he always travelled economy class.

Discuss any possible criminal liability arising from the above situations. Explain which courts might be involved. Consider the sentences that might be imposed by the courts if *L*, *M*, *N* and *P* were to be convicted.

(Total for Question 16 = 25 marks)

TOTAL FOR SECTION D = 50 MARKS

SECTION E: The Individual

17 The police were investigating a protest group which they suspected had attacked the homes and cars of research scientists engaged in experiments using animals.

A was a police officer who managed to infiltrate the group to gather evidence against its members. *A* formed a close relationship with *B*, a member of the group, who told *A* that although she would do almost anything to save animals, she was terrified of snakes.

The group planned to set fire to a car belonging to a research scientist. After encouraging *B* to find out where the car was parked, *A* told his superior officers that *B* planned to set fire to it, and *B* was arrested by the police. A map of the University was found in her pocket.

B refused to be interviewed without legal representation. *C*, the police superintendent on duty that day, refused, saying that as a serious arrestable offence was being investigated, *B* was not entitled to a lawyer. *C* took a photograph of *B* and also took her fingerprints without explaining why this was being done.

B denied all knowledge of any plan to set fire to the car, but she was repeatedly questioned, and her questioning complied in every way with the requirements of the law. However, *A* told the investigating officer that *B* was frightened of snakes and a small grass snake was sneaked into the room and placed close to *B*'s chair.

When *B* saw the snake, she was traumatised, and confessed immediately. She said that she had been on her way to the University to find out where the car was usually parked, planning to phone *D*, another member of the group, who would go to the University to set fire to the car.

The police offered *B* the opportunity to make a special arrangement under which they would recommend to the Crown Prosecution Service that they should take a lenient view of her behaviour. The plan involved *B* setting a trap for *D*. As a result, *D* was arrested while carrying a petrol bomb in the car park of the University.

Advise *B* as to the legality of the taking of her photograph and finger prints, and advise *D* as to his potential criminal liability, if any. Advise the Crown Prosecution Service on the status of *B*'s confession.

(Total for Question 17 = 25 marks)

18 *E* University built a laboratory to research into rare viruses. *F*, who lived nearby, set up an unofficial residents' committee to oppose this development, alleging that it would expose the public to the risk of dangerous viruses.

F was also concerned that the site had already attracted twenty noisy anti-biological weapons protestors, who had parked ten caravans on the site, and she feared that the research could be used in biological weapons. *F* thought that this protest would in future attract more protestors, who would make a noise and park caravans near her home at all times of the day and night.

F was particularly worried about *G*, her grandmother, who was very frail, and whose windows overlooked the site. Indeed, *G* had already phoned *F* to say that she was terrified at the sight of caravans and protesters, although they had not behaved violently as yet.

As a result of an accident, large quantities of a dangerous virus were leaked into the air though the ventilation system at the laboratory. *H*, who was passing by, suffered an immediate reaction to the virus, with the result that her face became severely swollen and covered in blisters. *J*, *H*'s son, whom she was walking to nursery school at the time, was very frightened, and he suffered nightmares, disturbed sleep and behavioural problems for several years after this event.

Consider how the law may assist *F*, *G*, *H* and *J* in this situation.

(Total for Question 18 = 25 marks)

19 The *K* Company was planning to set up a "fracking" plant, in order to extract gas from layers of underground shale in a lovely rural area. People living in the neighbourhood were furious when some of *K*'s employees arrived with surveyors and construction workers to carry out tests in the area.

L, an influential local land owner, organised a demonstration to take place on the next weekend. He had no idea what was legally required before a demonstration could take place, and he simply called out as many people as possible from their homes, using a loud hailer. A group of thirty people congregated outside the village shop, and *L* roused them to action by telling them that the unspoilt area would be ruined within weeks if they did nothing to stop the work.

The group, composed of farm workers and local residents, marched through the village shouting slogans and carrying pitchforks. Some elderly people at an afternoon social event in the village hall, were terrified at the sight of these noisy protestors who seemed ready for violence.

A local drama group, in a dress rehearsal for a play about the Nazi occupation of Amsterdam, ran out from the village hall, some wearing Nazi uniforms. They all marched to the nearest main road and stopped the traffic for an hour while they protested.

Consider whether any public order offences have been committed in this situation. Explain the correct procedures that the law requires to be followed for organising marches and demonstrations.

(Total for Question 19 = 25 marks)

20 *M*, an assistant editor of a Sunday newspaper was keen to increase the paper's circulation, and his own salary. The newspaper frequently published stories about the personal lives of famous people.

M instructed *N*, a journalist, to intercept text messages sent by *P*, a married politician, on her mobile phone to *Q*, her private secretary, with whom *P* was hoping to have a love affair. Two weeks later the following headline appeared in the Sunday newspaper, followed by a story that was based on assumptions:

"*The shocking truth about P's lesbian affair with Q*".

In fact, *Q* turned *P* down, and they did not have an affair, but as a result of the publication in the newspaper, *Q*'s husband left her, and she decided not to carry on with her job as *P*'s private secretary. Following the publication *Q* was unable to find another job, and *P* lost her post in the Government.

Both *P* and *Q* decided that they wanted compensation for the publication of the story about the affair that had never happened. They also wanted to complain about the conduct of *M* and *N*. In addition, *P* and *Q* argued that *R*, the editor of the newspaper, must have known that journalists were intercepting phone messages. *R* denied all knowledge about what had been going on in the course of investigative journalism by employees of the newspaper.

Consider how the law can help *P* and *Q* obtain compensation and advise them as to how they should proceed. Consider whether it is necessary for *P* and *Q* to inform the police about what has happened.

(Total for Question 20 = 25 marks)

TOTAL FOR SECTION E = 50 MARKS
TOTAL FOR PAPER = 100 MARKS

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