GradeMax

Pearson Edexcel
International Advanced Level

Law
Paper 2

Thursday 27 October 2016 – 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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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* lost his pet dog when he was taking him for a walk in the country. He was very anxious to find the dog, so the next day he placed a notice in a shop window in a village close to where the dog disappeared. The notice, which contained a photograph of the dog and *A*'s email address, stated:

"*Missing since May 1st: Small black spaniel with white paws. £100 reward for the person who finds him. Please contact the owner by email.*"

B, aged 15, found a dog similar to the dog in the photograph wandering in the woods. He did not have access to his computer, so he left his phone number with *C*, the owner of the shop, asking him to tell *A* to contact him by phone.

C emailed *A*, and informed him that *B* had found the dog. Meanwhile, when *B* returned to the place where he had tied up the dog outside the shop, the animal had disappeared. Two days later, *D*, a teacher who had taken the dog from outside the shop, emailed *A* to inform him that he had found the dog, and that he was looking after him until *A* collected him.

Both *B* and *D* claimed the reward, and *A* refused to pay either of them.

Consider whether *B* or *D* is legally entitled to the reward and explain the legal rules that govern this matter.

(Total for Question 1 = 25 marks)

2 *E* booked a week's holiday on the internet for himself and his wife, *F*, in a seaside hotel. The online information about the hotel stated:

"*Luxurious bedrooms. Wonderful indoor swimming pool. Peaceful surroundings. No children allowed.*"

E and *F* drove to the hotel and parked in the hotel car park. A sign at the entrance to the car park stated:

"£50 a week for hotel guests. Terms and conditions apply."

E drove into the car park and took a ticket from a machine inside the parking area, but did not examine it. The following statement appeared on the back of the ticket:

"*The hotel does not accept responsibility for damage to cars or injury to people using this car park.*"

E and *F* were shown to their bedroom, which was decorated to a high standard, but unfortunately there were tiny biting insects in the bed, and both *E* and *F* developed irritating skin rashes after the first night. The bathroom also gave them problems as the hotel drains were blocked for the first two days of their stay, causing an unpleasant smell. The same smell affected the swimming pool so they did not swim there.

Although no children were staying at the hotel there was a very noisy nightclub next door, and the students who visited it every night kept *E* and *F* awake until 2.00 am.

E and *F* complained frequently about these problems. The hotel manager apologised, but no offer of compensation was made.

After they checked out of the hotel and returned to their car, *E* and *F* noticed that it had been damaged, but the hotel denied any responsibility, relying on the notice on the car park ticket.

Some weeks later, *E* and *F* realised that they had biting insects in their bed at home, and were advised by an expert that the insects must have been carried on their skin and clothes from their bed in the hotel. They had to pay a specialist firm £2,000, to get rid of the insects and they both had unpleasant skin rashes for six months.

Consider whether *E* and *F* have legal remedies against the hotel. Explain how their complaints might be resolved without using the courts.

(Total for Question 2 = 25 marks)

3 In September 2016 the *G* Boutique had a sale of women's clothes. Inside the boutique was a large notice on the cash desk that stated:

"All sale goods are sold as seen. We do not exchange sale clothes or allow refunds. All express or implied terms, statutory or otherwise, are excluded in respect of sale clothes."

H, who did not see the notice because she was short-sighted, bought a smart suit for a job interview, reduced in price from £450 to £200. She did not notice at the time that there was a small hole on the collar of the jacket and a mark on the front of the skirt. However, when she dressed for her interview she noticed both flaws and realised that she had wasted her money.

H was extremely upset about this as she had very little money to spare, and she performed very badly at her interview and was not offered the job.

When she returned to the shop to complain and ask for her money back, *J*, the manager, pointed to the clause that applied to sale goods and explained that there was nothing that *H* could do to obtain a refund. *J* did offer to repair the jacket if she could and to try to clean the stain on the skirt, explaining that this offer was a special concession to *H*.

H was furious, and she left the boutique in tears, threatening to sue the shop for making her lose the chance of a good job, as well as for the cost of the suit.

Consider whether *H* has lost all her rights to compensation or whether she can still rely on the law for a remedy and whether it will be possible for her to claim compensation for loss of the chance of a good job.

(Total for Question 3 = 25 marks)

4 *K* was expecting a baby, so she bought a new electric clothes dryer and iron from *L* Plc, a company selling laundry equipment, anticipating that she would be doing more washing and ironing after the baby arrived. *K* paid cash for the iron, but she entered into a credit agreement with *L* Plc in respect of the dryer, which cost £1500. She paid a deposit of £200 and signed a form agreeing to pay the rest by instalments over two years.

As *K* was feeling very tired, she did not listen properly when *M*, the manager of the shop, read out some long clauses to her explaining that he was required by law to do this. She was in a hurry to get home, and she did not have time to read the paperwork that *M* gave her.

K took the iron with her when she left the shop, and carried it in the box in which it was packed. She had not examined the iron, as she was happy with the one on display, so she had taken a boxed iron from the shelf. The dryer was delivered the next day.

When she unpacked the iron, *K* noticed some bad scratches on it, but when she telephoned *M* to complain, he told her that she must have damaged it on the way home because it was perfect when she left the shop.

On the television news ten days later, *K* saw a report about dryers of the type she had ordered, indicating that several had caught fire and caused considerable damage. She was very worried and phoned *M* immediately. He informed *K* that she would have to deal directly with the manufacturer, *N*, because his company, *L* Plc, would not be replacing or repairing the dryer. *K* told *M* that she would stop paying the instalments.

K had a letter from *N* a week later, telling her that she would have to wait ten months for the dryer to be repaired. She was very upset about this because her baby was due in three weeks, and she knew she would need a reliable dryer.

Explain whether *K* will be able to have a replacement for the damaged iron, and outline the legal rules covering the situation regarding the dryer, examining the way in which the law might help her to obtain a remedy.

(Total for Question 4 = 25 marks)

TOTAL FOR SECTION A = 50 MARKS

SECTION B: The Workplace

5 *A* had been employed as a salesman for *B*'s company for five years, during which time he worked very hard, often for 65 hours a week. He was in the office from 8.00 am until 9.00 pm most days, and he usually took work home most weekends. On his own initiative, *A* also undertook research into the possibility of marketing *B*'s company in other European countries.

As a result of his hard work, *A* felt very stressed and tired, and his family life was suffering. He did not tell *C*, the director of human resources in *B*'s company, that he was feeling ill, because he knew that other employees who had complained were treated badly and nothing was done to support them.

A's contract of employment listed a number of office duties and meetings that he was required to attend, with no mention of the hours he would have to work. The contract stated that employees were obliged to treat the number of hours that they worked as confidential.

A was a member of the *D* Trade Union, which sent around a questionnaire to all its members about working hours. In his response to the questionnaire, *A* complained about the huge number of hours he was working and stated that in his view, *B* company was in breach of the European Working Time Directive. The *D* Trade Union representative, in a meeting with managers, used *A* as an example of an employee who was working far too many hours.

Two weeks later, *A* was moved to a smaller office, which he was obliged to share with another employee. At his next pay review *A* was told that he would not be given a pay rise and that his holiday would be cancelled.

A felt humiliated and became very depressed. He began to take time off work because of illness, and although he had medical certificates, he was told that he would be given a formal warning because he was taking too much sickness absence.

Consider whether there have been any breaches of contract by *A, B*'s company or *C*. Explain the role that the *D* Trade Union might play in attempting to resolve this situation.

(Total for Question 5 = 25 marks)

6 *E* was employed by the *F* Hospital Trust as a nurse on a busy ward, caring for elderly patients. *E* was very unhappy in his work because *G*, the ward manager, had been bullying him for several months after discovering that he was homosexual. *G* humiliated *E* in front of the other nurses and patients, and she gave him tasks that were impossible for him to complete in time. *H*, who was African, also felt that she was being bullied by *G* on the grounds of her ethnic origin.

Both *E* and *H* had attempted to complain to *J*, who was more senior than *G*, but they were told by *J* to "grow up and get on with it."

A new interim ward manager, *K*, was appointed when *G* had maternity leave, and *E* and *H* were much happier as a result. They noticed that some of the patients were also happier in *G*'s absence, and it became obvious that patients had suffered as a result of the bad culture on the ward.

When *K* was ordering supplies for the ward, she realised that *G* for some time had been selling dressings and medication from the ward to a private care home.

Consider the legal steps that *E* and *H* might take to improve the working culture and protect themselves from bullying and obtain compensation. Explain what *K* could do to ensure that the Hospital Trust investigates the disappearance of material from the ward, while also protecting her own employment position.

(Total for Question 6 = 25 marks)

7 Without first consulting with the *Q* Trade Union, *L* Plc decided to close one of its large factories because there had been a fall in the number of orders for its steel products. Manufacturing would be carried on at a much smaller site 200 miles away, which would mean that 50 people would be made redundant. As a result, *M, N* and *P*, the factory branch committee members of the *Q* Trade Union, decided to take "all necessary steps to keep the large factory open as a workers' co-operative."

M had been unhappy for several months with the way in which union representatives had been treated by *L* Plc, as they had been prevented from attending union training conferences and meetings of the national panel of their union.

After conducting a ballot of union members, *M* organised a picket line at the entrance to the factory to ask customers entering and leaving the premises not to enter into contracts with *L* Plc.

N told lorry drivers employed by *L* Plc that their vehicles might be stopped by his members if they tried to move machinery or goods to the other factory.

P tried to persuade the workers at a nearby depot not to unload materials addressed to *L* Plc, and sent emails to all employees, including those who were not union members, asking them to leave work early every day for a month in protest against the plans to close the factory.

Advise *L* Plc whether it can take any action against *M, N* and *P*, and if so what remedies might be available. Consider whether managers at *L* Plc have acted lawfully in their treatment of *M*, *N* and *P*.

(Total for Question 7 = 25 marks)

8 *R* was a highly qualified and very experienced mathematician employed by *S*, an English Bank, at a salary of £100,000 a year. He had worked for *S* for ten years when he was approached by *T*, a foreign company, which offered him a salary of £130,000 a year, providing he started work for *T* within two weeks. Under his contract of employment with *S*, the period of notice that *R* was required to give was three months, and when he had first been employed by *S, R* had signed a contract which contained a clause stating as follows:

"The employee covenants that he will not work for another bank anywhere in the world for three years after leaving the employment of S."

R wanted to work for *T*, so he told *S* that he was ill, and produced a medical certificate stating that he had "severe back pain." He immediately left England and began to work for *T* within ten days.

Consider whether *R* was entitled to leave his employment with *S* at the time and in the way that he did, and comment on the status of the restrictive clause in his employment contract. Consider whether *S* can prevent *R* from working for *T* for the next three years.

(Total for Question 8 = 25 marks)

TOTAL FOR SECTION B = 50 MARKS

SECTION C: The Family

9 *A* and *B* were not married and they had lived together for ten years. They had one child, *C*, who was aged six when they decided to separate. *B* took *C* to live with him in Scotland, where he bought a large farm in a remote country area. *A* was quite happy with that because she had a job that involved travelling and she was able to visit *C* quite often.

B has now met *D,* a Scottish woman in Scotland, and they have decided to marry. This development is causing some difficulties with the arrangements for *C*'s future.

B would like *C* to take his surname, but *A* strongly objects to that, arguing that *C* should keep her (*A*'s) surname. *A* also objects because *B* has never had her formal permission to take *C* out of England to live in Scotland.

B has decided that he would like to educate *C* himself at home because the nearest school is very far from where they live. He has refused to register *C* at a school, and *A* is very concerned because she believes that *C* would benefit from the company of other children instead of being only with adults. *A* is also concerned because, as neither *B* or *D* is well educated, she thinks they will not be able to provide a good education for *C* at home.

A has also discovered that *B* has refused to allow *C* to have her childhood immunisations, despite the strong recommendation of the doctor with whom they are registered. *C* says she does not want to have injections, but *A* thinks she is too young to know what is sensible.

Explain the legal rules that apply in this situation and consider how the law may help to determine *C*'s future.

(Total for Question 9 = 25 marks)

10 *E* and *F* were living together in a lesbian relationship. *E* wanted a child, so she had a short sexual relationship with *G*, which ended soon after she became pregnant. *E* and *F* then went through a ceremony to become civil partners. *E* contacted *G* without telling *F*, and she and *G* made a parental responsibility agreement.

F was pleased that *E* was pregnant but she became very overprotective of *E* and persuaded her to give up work. She took away her car keys and tried to stop her going out of the house, making efforts to prevent *E* from seeing her friends and family. *E* became very unhappy, and although she was never physically ill-treated by *F*, she felt that she was being emotionally abused. *F* has refused to go to see a counsellor with *E* for advice about how they could improve their relationship, so *E* is planning to leave *F* and bring up her baby alone, with support from *G*, who would like to be involved as a father. *E* is becoming afraid that *F* will stalk her and try to interfere with her future life.

Explain how the law may assist *E* to deal with this situation. Consider whether *F* has any legal rights in respect of the child. Explain whether *G* can be acknowledged in law as the child's father, and whether he can have contact with the child once it is born, and influence the child's upbringing.

(Total for Question 10 = 25 marks)

11 *H* and *J* had been married for eight years when *H* left *J*, leaving her to live in the family home. *J* was working as a teaching assistant, so *H* did not send her any money, and as the couple had no children, they did not divorce. Six years later, *J* inherited £400,000 on the death of her mother, but as she had not seen *H* since he left home, she told him nothing about this. Another ten years passed, and *H*'s business failed, leaving him destitute, so he decided to ask *J* to agree to the sale of the house, and to help him financially. *J* refused to help at all, so *H* has decided to divorce her in the hope of claiming some financial support from *J*.

J argues that as *H* left her, he is not entitled to any share in the family home, nor to any financial help from her. However, in order to settle matters, *J* suggests that *H* should accept a payment from her to represent his share in the house as it was on the day he left her. *H* asks for half the market value of the house on the day the couple divorce. He has now found out about *J*'s inheritance and demands a share of that, and a monthly sum from *J*'s salary.

Explain whether *J* can protect her financial interests, and consider whether *H* is likely to obtain financial support from *J* without involving the expense of consulting a solicitor and using the courts.

(Total for Question 11 = 25 marks)

12 At the age of sixteen *K* was forced to marry *L*, a fifty year old man, against her will, by her parents, *M* and *N*. *K* was very unhappy, but she began to feel better when *P*, her baby boy, was born a year later. However, *L* was very jealous because *K* gave all her attention to *P*, and he began hitting *K* if she did not have his food ready when he returned home from work. He had *P* circumcised, despite *K*'s objections, and as a result *K* decided to leave *L* and return with *P* to live with *M* and *N*.

M and *N* were very angry with *K*, and refused to help her and *P*, arguing that she had brought dishonour on them and the family, and saying that she deserved to be disciplined by *L*.

K went to stay in a women's refuge, but she was so upset and depressed that she felt unable to care for *P* properly. She fears that *P* will be taken into care and placed with a foster family, with a view to *P* being adopted in the future.

Explain the law relating to fostering and adoption and consider the steps that *K* can take to protect herself and *P* from the actions of *L* in this situation and in the future.

(Total for Question 12 = 25 marks)

TOTAL FOR SECTION C = 50 MARKS

SECTION D: The Criminal Offender

13 *A* had been married to *B* for twenty years. He treated her badly, frequently hitting her when he was drunk and giving her very little money for basic shopping and housekeeping, while refusing to allow her to work.

A discovered that *B* had been giving a large amount of money every month for five years to *C*, his secret lover. *A* planned revenge on both *B* and *C* by setting fire to *C*'s house on a night when she knew that *B* would be there. She did not know that *B* was suffering from a serious heart condition and that any sudden shock could cause him to die.

Although *A* did not want to cause the deaths of *B* and *C*, she knew it was virtually certain that they would suffer serious burns in the fire, but she was so upset that she was unable to control her emotions.

A's plan to set fire to the house was successful. The house was badly damaged in the fire and *B* died, not in the fire but as a result of a heart attack. *C* was badly burned and very disfigured by her injuries. *C*'s pet dog died as a result of burns suffered in the fire.

When *A* was examined by a psychiatrist, the report written about her stated that she had been suffering from severe depression for some time, but she had not been given any treatment for her condition because she had been too afraid of *B* to see a doctor.

Consider the possible criminal liability of *A* in this situation.

(Total for Question 13 = 25 marks)

14 *D* had been suffering from bronchitis, and although he had not fully recovered, he decided to go to a local pub to meet *E* and *F*. *D* had several pints of beer, and he began to feel irritable, so when *E* accidentally knocked his arm, *D* reacted without thinking and punched him in the face, causing *E* bad bruising and an eye injury.

F suggested to *D* that he should go home, but *D* refused, and had two glasses of brandy. When *F* eventually took *D* home, *D* decided to play a trick by pulling a chair from under *F* as he was in the process of sitting on it. *F* fell heavily and was in considerable pain. *F* was very angry and shocked, and he pushed *D* hard. *D* fell down the stairs and suffered a severe head injury.

Consider what crimes, if any, had been committed by *D* and *F*, and explain the factors that a court would take into account when deciding on any sentencing.

(Total for Question 14 = 25 marks)

15 *G* was aged fifteen, and was still at school but she looked about nineteen. She was invited by *H* to his 18th birthday party and the invitation asked all guests to bring a bottle of wine. *G* looked for bargain wine in a supermarket and found a bottle that had been reduced in price to £5 from £7. She took a paper price sticker off that bottle and put it on a bottle that cost £15. At the checkout *G* was not asked her age, and she paid only £5 for the expensive wine. She gave the shop assistant a £10 note when she paid, but she was given change from £20. She took the extra change without telling the shop assistant about his mistake.

G could not believe her luck. She went to a restaurant on her way to the party and ordered a meal costing £18. Although she had initially intended to pay for her meal, she changed her mind when she had finished eating, and when the waiter was busy serving other customers, she left the restaurant without paying.

At the birthday party, *G* met *J*, a director of a music company, and told him that she was studying music at university. *J* asked *G* to apply for a vacation job as a secretarial assistant in his firm, and two days later *G* sent *J* an application form which she completed online. Her application contained a number of untrue statements about her qualifications and office experience, but *J* appointed her to the post. When she worked in *J*'s office *G* spent most of her time playing games on the internet, and made so many mistakes that *J* lost a valuable contract. When *J* tackled *G* about her work she confessed that she had lied in her application, but said that everyone lies in job applications, and she thought that she had done nothing wrong.

Consider whether *G* has committed any criminal offences, and if so, which court would deal with her.

(Total for Question 15 = 25 marks)

16 *K* and *L* had been living together for ten years. They decided to commit suicide together when *K* was diagnosed with terminal cancer. They both took large doses of paracetamol tablets, and *K* died, but *L*, who had taken fewer tablets, survived after emergency treatment in hospital, but she urgently needed to have a liver transplant if she was to survive for the long term.

As soon as *L* realised what had happened, she was in great despair, and although a liver was available for transplant, she refused to have the transplant surgery and begged Dr *P* to give her some drugs to end her life. Dr *P* left a large number of very strong drugs within *L*'s reach, hoping she would administer them to herself when she was alone.

L's mother, *Q*, visited her at the hospital. Feeling sorry for *L*, and knowing what *L* wanted, *Q* helped her to take the medication, giving her the tablets and watching her swallow them. *L* died later that day.

Consider whether any criminal offences have been committed. Explain how the decision whether to prosecute would be made and what sentences would be given in the event of any convictions.

(Total for Question 16 = 25 marks)

TOTAL FOR SECTION D = 50 MARKS

SECTION E: The Individual

17 *A* and *B* decided to lead a protest about the way in which refugees were being treated in Europe. *A* made a large number of phone calls to friends and acquaintances and persuaded them join a march through London the following Sunday.

Three hundred people turned up for the march. They parked thirty vans and cars in the centre of London, blocking the roads. This was planned by *B*, who encouraged the blockade in order to create maximum publicity.

Some of the protestors set up tents in a London park, and as the weather was good, they decided to stay there for two nights. Local residents were very upset and complained to the police about the litter and the noise that kept them awake at night. These campers used the town's public toilets and blocked the drains, causing smells and swarms of flies.

When the police arrived, the protestors refused to move their tents and vehicles, and on the Sunday morning, the rally and march proceeded through London although *A* and *B* had not first given details of the route to the police. One of the protestors, *C*, broke windows in a public building and a group of elderly people leaving a church were very frightened by the noise and aggressive attitude of the protestors.

Consider whether any public order offences have been committed in this situation, and advise the police as to how they might move the protestors peacefully.

(Total for Question 17 = 25 marks)

18 *D* was an airline pilot working for an English airline based in London. *D* had been suffering from a serious psychiatric disorder for some time, and he had not informed his employer about his illness. On a number of occasions *D* had suicidal thoughts and told Dr *E*, his psychiatrist, that he sometimes had frightening dreams about crashing a plane with all the passengers on board, with the intention of killing himself and all the passengers and crew.

Dr *E* wanted to respect *D*'s confidentiality, so he advised *D* to tell his senior manager about his condition, as he, Dr *E*, did not want to breach *D*'s confidentiality by telling *D*'s employer himself. Dr *E* relied on *D* to do this, but *D* was worried that he would not be allowed to continue to fly, so he decided not to follow Dr *E*'s advice.

D searched the internet for methods of crashing planes. Unknown to *D*, however, following a number of mysterious plane crashes, the police and security services were tracking information accessed by UK pilots, including *D*, on the internet.

One evening the police raided *D*'s home and took away his computer, his mobile phone and several documents. They also contacted Dr *E*, whose address and phone number they found among *D*'s documents, and asked him what he knew about *D*'s mental state. Dr *E* decided to tell the police everything he knew.

D was detained at a police station for three days without being informed of the reason for his detention. He was not examined by a doctor or allowed to see a lawyer for two days. *D* was furious about his detention and about what he considered to be a serious breach of confidence by Dr *E*.

Consider whether Dr *E* acted within the law and whether the police have proceeded within the legal framework.

(Total for Question 18 = 25 marks)

19 *F* was a well-known television actor. *G* and *H* approached a newspaper and told *J*, a reporter, that they had seen *F* driving slowly around a district where prostitutes worked in their town, looking for a woman to pay for sex. They had taken a photograph of *F* in his car outside a nightclub, and they showed this to *J*.

Their account and the photograph were very convincing and *K*, the newspaper editor, decided that a news report written by *J* would be published in a Sunday edition of the newspaper. The headline was:

"*F regularly seen cruising red-light district in search of sex.*"

The following day, *L*, a member of parliament, gave evidence to a committee sitting to investigate prostitution and sex trafficking, mentioning *F* by name and referring to the news report.

In fact, *F* had been researching the problem of prostitution for a television documentary, in the hope of exposing a scandal of sex trafficking. He was upset and angry about the newspaper report, and his children were bullied in school and ridiculed by their classmates.

G, H and *J*, supported by *K*, insisted that they honestly believed that *F* had been looking for a prostitute, and that it was in the interests of the public that the story should be published. *L* told his friend *M* in a restaurant situated near the Parliament building that there was "no smoke without fire, and of course *F* had been up to no good."

Consider whether *F* will be able to claim damages from *G, H, J, K* and *L*. Explain whether any defences are likely to apply in these circumstances.

(Total for Question 19 = 25 marks)

20 *P* and *Q* were international students studying chemistry at an English university. They were quiet and studious and had little interest in matters that were not directly related to their studies. Some of the other students found *P* and *Q* rather boring, and one day *R*, a fellow student told *S*, a police officer, that *P* and *Q* were probably dangerous terrorists with links to suicide bomb attacks, and needed to be investigated.

When *P* and *Q* were walking to their flat after working in their laboratory one evening, *S*, a police officer wearing uniform, stopped them in the street and asked them for their names and addresses. In a panic, both gave false names and addresses. *S* told them to remove their jackets and searched both *P* and *Q* in the street. *S* found a test tube in *P*'s pocket, containing what *S* thought was a suspicious substance. In fact, it was a chemical that *P* intended to heat at home in an experiment. In *Q*'s pocket *S* found a knife that she had used to cut up oranges, which she always ate at lunchtime. *P* was upset because *S* told her to remove her sweater as well as her jacket. She felt cold and humiliated in such a public place.

S immediately called for a police car and *P* and *Q* were taken to the police station. During the journey *S* asked them a series of questions and wrote down their answers in his notebook. At this stage *S* had not formally arrested *P* and *Q*.

At the police station the custody officer cautioned *P* and *Q* and they were thoroughly searched. *P*'s treasured watch and pen were taken from her. Both *P* and *Q* were allowed interpreters and given regular snacks and rests. However, they were refused permission to make international phone calls to their families on the grounds that these would be "too expensive."

P and *Q* were allowed to speak to a lawyer, and both were released after the police had checked with the university and established that they were innocent of terrorist offences.

Consider whether *P* and *Q* have been treated appropriately and within the law. What remedies, if any, might be available to them?

(Total for Question 20 = 25 marks)

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

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