GradeMax

Write your name here

Surname	Other names

Pearson Edexcel
International Advanced Level

Centre Number | | | | | |

Candidate Number | | | | |

Law

International Advanced Level
Paper 2: The Law in Action

Friday 19 May 2017 – Afternoon
Time: 3 hours

Paper Reference
YLA1/02

You do not need any other materials.

Total Marks

Instructions

- Use **black** ink or ball-point pen.
- **Fill in the boxes** at the top of this page with your name, centre number and candidate number.
- Answer **all** questions.
- Answer the questions in the spaces provided
  – *there may be more space than you need.*

Information

- The total mark for this paper is 100.
- The marks for **each** question are shown in brackets
  – *use this as a guide as to how much time to spend on each question.*

Advice

- Read each question carefully before you start to answer it.
- Try to answer every question.
- Check your answers if you have time at the end.

Turn over ▶

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Answer ALL questions. Write your answers in the spaces provided.

1 Failure to provide a breath sample to the police, when required to do so, is a crime. However, failing to report a crime you see taking place on the street is not a crime.

(a) Analyse why the *actus reus* of some offences can be committed by omission.

(6)

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Sue, a lifeguard on duty in a local swimming pool, has been convicted for the death of Ron, a young boy, who got into difficulties and drowned. Sue was busy talking to Mirna at the time of the incident. Aaron, a spectator at the swimming pool, saw Ron drowning but did nothing to help save him.

As a result of this, Sue was prosecuted and given a prison sentence. However, Aaron was not charged with any offence.

(b) Evaluate the reasons why the law, in this situation, treated Sue and Aaron differently.

(14)

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(Total for Question 1 = 20 marks)

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QUESTION 2 BEGINS ON THE NEXT PAGE.

2 (a) Give **one** example of a factor that can affect the standard of care expected from the reasonable man in the tort of negligence.

(2)

(b) Explain **two** rules of the remoteness of damage concept in negligence.

(4)

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Emily was cutting down a heavy branch of a tree, which hung over both her garden and the public footpath that ran beside it. Emily lost control of the chainsaw she was using and the branch fell onto Najeeb, who was walking underneath the tree on the footpath. The branch fell heavily onto Najeeb causing a significant arm fracture.

As a result of this incident, Najeeb sued Emily for negligence.

(c) Evaluate whether Najeeb can establish a duty of care in this type of scenario.

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QUESTION 3 BEGINS ON THE NEXT PAGE.

3 (a) The Human Rights Act sets out the fundamental rights and freedoms to which everyone in the UK is entitled.

Explain **two** examples of freedom of expression.

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(b) The News Daily newspaper has published an article stating that a famous pop star, Sophie C, has been seen purchasing and taking illegal drugs. The allegation in the publication has been discovered to be false. Sophie C has decided to sue the newspaper for defamation as it will not issue an apology. Sophie C has lost a large recording contract as a result of the allegations.

Analyse Sophie C's claim for defamation under the Defamation Act 2013.

(6)

(c) Donald asked Sita, a painter and decorator, to look at whether the side of his house needed painting. Sita placed her ladder against a window ledge in order to climb up to inspect the paintwork. Sita was not aware that the window ledge was rotten. As Sita was climbing up the ladder the rotten ledge gave way, causing the ladder to slip. Sita fell and struck her head on the ground. She suffered cuts to her face and was briefly unconscious. Sita was unable to work for a week and lost earnings of £1,000.

Under the Occupiers' Liability Acts, assess the rights and remedies of Sita against Donald in connection with the injuries caused by falling from the ladder.

(10)

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(Total for Question 3 = 20 marks)

4 Robbie, a famous DJ, had agreed with Joanna that he would perform at her nightclub for £10,000. £4,000 was to be paid in advance and the remainder after the performance. Joanna also agreed with Robbie to spend £1,000 on equipment for the performance. She also hired extra staff for a further £900. Joanna had sold advance tickets for Robbie's performance amounting to £20,000.

Joanna had contracted the services of Martin to act as a security guard before and during the performance; this included making sure that the building was secure. The night before the performance was due to take place, Martin mistakenly left a window in the building unlocked, allowing someone to get in and start a fire. This caused extensive damage to the building, resulting in the nightclub being unsafe for the performance.

(a) Identify the consideration that exists in the contract between Robbie and Joanna.

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(b) Analyse whether Joanna is able to terminate her contract with Robbie following the damage to the building.

(6)

(c) The planned performance has been cancelled due to the fire.

Assess Joanna's rights and remedies under contract law and the Supply of Goods and Services Act 1982 against Martin for the cancellation of the performance.

(10)

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(Total for Question 4 = 20 marks)

5 Maria, a 16-year-old girl with learning difficulties, worked for Sam as a trainee plumber. Sam had a reputation for violence and drug dealing. Grace, a customer of Sam's, had refused to pay him for a new bathroom. Sam threatened Maria that she would end up in hospital unless she 'sorted Grace out'.

The next day, Maria saw Grace parking her car to go shopping. Whilst no one was watching, Maria decided to loosen the bolts on one of Grace's car wheels, intending only to scare her when she started driving.

Grace later drove off in the car into the crowded high street. At this point the wheel became very loose, causing Grace to lose control, crashing the car and just missing some pedestrians. Grace was unhurt but the car was badly damaged.

Evaluate the likelihood of Maria being convicted of a criminal damage offence and her being able to successfully use the defence of duress.

(20)

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(Total for Question 5 = 20 marks)

TOTAL FOR PAPER = 100 MARKS

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