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

Thursday 24 May 2018 – 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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Pearson

Answer ALL questions.

Write your answers in the spaces provided.

1 (a) Analyse why a duty of care in negligence is considered by the courts to be 'fair, just and reasonable' in some situations and not in others.

(6)

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Robyn decided to show her recently assembled wardrobe to her neighbour, Julie. Unfortunately, Robyn had not followed the instructions properly when assembling the wardrobe. When Julie opened one of the doors the wardrobe collapsed. Fortunately, Julie suffered only minor injuries, though her new phone costing £500 was smashed as she fell. A few minutes later, Julie was unable to receive a call on her phone offering her work; as a result she could not accept the work and lost the opportunity of earning the £7,000 she would have been paid for it.

Assume that Robyn owed a duty of care to Julie.

(b) Evaluate whether Robyn breached her duty of care to Julie, and if so what remedies may be available.

(14)

(Total for Question 1 = 20 marks)

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QUESTION 2 BEGINS ON THE NEXT PAGE.

2 (a) State two exceptions that could allow the state to limit the right to freedom of expression under Article 10 of the European Convention on Human Rights.

(2)

(b) Explain **two** exemptions in the Data Protection Act 1998 that apply in relation to a 'subject access request'.

(4)

1

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Mohan, a famous footballer, has recently read on social media that Roxy, an ex-girlfriend, has reported him to the police for selling illegal drugs when he was younger. Roxy later appears on national television and refuses to withdraw the allegation even though the police have now discovered the allegation to be false. As a result Mohan loses a £12,000 contract to advertise football boots.

Tural runs a small hotel and is annoyed at the reviews that have been posted on a famous UK travel website, saying that the hotel is terrible. Tural decides to take the website to court as it has refused to release the details of the reviewers, who he believes have made comments without even visiting the hotel.

(c) Evaluate the likelihood of Mohan and Tural succeeding in claims for defamation.

(14)

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3 The Consumer Protection Act 1987 only applies to things defined as a 'product'.

(a) Describe the legal meaning of a product.

(4)

Erich visited Sofia's café for a meal with his seven-year-old son, Troy. The café has a children's play area. While Troy was playing in the children's play area, under Erich's supervision, Troy cut his head by falling onto a very low wall made of sharp stone.

Troy is a lawful visitor to Sofia's café.

(b) Analyse Sofia's possible liability under the Occupiers Liability Act 1957.

(6)

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Luke and David were playing the latest video game. David has a history of violent offences. When Luke won the game David lashed out, intending to frighten him. However, David forgot he was holding the game controller and hit Luke in the eye, causing him to bleed heavily. Luke had to be taken to hospital for stitches and was in considerable pain for several days. David was very upset about the injury to Luke.

In court Luke admitted to provoking David at the time of the offence. David pleaded guilty to a non-fatal offence.

(c) Assess the aims of sentencing and the range of sentences that would be available to the court for David's criminal offence.

(10)

(Total for Question 3 = 20 marks)

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4 Esther ordered a meal in a restaurant. During the meal she drank a significant amount of wine. When she was given the bill at the end of the meal, Esther suddenly realised that she had left her money at home. While the waiter was dealing with another customer, Esther crept out of the restaurant without paying the bill.

Nick, a waiter, had been watching Esther and followed her outside to ask her why she had not paid her bill. Esther panicked and pushed Nick over before running off down the street. Nick suffered no injuries as a result of his fall.

Esther was later caught and charged with the offence of robbery, for the incident with Nick and the unpaid restaurant bill.

(a) Describe what is meant by **'force'** in the offence committed against Nick.

(4)

Esther wishes to argue the defence of intoxication to the charge of robbery.

(b) Analyse whether Esther will be able to successfully argue the defence of intoxication.

(6)

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(c) Assess Esther's criminal liability for **making off without payment**.

(10)

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5 Mateo lived next door to his friend, Camilla, who often visited to watch television. On several occasions the TV would stop working and Camilla, an electrical engineer, told Mateo it was a simple problem with his old fuse box. She said that she would be happy to fix the problem. Mateo had to go to hospital and on his return found that Camilla had replaced the fuse box, for which Mateo then agreed to pay her £300.

Mateo later decided he did not trust Camilla's work so instead of paying her he got Valerie, another electrical engineer, to survey his electrical wiring. Valerie told Mateo that his house was at significant risk of fire and needed to be rewired. Mateo agreed to pay Valerie £10,000 for the work to be carried out. However, before Valerie started, Mateo discovered that she had given some of his neighbours the same 'warning' about their wiring. Mateo now doubted the credibility of the survey done by Valerie.

Evaluate the **contractual** rights and remedies of Camilla and Mateo in these situations.

(20)

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(Total for Question 5 = 20 marks)

TOTAL FOR PAPER = 100 MARKS

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