GradeMax

Please check the examination details below before entering your candidate information

Candidate surname	Other names

Pearson Edexcel
International Advanced Level

Centre Number | | | | | |

Candidate Number | | | | |

Wednesday 22 May 2019

Morning (Time: 3 hours) | Paper Reference **YLA1/02**

Law

International Advanced Level
Paper 2: The Law in Action

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 (a) Explain the reasons why the common law principle of privity of contract imposes rights and obligations on some individuals but not on others.

(6)

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Rhonda wanted to buy a better car. She went to Julie and Nathan's garage and saw a car that she liked. It had a price sticker on the windscreen for £1,999. Rhonda asked Julie whether the price could be reduced. Julie said she would accept £1,900. Rhonda then asked if Julie would take £1,800 for cash. Julie agreed, so Rhonda paid and drove the car away.

Later in the day Julie's business partner, Nathan, noticed that the car sold to Rhonda was not in the garage. Julie informed Nathan that she had sold the car. However, Nathan had already sold the vehicle the previous day to Ron, who now wanted to collect the car. Julie contacted Rhonda but she refused to return the car.

(b) Evaluate whether offer and acceptance has taken place between Rhonda and Julie **and** if Julie is able to get the car back from Rhonda using the concept of mistake.

(14)

(Total for Question 1 = 20 marks)

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2 An individual may be able to complain to the European Court of Human Rights (ECHR) if they believe their human rights have been infringed.

(a) Explain **one** possible outcome of a complaint to the European Court of Human Rights.

(2)

(b) Explain briefly **two** rights under Article 10 of the Human Rights Act 1998.

(4)

Adi owned some badly-fenced land. John often dumped his rubbish on Adi's land without permission, resulting in Adi spending £5,000 to clear it away.

Adi ordered new fencing to stop John from dumping the rubbish. When the fencing arrived, Adi, without checking that it was his delivery, ordered the driver to place the new fencing on his land.

However, the fencing actually belonged to John. When John found out what had happened, he went on to Adi's land without permission, and removed the fencing.

(c) Evaluate the rights and remedies of Adi against John in connection with the trespass to land.

(14)

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(Total for Question 2 = 20 marks)

3 (a) Describe the duty of care required of an Occupier under Section 2(2) of The Occupiers' Liability Act 1957.

(4)

Cael and his group of friends decided to join a large group of protestors who have planned a march against poverty through a busy city centre. At the last minute, the police tell the protestors that they have decided to postpone the march.

(b) Analyse whether Cael can successfully argue that the ban on the protest breached his rights under the Human Rights Act 1998.

(6)

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Luana owned a large garden, at the bottom of which was a workshop in a bad state of repair. Luana had seen young boys trying to get over her garden fence close to the workshop. Luana was aware of the dangerous condition the workshop was in and had placed a large sign on the fence that said: 'Danger! Keep out!'

Later, Kareem aged 14, climbed over the fence and on to the workshop roof. However, the roof collapsed, causing Kareem to fall and cut his legs badly. Due to the impact of the fall, Kareem's new £999 phone was smashed.

(c) Assess Kareem's rights and remedies in respect of the injuries and damage he has sustained.

(10)

(Total for Question 3 = 20 marks)

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4 Audrey, a hitchhiker, got a lift in Mateo's car. Mateo attempted to steal Audrey's purse, which frightened her, causing her to jump out of the moving car to escape. However, she misjudged the traffic on the road and was hit by another car, causing her a serious head injury.

Audrey was rushed to hospital but was dropped on the ground twice by the ambulance crew. As she was recovering in hospital, a trainee doctor misread her notes and gave her medicine that she was allergic to, causing a severe reaction leading to a coma. Some days later, another trainee doctor negligently switched off Audrey's life support machine, and she died.

(a) State which of the above events may break the chain of causation between Mateo's attempt to steal Audrey's purse and Audrey's death.

(4)

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Mateo panicked after seeing Audrey get injured. He lost control of his car and crashed into a wooden bus shelter, trapping Davdar. As Mateo's car hit the shelter, wood splinters went flying everywhere, with some wooden fragments going into Davdar's eyes.

Davdar had very sensitive eyes so went straight to the hospital for a check-up. An inexperienced doctor missed the small splinters in his eyes, causing him to become blind.

(b) Analyse whether Davdar's blindness would be considered too remote for a claim under the tort of negligence against Mateo.

(6)

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The blindness has stopped Davdar from doing his job as a taxi driver and his hobby of flying drones. Davdar previously earned £20,000 per year from his job and has now also had to pay £10,000 for a nurse to help his recovery. Davdar will also need to modify his house at a cost of £25,000. He may well need future support and help as he grows older.

(c) Assess how the court(s) would calculate an award of damages to Davdar.

(10)

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(Total for Question 4 = 20 marks)

5 Afia joined a violent gang. The gang leader was called Barasa. Afia developed a deep friendship with her disabled neighbour, Elena. Elena persuaded her to leave the gang, but before she could do so, Barasa became aware of her decision. He then told Afia, 'Get me some money off Elena or I'll break your legs.'

Elena regularly asked Afia to deposit her money at the bank. That night, Elena gave Afia £1000 in cash, to pay into the bank the next day. However, due to Barasa's threat, Afia had already decided to keep the money and give it to Barasa to stop him from carrying out his threat.

Evaluate Afia's criminal liability for property offences against Elena, **and** if she can 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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