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

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.
- Good luck with your examination.

Turn over ▶

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Answer ALL questions.

Write your answers in the spaces provided.

1 (a) State the meaning of an exclusion clause in contract law.

(2)

(b) Describe the meaning of 'legal intention' in contract law.

(4)

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Thato was an expert dealer in luxury cars and had a vintage car for sale. Karabo, Thato's friend, asked him his opinion about the vehicle and Thato said it was a 'very good purchase'. Karabo bought the car, based on Thato's opinion, but soon found serious faults with the vehicle.

Karabo decided to return the vehicle to Thato and ask for a refund. Thato refused.

(c) Evaluate Karabo's contractual rights and remedies in this situation.

(14)

(Total for Question 1 = 20 marks)

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2 'You must take reasonable care to avoid the acts or omission which you can reasonably foresee would be likely to injure your neighbour.'

Lord Atkin, *Donoghue v Stevenson* (1932)

(a) Explain the reasons why the law of negligence imposes a duty of care in some situations but not others.

(6)

Scott, a chemistry teacher, made his own fireworks. He took a recently made firework to show to his neighbour, Jim.

Jim invited Scott into his kitchen and Scott put the firework on Jim's cooker hob so that they could admire it. Unfortunately, the hob was hot and this caused the firework to explode.

Gases given off in the explosion damaged a valuable oil painting in the next room. This type of damage, by gases to the oil painting, was completely unexpected. The damage to the oil painting cost £4,000 to repair.

(b) Evaluate how the rules regarding causation and remoteness in negligence apply to the damage to Jim's oil painting.

(14)

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(Total for Question 2 = 20 marks)

3 (a) Describe **two** possible legal consequences for the UK Government of a successful case appeal to the European Court of Human Rights.

(4)

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Famous pop star, Wigwama, has been accused of being a liar in a magazine. The magazine repeated the allegations on social media, leading to a significant number of negative comments about Wigwama. Due to the media publicity, Wigwama's latest album sales have increased substantially. The magazine has refused to withdraw the article.

(b) Analyse Wigwama's claim against the magazine under the Defamation Act 2013.

(6)

Hugo was the owner of a gym. Elsa, a gym member, was using a rowing machine when a strap snapped off, resulting in an injury to her ankle. All the rowing machines had recently been installed and checked by a specialist firm, employed by Hugo.

(c) Assess the rights and remedies of Elsa against Hugo under the Occupiers' Liability Act.

(10)

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(Total for Question 3 = 20 marks)

4 Theresa had been given a 15-year-old dishwasher, which was designed to be used in a restaurant. She attempted to use the dishwasher in her own home.

When Theresa switched on the dishwasher it overheated and was damaged beyond repair. The heat also caused damage to her wine glasses, which were in the dishwasher, to the value of £250.

(a) Identify from the scenario where Theresa's rights under the Consumer Protection Act 1987 have been restricted.

(4)

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Demi was an experienced climber of buildings. One night, Demi broke into the grounds of a new skyscraper being built by Parrot plc. She ignored the danger signs and climbed to the top of the building. She then posted pictures of how she did the climb on social media and invited others to meet her to repeat the climb.

(b) Analyse the rights and remedies of Parrot plc against Demi in connection with the trespass to land.

(6)

Jose was a retired spy who had worked for the UK Government and signed a confidentiality agreement. A newspaper published an extract from Jose's forthcoming book. The book alleges that the UK Government has been involved in torturing political prisoners. The book also states that Jose's famous ex-wife, Lena, has sexually assaulted a male employee and got an injunction to stop the employee from publicly discussing this.

(c) Assess Jose's rights to publish the book under the Human Rights Act 1998.

(10)

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(Total for Question 4 = 20 marks)

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5 Simba bought a watch for £1,000 from Jade, the owner of a jewellery shop. When the watch proved to be faulty, Simba asked Jade for a refund. Jade refused.

Simba was very annoyed with Jade. When he got home he drank a large amount of alcohol. Later that evening Simba decided to steal money from Jade's shop. Simba managed to enter the shop through a partially open window and spent a few moments unsuccessfully searching Jade's shop for money. He picked up a gold bracelet from a desk and decided to keep it. Unknown to Simba, the bracelet belonged to Jade's friend, who had asked Jade to value it.

Simba then heard footsteps and panicked. He rushed to the open window and made his escape, forgetting to take the bracelet with him.

Evaluate Simba's criminal liability for property offences against Jade, and whether he can use the defence of intoxication.

(20)

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(Total for Question 5 = 20 marks)

TOTAL FOR PAPER = 100 MARKS

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