

Modified Enlarged 24pt
OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Monday 15 June 2020 – Afternoon

A Level Law

H415/03 Further law

Time allowed: 2 hours
plus your additional time allowance

YOU MUST HAVE:
the OCR 12-page Answer Booklet

READ INSTRUCTIONS OVERLEAF



INSTRUCTIONS

Use black ink.

Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.

Fill in the boxes on the front of the Answer Booklet.

Answer FOUR questions in total:

Answer ONE question in Section A.

Choose ONE option in Section B. Answer the THREE questions in EITHER Part 1 OR Part 2 from the option you have chosen.

INFORMATION

The total mark for this paper is 100.

The marks for each question are shown in brackets [].

Quality of extended response will be assessed in questions marked with an asterisk (*).

ADVICE

Read each question carefully before you start your answer.

SECTION A

The nature of law

Answer ONE question using examples from your full course of study.

- 1* ‘It is impossible to create justice for all, and the law should not attempt to do so.’**

Discuss the extent to which the law creates justice for all. [25]

- 2* ‘Technology will always advance more quickly than the law.’**

Discuss the challenges involved in the law keeping up with technological advances. [25]

SECTION B

Select the option you have studied:

OPTION 1: Human rights law OR

OPTION 2: Law of contract

Then choose PART 1 or PART 2 from the option you have studied.

OPTION 1 – Human rights law

PART 1

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios ARE related.

Midshire University owns a portrait painting of the historian Dr John Whells, which it displays in the library. The students' union complains that Dr Whells was a racist. They ask for his painting to be removed but the university refuses. Two students, Jasmine and Berthold,

organise a sit-in at the library in protest. They do not notify the university in advance. Fifty students bring their sleeping bags and occupy the library for several days. The protest begins peacefully but many of the other students complain that it is impossible to study due to the disruption, noise and mess created by the protestors. After three days, a university representative tells them to leave immediately or they will be expelled from the university. Most of the students, including Jasmine and Berthold, reluctantly leave.

Despite the clear warning, Frankie and Edward, along with seven other students, decide to continue the protest. They barricade themselves in by using library shelves. When library staff challenge them about their behaviour, they become aggressive, using abusive and threatening language. Some bookshelves are thrown to the ground. The painting is damaged when a fizzy drink is poured over it and needs some minor repairs. The police are called and all the students, including Frankie and Edward, are arrested.

- 3 Advise Jasmine and Berthold whether they are within their rights in organising and participating in the sit-in AND whether the university can challenge them under Article 11. [25]**

- 4 Advise Frankie and Edward whether they will face legal consequences in respect of their actions under the law of trespass, public order or any other relevant area of law. Do NOT discuss Article 11 in this answer. [25]**

Essay question on human rights law

- 5* The right to a fair criminal trial has been described as ‘the birthright of every citizen’.**

Discuss the extent to which the right to a fair criminal trial in the UK courts has been adequately protected, using case law from BOTH the European Court of Human Rights AND the UK courts. [25]

OPTION 1 – Human rights law

PART 2

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios ARE related.

John is a transgender man who works as a lecturer in a local college. Born as a female named Janice, John is in the process of transitioning to a new gender identity as a male. John asks the college to change his details both within the college and on the website in order to reflect his new name and identity as a man. John's boss, Monika, tells him to take six months' unpaid leave to 'consider his decision'. While on leave, John logs into his work email account and contacts a local newspaper to try and gain some publicity for his case. Unknown to John, Monika is secretly reading his emails. John receives a letter from Monika, terminating his contract for breaching the college email policy. John has never seen such a policy. He tells Monika he will be bringing a

case against the college in an employment tribunal.

A month later, John receives the first of several emails containing abusive messages referring to his sexuality and gender. He believes these are sent by someone at the college. He also sees some comments about him on a social media platform which are both untrue and highly offensive. All the messages are, in fact, posted by Monika. John feels completely insulted by these messages. John asks his lawyer whether he can take his case to the European Court of Human Rights, and if he can do so without revealing his identity. John's lawyer advises him that it is a difficult issue because there is very limited case law in this area.

6 Advise John how he will be able to use Article 8 to support his tribunal case. [25]

- 7 Advise John whether he is protected by the laws on harassment and offensive communications AND of his eligibility to take his case to the European Court of Human Rights if his other legal claims have failed. [25]**

Essay question on human rights law

- 8* The right to a fair criminal trial has been described as ‘the birthright of every citizen’.**

Discuss the extent to which the right to a fair criminal trial in the UK courts has been adequately protected, using case law from BOTH the European Court of Human Rights AND the UK courts. [25]

OPTION 2 – Law of contract

PART 1

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios are NOT related.

Sally is organising the Christmas party for her athletics club. The manager of a local leisure centre said they could use a room at the centre for free as they have been such good customers all year. A band has been booked to play music at the party. However, when they realise how far they will have to travel they try to cancel the contract. Sally is unable to replace them so she offers the band an extra payment if they will play at the party and they agree. Sally is worried about some expensive equipment that is going to be left at the leisure centre the night before the party, so she offers to pay Danny, a local police officer, to do extra patrols the night before the party. Danny agrees to do this.

Ben is a musician. He is giving a concert at the A1 Stadium. The A1 Stadium makes a contract with BestFit T-Shirt Company to sell T-shirts at the concert with Ben's name on them provided BestFit give Ben 5% of their sales income. BestFit sell a large amount of T-shirts at the concert but have not paid any money to Ben. Ben books a large hotel room at The Saveloy Hotel for himself and his family for the night of the concert. The hotel is advertised as being luxurious and soundproof. After the concert, Ben and his family stay in the hotel room but it is very noisy due to traffic from a nearby main road and the shower does not work.

- 9 Advise whether there has been good consideration in the contracts between Sally and the manager of the leisure centre, Sally and the band, AND Sally and Danny. [25]**

10 Advise whether the doctrine of privity will prevent Ben from suing BestFit for the money they owe him AND Ben's family from claiming compensation for the disappointment of the poor hotel room. [25]

Essay question on the law of contract

11* Discuss the extent to which the rules relating to acceptance and revocation of bilateral offers are in need of reform. [25]

OPTION 2 – Law of contract

PART 2

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios are NOT related.

Sue has purchased a boiler for her business from AB Boilers. It uses a special kind of fuel that only AB sell. AB also made a contract to sell the fuel to Sue at a fixed price for two years. Six months after the sale, AB tell Sue that their costs have gone up and they have to increase the price or else they will be unable to continue supplying her. Sue is not happy about this change and discusses the situation with her legal advisors. Eventually she agrees to pay more because no other fuels are available. AB also tell Sue that she should buy a special service contract from them or else they cannot guarantee to continue supplying her after the two years are up. Sue says to AB that they are being unfair

but she agrees to buy the service contract. After another six months has passed, Sue decides to stop using AB products.

Rajinder has made a contract to buy a painting from Harry, a promising new artist. They have agreed a price of £1000 but since making this contract Harry's paintings have become popular and are now selling for much more. Harry is refusing to carry out the contract. Rajinder has also made a contract with XY Builders to construct a garage. XY now say they are too busy to perform this contract as they have made a new building contract with Fred, Rajinder's neighbour. Rajinder has also made a contract to buy a house from Eva. He wishes to demolish the house to expand his garden. Since making the contract, Eva has become very ill and no longer wants to move as she is heavily reliant on her sister who lives next door.

- 12 Advise whether Sue can argue that her contracts to pay extra money for the fuel AND to buy the service deal should be made void for economic duress. [25]**
- 13 Advise whether Rajinder will be able to get orders from the court forcing Harry AND Eva to perform their contracts AND an order to prevent XY from completing the building contract for Fred. [25]**

Essay question on the law of contract

- 14* Discuss the extent to which the rules relating to acceptance and revocation of bilateral offers are in need of reform. [25]**

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