

Modified Enlarged 18pt

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Monday 18 October 2021 – 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 ‘Our laws should follow the progress of society.’

Discuss the extent to which the law reflects the society it stems from. [25]

2 ‘Our legal system exists primarily to deliver justice to its citizens.’

Discuss the extent to which delivering justice is the main aim of the legal system. [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 NOT related.

Sam suffers from brain damage. He needs constant care and is looked after by Nina, his mother. Nina struggles to cope. Her social worker, Jane, arranges for Sam to be taken into temporary care to give Nina a break. At first Nina agrees but when Sam is taken into care she becomes very upset. Nina accuses Jane of wanting to kill her so that she can kidnap Sam. It is clear that Nina is suffering from mental health issues. Her doctor examines her and finds that she is suffering from paranoia and exhaustion. He sections her under the Mental Health Act 1983. After three months, Nina starts to feel much better. She asks to be allowed home and to care for her son Sam. She is told that this is not possible.

Kareem, Anika and Leo belong to ‘Rebellious Planet’, an environmental protest group. They arrange a protest at the cinema where the premiere of the film *Burnt Forest* is being held. They claim that the film makers destroyed large areas of natural habitat when shooting the film.

- Kareem and four other members of the group force their way into the cinema, pushing security staff to the ground. They shout at members of the audience to leave the building or regret it.**
- Outside the cinema, Anika glues herself to the front door to prevent any more people from entering.**
- Leo chains himself to the film director’s car which is parked outside the cinema. This brings all the traffic to a complete standstill.**

All three are arrested by the police.

- 3 Advise Nina whether her continued detention AND that of her son Sam, may be challenged under Article 5 of the European Convention on Human Rights. [25]**
- 4 Advise Kareem, Anika and Leo which public order offences they are most likely to be convicted of as a result of their protest. [25]**

ESSAY QUESTION ON HUMAN RIGHTS LAW

- 5* Freedom of expression has been described by the European Court of Human Rights as ‘the cornerstone of a democratic society’.**

Discuss the extent to which the courts are willing to defend freedom of expression as set out in Article 10 of the European Convention on Human Rights. [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 NOT related.

Jack works for the planning department of the local council. He opposes plans to develop the local airport as this will involve building on a local nature reserve. Eve leads an environmental protest group and organises a sit-in at the nature reserve to protect the site against the bulldozers. Eve has also organised for a drone to be flown continually over the runway. As a member of the protest group, Jack shows his support by joining the sit-in. The drone causes a serious breach of safety and the airport is closed. After four days, the police remove the protestors for causing severe disruption to the airport. Eve is arrested for organising the protest. Jack's boss sees him on television giving an interview and he is sacked the following day due to his membership of the group.

At Midshire NHS Hospital the following cases arise:

Layla, aged 41, has requested IVF (fertility) treatment from the hospital. Layla's request is refused. She is told that the only reason is that she is too old for the treatment. Layla knows a number of local women who have had the treatment at the same hospital with ages ranging from 42 to 46. Layla suspects the hospital are simply trying to save money.

Amir writes a complaint letter to Midshire Hospital. The hospital has an official complaints process which requires doctors to consult with the hospital's complaints committee before responding to patients. Dr Smith writes to Amir rejecting the grounds of his complaint. Dr Smith sends the reply directly to Amir without referring the matter to the complaints committee.

Midshire Hospital has the power to operate free car parks for hospital visitors. The hospital plans to turn one of the car parks into an expensive shopper's car park. Zac is chairman of the Midshire Hospital Visitors Support Group. He wishes to stop this happening before the loss of parking which is already in short supply.

6 Advise Jack and Eve whether their rights under Article 11 of the European Convention on Human Rights have been breached. [25]

7 Advise Layla, Amir and Zac whether they each have grounds to challenge the hospital using judicial review and which orders, if any, each of them should seek from the court. [25]

ESSAY QUESTION ON HUMAN RIGHTS LAW

8* Freedom of expression has been described by the European Court of Human Rights as 'the cornerstone of a democratic society'.

Discuss the extent to which the courts are willing to defend freedom of expression as set out in Article 10 of the European Convention on Human Rights. [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 related.

Catering Supplies sells cooking equipment to businesses and consumers. Customers have to sign a lengthy document to say they have read and agreed to the contract terms. Three of the key terms state that: (i) liability for faulty equipment is limited to replacement of wasted ingredients; (ii) Catering Supplies can change the specification of goods supplied without giving notice; and (iii) Catering Supplies excludes all liability for death or personal injury.

Anika, a consumer, buys a food steamer which fails and ruins a family dinner.

Ben orders a freezer with a 200 litre capacity. When it is delivered, Ben finds that the freezer only has a 190 litre capacity. Catering Supplies say that the manufacturer had changed the specification without warning.

Jane owns a café. She buys an electric food processor from Catering Supplies. The food processor has an electrical fault and Beth is injured while using it.

Catering Supplies also sells the following equipment:

Layla buys an oven. When she gets it home, she finds that there is a fault and it does not work. She returns it to Catering Supplies the following day and says that she would like her money back.

James buys a fridge which works well for the first month but then it starts to go wrong. James returns it to Catering Supplies after two months.

Nina wants a special outdoor grill for family barbecues. She buys a 'Model A' which Catering Supplies say would be suitable. After using it for a barbecue, she finds that it overheats and stops working. She returns it on three occasions for repairs but each time the fault continues. Catering Supplies now say they want to send the grill back to the manufacturers for repair.

9 Advise whether the exclusion clauses in Catering Supplies' contracts will prevent them from being sued by Anika, Ben or Jane in relation to the ruined family dinner, the changed specification of the freezer and the personal injury. [25]

10 Advise what rights Layla, James and Nina have under the Consumer Rights Act 2015, including the implied terms which have been broken AND the remedies they will be entitled to. Assume that Layla, James and Nina are all private consumers. [25]

ESSAY QUESTION ON THE LAW OF CONTRACT

11* Discuss whether the presumption against an intention to create legal relations in domestic cases should be reformed. [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.

Altbury College makes several contracts with Bodge-IT, a technology company. They buy 50 new laptops for students to use in classes. There is a special price for orders of 50 laptops. The laptops arrive in time for the start of term in September. However, when the college tries to use them, they find out that 10 of them have missing parts and do not work. They also contract to have a new Wi-Fi network installed in all parts of the college by the start of term. When term starts, the Wi-Fi works in most parts of the college but not in the Maths or Science rooms. These rooms make up about 30% of the college. They also contract to install new printers on every floor in the college. They have not been installed by the start of term so the college says that Bodge-IT has two weeks to put them in place. After two weeks the printers are still not there. Bodge-IT finally delivers them in October but by then the college has obtained printers from another supplier.

Tom owns a restaurant which is very busy with tourists during the summer. Tom makes a contract to advertise his restaurant for the whole month of July on Sea FM, the local radio station. Sundip is a musician who makes a contract with Tom to play the piano every evening in his restaurant throughout July, for which she will be paid at the end of the month. Mia makes a contract to take

her large family for a meal in Tom's restaurant at the end of July. Because it is a large booking, she pays a £200 advance payment. In the third week of July, Tom holds a firework display for his customers. A rocket lands on the roof of the restaurant and starts a fire which destroys the restaurant.

- 12 Advise whether Albury College is obliged to pay Bodge-IT for any of the laptops, for installing the Wi-Fi and for the printers. [25]
- 13 Advise whether Tom's contracts with Sea FM, Sundip and Mia will be frustrated and what financial claims Sundip and Mia may be able to make. [25]

ESSAY QUESTION ON THE LAW OF CONTRACT

- 14* Discuss whether the presumption against an intention to create legal relations in domestic cases should be reformed. [25]

END OF QUESTION PAPER



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