

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Monday 17 June 2019 – 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

(OCR12 sent with general stationery)

READ INSTRUCTIONS OVERLEAF



INSTRUCTIONS

Use black ink.

Answer FOUR questions in total:

Section A: answer ONE question using examples from your full course of study

Section B: Select the option you have studied, choose Part 1 OR Part 2 and answer the THREE questions below.

Write your answers in the Answer Booklet. The question number(s) must be clearly shown.

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 those questions marked with an asterisk (*).

SECTION A

The Nature of Law

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

- 1 'The moral values of a society should be reflected in its laws.'**

Discuss the extent to which the English legal system achieves a balance between law and morality. [25]

- 2 'The aim of the law should be to achieve justice.'**

Discuss the extent to which the English legal system achieves justice. [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 opposite.

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

In 2009 Stefan was convicted of attempting to cause grievous bodily harm with a weapon. At his trial expert medical witnesses agreed that he was suffering from paranoid schizophrenia. The court made a hospital order for his detention in a high security psychiatric hospital for an unlimited time. In 2014 the doctors assessing Stefan agreed that he was no longer a danger to society, although he still required ongoing treatment. As a result of this assessment he was placed in a low risk part of the hospital. His new status allowed him some limited new freedom of movement within the hospital. Stefan applied to be transferred to a local mental hospital. He saw this as his first step to being reintegrated into society. His request was refused by the Secretary of State for Justice on the grounds that a suitable place could not be found.

Esther is visiting 'Kosmeticks' for a job interview. When she leaves the building, a large crowd has gathered outside to protest against Kosmeticks' alleged involvement in animal testing. Esther gets caught up in the crowd. She is stopped by two plain clothes police officers. One officer asks her what is in her briefcase. Esther tells them she is in a hurry and has no time to answer questions. They ask to search her briefcase. Esther asks why but they tell her not to waste time asking questions. Esther refuses to open the briefcase. They confiscate the briefcase and refuse to give it back. They ask Esther to remove her jacket and she is searched. Half an hour later Esther is given her briefcase and is allowed to leave.

- 3 Advise Stefan whether his continued detention in a high security unit amounts to a breach of his rights under Article 5 of the European Convention of Human Rights. [25]**
- 4 Advise Esther whether the police have used their stop and search powers lawfully. [25]**

Essay question on human rights law

- 5* 'The function of the European Court of Human Rights is primarily to uphold the Convention. Its decisions do not always fit in with the individual legal systems of the member states.'**

Evaluate the extent to which the court maintains an effective balance between national legal priorities and those under the Convention. [25]

OPTION 1 – Human rights law

PART 2

Answer the THREE questions opposite.

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

Anton is a computer student who is accused of hacking into a sensitive government database. It is alleged that he then leaked the secret information to a foreign government. He is arrested and charged with various criminal offences including hacking and spying. His computer, tablet and mobile phone are seized by the police as evidence. Anton denies all of the offences, claiming that someone else had impersonated him online and committed the acts using his identity. The prosecution refuse to hand any of the seized property to the defence team. They also insist that the trial is held in secret to prevent any sensitive information leaking into the public domain. No jury is allowed. Only very limited reporting is allowed. Anton refuses to enter the witness box in protest at the procedures. He is found guilty and sentenced to 15 years in prison.

Anton is denied leave to appeal. He claims that the trial process was defective and that his conviction is unsafe. He requests that his case be publicised to allow him to seek help from technical expert witnesses who would be able to assist him to defend himself effectively. He argues that denying him access to his data and devices prevented him from properly defending himself. For these reasons, Anton believes that he should have the right to a full appeal against conviction. He wishes to challenge the decisions of the court to deny him an appeal and to hold his trial in secret.

- 6 Advise Anton whether his trial would be regarded as fair under common law and Article 6 of the European Convention of Human Rights. [25]**
- 7 Advise Anton about the procedures involved in a judicial review hearing and what the potential order and outcomes might be in his case. [25]**

Essay question on human rights law

- 8* 'The function of the European Court of Human Rights is primarily to uphold the Convention. Its decisions do not always fit in with the individual legal systems of the member states.'**

Evaluate the extent to which the court maintains an effective balance between national legal priorities and those under the Convention. [25]

OPTION 2 – Law of contract

PART 1

Answer the THREE questions opposite.

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

Theo wants to buy a car. Seth owns a business selling cars. After Seth checks the specification on the manufacturer's website, he tells Theo that a model A car would use 1.5 litres of fuel per 100 kilometres of driving. Theo buys the car from Seth but finds that it uses 2.5 litres of fuel per 100 kilometres. The manufacturer's website was incorrect. Vanya is 19 years old and has just passed her driving test. She tells Seth that she needs a car which will be cheap to run. Vanya decides to buy a model B car after Seth tells her that it would be a reliable car. Seth does not tell her that the car has a powerful engine and will be very expensive to insure.

Seth buys all his car parts from Bitza, who promise to deliver all orders within 24 hours. One Wednesday he ordered parts for 10 cars to prepare them for sale on Saturday. Bitza failed to make the delivery and Seth missed out on a number of car sales. Seth could have ordered the parts on Thursday from Speedie, who deliver within two hours, and still had the cars ready for Saturday. As a result of not selling the cars on Saturday, Seth was distressed and suffered a great deal of anxiety. Seth also goes to a car festival every year, setting up his display in a large tent and making large profits. He always hires his tent from Zephyr Tents. This year, Zephyr failed to deliver the tent in time for the festival and Seth missed out on the chance to make the usual large profits.

- 9 Advise whether any of the statements made by Seth to Theo or Vanya could give rise to a successful claim in misrepresentation under the Misrepresentation Act 1967. Do not discuss remedies. [25]**
- 10 Advise what remedies Seth might have against Bitza for the lost sales and the anxiety, and against Zephyr for the loss of the large profits, including any limitations on his ability to claim damages. [25]**

Essay question on the law of contract

- 11* Discuss the extent to which the Contracts (Rights of Third Parties) Act 1999 has removed the problems that were previously caused by the doctrine of privity of contract. [25]**

OPTION 2 – Law of contract

PART 2

Answer the THREE questions opposite.

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

Floaters own a fleet of ships. They make contracts to charter ships to Drillerz, Choppers and Boatease. They make a contract with Drillerz to transport an oil rig using one of their Superships. Floaters own Supership A and Supership B. The Drillerz contract gives Floaters a choice of which Supership to use. Floaters decide to charter out Supership A to Drillerz and they then charter out Supership B to another company. Before the charter with Drillerz begins, Supership A sinks in a storm so Floaters inform Drillerz that they cannot provide a ship after all. Choppers is a timber company. It contracts to charter a ship from Floaters to fetch a cargo of wood from their base in South America. Shortly after making the contract a huge fire destroys the base and all the wood. Boatease contracts to charter a ship from Floaters to deliver a cargo of food to a certain country. Before the charter can commence the government forbids trade with that country.

Lewis is a builder. He has made a contract to build a garage for Gill. The contract specifies individual prices for the walls, roof and windows. Lewis builds Gill's garage wall and roof but he does not install the windows. Lewis also has a contract with Sanjit to fit a new kitchen. Lewis completes most of the work but he does not install handles on two of the cupboards. Lewis also has a contract to install new lighting in Cynthia's garden. The work is expected to take four days and must be finished

by Saturday 11th July in time for Cynthia's birthday party. Lewis arrives at Cynthia's house to start work on the lighting on Friday 10th July but she turns him away as she is too busy making preparations and he would be in the way.

- 12 Advise whether any of Floaters' contracts with Drillerz, Choppers or Boatease will be made void for frustration. [25]**
- 13 Advise whether Lewis can claim any money from Gill, Sanjit and Cynthia. [25]**

Essay question on the law of contract

- 14* Discuss the extent to which the Contracts (Rights of Third Parties) Act 1999 has removed the problems that were previously caused by the doctrine of privity of contract. [25]**

END OF QUESTION PAPER



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