Please write clearly in block capitals.

Centre number | | | | | | Candidate number | | | | |

Surname _____

Forename(s) _____

Candidate signature _____

AS
LAW

Paper 2

Tuesday 21 May 2019 Afternoon Time allowed: 1 hour 30 minutes

Materials
- You will need no other materials.

Instructions
- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions.
- You must answer the questions in the spaces provided. Do **not** write outside the box or on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions 11 to 16 should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 80.

For Examiner's Use	
Question	Mark
1–10	
11	
12	
13	
14	
15	
16	
TOTAL	

Do not write outside the box

Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each answer completely fill in the circle alongside the appropriate answer.

CORRECT METHOD ⬬ WRONG METHODS

If you want to change your answer you must cross out your original answer as shown.

If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.

0 1 Which **one** of the following factors will **increase** the standard of care owed in relation to breach of duty?

A A low risk of harm. ⬭

B Sufficient precautions have been taken. ⬭

C The activity has social importance. ⬭

D The claimant is a child. ⬭

[1 mark]

0 2 Which **one** of the following best describes the test for remoteness of damage?

A Was damage reasonably foreseeable at the time of the breach of duty? ⬭

B Was physical injury reasonably foreseeable at the time of the breach of duty? ⬭

C Was the full extent of the damage reasonably foreseeable at the time of the breach of duty? ⬭

D Was the type of damage reasonably foreseeable at the time of the breach of duty? ⬭

[1 mark]

Do not write outside the box

0 3 Which **one** of the following would **not** be categorised as general damages?

A Future medical care

B Loss of amenity

C Pain and suffering

D Pre-trial loss of earnings

[1 mark]

0 4 When considering the reasonable man (person) test in relation to breach of duty, which **one** of the following would describe the standard expected of a person putting up a heavy shelf in their kitchen?

A To reach that person's own standard.

B To reach the standard of a competent ordinary person.

C To reach the standard of a professional carpenter.

D To reach the standard of a trainee carpenter.

[1 mark]

0 5 Which **one** of the following best describes the duty an occupier owes to a trespasser under the Occupiers' Liability Act 1984?

A To remove all dangers from the premises.

B To provide reasonable warnings to see that the trespasser does not suffer injury on the premises by reason of the danger.

C To take all possible precautions to avoid a danger existing.

D To take reasonable care to see that the trespasser does not suffer injury on the premises by reason of the danger.

[1 mark]

Do not write outside the box

0 6 In the House of Commons, which stage of the formal process of law making comes immediately before the Report stage?

A Committee stage

B Royal assent

C Second reading

D Third reading

[1 mark]

0 7 Which external aid is most likely to be used by a judge when applying the literal rule in statutory interpretation?

A Dictionary

B Hansard

C Law Commission reports

D White Papers

[1 mark]

0 8 Assuming that a case has been appealed using the leapfrog procedure, which court will hear the appeal?

A Court of Appeal

B High Court

C Queen's Bench Divisional Court

D Supreme Court

[1 mark]

Do not write outside the box

0 9 Which type of delegated legislation would be used by a local authority seeking to ban alcohol in a park?

A By-law ⬭

B Enabling Act ⬭

C Order in council ⬭

D Statutory instrument ⬭

[1 mark]

1 0 Which **one** of the following correctly describes the difference between an EU directive and an EU regulation?

A Directives do not allow Member States freedom to choose how to achieve the specified result, whereas regulations do. ⬭

B Directives require implementation by Member States, whereas regulations do not. ⬭

C Regulations are not binding on Member States, whereas directives are. ⬭

D Regulations are permanent, whereas directives are temporary. ⬭

[1 mark]

10

Turn over for the next question

Do not write outside the box

1 1 In the context of parliamentary law making, explain the meaning of Green and White Papers and the difference between them.

[3 marks]

Extra space

3

1 2

Ahmed had been experiencing problems with the electrics in his house and phoned Barry, a qualified electrician, asking him to come and see what the problem was. Barry told Ahmed that he would need to go into the loft to check some wiring. Whilst working in the loft, Barry received an electric shock when he touched a loose wire that he had failed to notice.

Suggest why Ahmed would not be in breach of his duty of care to Barry under the Occupiers' Liability Act 1957.

[3 marks]

Extra space

3

Do not write outside the box

1 3

Three days after passing her driving test, Carla applied the brakes too late when approaching traffic lights in wet conditions. Her car skidded and she collided with Dean, a cyclist, badly injuring him.

- Advise Carla as to whether she is likely to be in breach of her duty of care to Dean.
- Assess two possible funding options available to both Carla and Dean if the case cannot be settled out of court.

[12 marks]

Do not write outside the box

Extra space

Do not write outside the box

12

Turn over ►

Do not write outside the box

1 4

Eli, a 10-year-old boy, lived close to a disused factory owned by Fred. There had been gaps in the fencing for several months. Despite the presence of notices warning everyone to keep out, CCTV had recorded footage of people, including Eli and his friends, coming into the site on at least six occasions. As Eli climbed a staircase he stepped on a bottle, slipped and fell backwards breaking his arm. His claim is valued at £14 000.

- Advise Fred as to whether he is likely to owe a duty of care to Eli under the Occupiers' Liability Act 1984.
- Assuming this case went to trial, assess the possible routes of appeal if either party were dissatisfied with the outcome.

[12 marks]

Do not write outside the box

Extra space

Do not write outside the box

12

Do not write outside the box

In question 15 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 5

Graham was responsible for organising the lighting at a concert venue with a capacity of 15 000 people. Whilst positioning the lighting equipment, he realised that one of the clips used to attach a large spotlight was missing. Graham decided to use some strong tape as a temporary solution but forgot to order a new clip before the concert.

About 20 minutes into the concert the spotlight fell into an area close to the audience, causing panic. Several people were trampled on, including Holly, a swimmer who was due to represent her country at the Paralympics. Holly suffers from brittle bone disease and was left with two broken legs and spinal injuries.

Consider the rights and remedies of Holly in the tort of negligence in respect of a claim brought against Graham.

[20 marks]

Do not write outside the box

Extra space

Do not write outside the box

Turn over ►

Do not write outside the box

20

Do not write outside the box

In question 16 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 6 In the context of delegated legislation, explain Statutory Instruments and Orders in Council and discuss the value of delegated legislation as a form of law making.

[20 marks]

Do not write outside the box

Extra space

Do not write outside the box

Turn over ►

Do not write outside the box

20

END OF QUESTIONS

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