

CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW
PAPER 2 Legal Liabilities

9084/2

MAY/JUNE SESSION 2002

3 hours

Additional materials:
Answer paper

TIME 3 hours

INSTRUCTIONS TO CANDIDATES

Write your name, Centre number and candidate number in the spaces provided on the answer paper/ answer booklet.

Answer **three** questions.

Answer **one** question from Section A, **one** question from Section B and **one** question from Section C.

Write your answers on the separate answer paper provided.

If you use more than one sheet of paper, fasten the sheets together.

INFORMATION FOR CANDIDATES

All questions in this paper carry equal marks. The number of marks is given in brackets [] at the end of each question or part question.

The scenarios described in these questions are entirely fictitious.

You are reminded of the need for good English and clear presentation in your answers.

This question paper consists of 4 printed pages.

Section A: Contractual Liability

Answer **one** question only from this section.

- 1 Angus is reading his local newspaper one evening and he sees an advertisement which reads as follows: "Sony Widescreen Television. Brand new, still boxed. Unwanted gift. £325. Telephone 01635-445566". Angus wants a new television and thinks the one in the advertisement is a bargain, so he immediately telephones the number shown. The telephone call is answered by Brian who tells Angus that he works as a salesman for a computer company and had been awarded the television as a prize for the best sales in the past three months. He already owns a new television, so does not need another one. Angus visits Brian's house and inspects the television to see that it is not damaged and that there is nothing missing. Angus asks Brian if he is prepared to negotiate on the price and Brian says that he would be prepared to accept £300 for it. Angus decides that £300 would be a fair price and asks if Brian would accept a cheque in payment. Brian refuses and says that he would like payment in cash. Angus thereupon leaves the house to withdraw cash from the bank and returns with it half an hour later.

Advise Angus on the following *independent* situations.

- (a) While Angus is away at the bank, Brian sells the television to Cedric for £325. Consider the liability, if any that Brian has towards Angus and detail any remedies that Angus might pursue. [13]
- (b) Angus pays Brian in cash and is given a receipt endorsed "sold as seen". Angus returns home with the television and finds that it does not work. Consider the liability, if any that Brian has towards Angus and detail any remedies that Angus might pursue. [12]

- 2 Dawn, a seventeen year old student is due to start to study at a university in the North of England in October this year. In preparation for her departure, she endeavours to sort out her accommodation for the forthcoming year and goes shopping to buy clothes and essential supplies. She is due to celebrate her eighteenth birthday next January.

Advise Dawn on the following *independent* situations.

- (a) During her shopping spree she orders a number of text books in preparation for her university course from Friar's Books and buys 3 party dresses on credit from Glamour Gowns. Both are shops in her home town. The books are delivered to her at university as agreed, but she fails to pay the invoice price of £80 and she fails to make any of the agreed credit repayments for the dresses. In fact, she already has similar dresses to one of them and has sold it to a friend at university. Consider Dawn's liability and the potential remedies against her. [13]
- (b) Dawn signs a 12 month contract for a room with shared kitchen and bathroom in a house owned by Eric at an agreed rent of £50 per week and pays an advance of one month's rent as a deposit against potential damage to the room or its contents. It is now December and having been at the University for two months she finds that she does not get on with the other people who rent rooms in the house and wants to leave and recover the rent and deposit that she has paid. Consider Dawn's liability and the potential remedies against her. [12]

Section B: Tortious Liability

Answer **one** question only from this section.

- 3** Stephan and Mary were recently married and, in order to celebrate the occasion, they decided to take a holiday on a ship cruising the Mediterranean Sea. They flew from London to Athens where they boarded the cruise-ship MV Samos, which was owned by the Hellas Shipping Company (Head Office, London) and under the command of its captain, Costos Vagenas. They had been at sea for just 24 hours when, during the night, the ship hit rocks and it started to sink. It would appear that the captain and crew had been drinking heavily and were watching a soccer match on television when the accident happened.

Consider the potential liability in *tort* of the ship's captain and the Hellas Shipping Company in the following *independent* situations, taking care to discuss the likely success of any defences that might be raised.

- (a) Stephan drowned when the ship sank. He had been so busy making sure that Mary had a life-jacket on before they jumped into the water, that he did not put one on himself. [12]
- (b) Mary survived the incident, but her mother suffered severe depression as a consequence of a telephone call from the Greek police informing her incorrectly that her daughter had been drowned. [13]

- 4** Jack and Jill live in adjacent houses in a residential road in London. Jack frequently holds loud parties that go on late into the night. Jill has frequently complained to Jack about the noise keeping her awake but Jack has taken no notice. Last weekend, Jack held yet another of his parties and, at 3.00 a.m., not having been able to get to sleep, Jill banged on Jack's front door to complain and had an argument with Jack.

Consider the potential liability in *tort* and the likely success of any defences that might be raised in each of the following *independent* situations:

- (a) Jack became so angry during the argument that he threatened to hit Jill if she did not leave his premises. [5]
- (b) Jill refused to leave when asked to do so by Jack, so he and a couple of friends, Bill and Ben, pushed her into a shed in his garden and locked her in it all night. [10]
- (c) Jill decided she wasn't going to get Jack to co-operate so went home peacefully. However Jack was still angry so he took a lot of rubbish and dumped it in Jill's garden during the night. [10]

Section C: Criminal Liability

Answer **one** question only from this section.

- 5 Angus is due to leave school and take up a place at his local college. On Angus' last day at school, Benny, aged 17, and Conrad, aged 16, two of his classmates, drag him behind the school gymnasium, put a blindfold on him, take his shirt and trousers off and then proceed to paint his face and body, push him to the ground and kick him repeatedly. The paint used by the boys causes Angus to suffer an asthma attack and he collapses. Startled by this reaction, Benny and Conrad run away, leaving Angus fighting for breath. Angus is discovered soon afterwards and is taken to hospital, but he dies from his injuries some hours later.

With reference to the case situation above, discuss, using decided cases to support your arguments:

- (a) what offences, if any, could Benny and Conrad be charged with in this case and what would the prosecution need to prove to establish liability for each offence [15]

and

- (b) how might the courts deal with them if they were to be found guilty. [10]

- 6 Daniel and Esther had been living together as partners for a number of years, but their relationship ended a short time ago. Daniel left the house which they had been sharing and returned to live with his parents, but having departed in some haste, left a number of his possessions behind in the house. He has now decided that he wants to retrieve from the house some compact discs and videos that belong to him, so he chooses a time when he thinks that Esther will be out and, returning to the house, tries to enter using his key. Finding that Esther has changed the door locks to the house, Daniel picks up a brick which he finds in the front garden and breaks a window in order to gain entry. He finds the compact discs and videos that he is looking for and decides to take Esther's video recorder as well.

With reference to the case situation above, discuss, using decided cases to support your arguments:

- (a) the offences, if any, with which Daniel could be charged and what the prosecution would need to prove to establish liability for each offence, [20]

and

- (b) whether you think that Daniel would be successfully convicted of any offence [5]