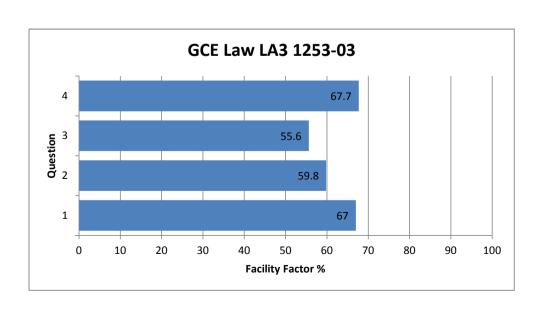


## WJEC 2014 Online Exam Review

## GCE Law LA3 1253-03

All Candidates' performance across questions

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Question Title	N	Mean	S D	Max Mark	F F	Attempt %	] .
1	167	16.7	4.2	25	67	79.5	$\leftarrow$
2	138	14.9	5.6	25	59.8	65.7	
3	37	13.9	5.8	25	55.6	17.6	] .
4	77	16.9	4.9	25	67.7	36.7	$\vdash$



1. Study the text below and answer the questions based on it.

Emma, a wealthy young socialite, became a popular guest on television talk shows because of her willingness to express controversial opinions on any subject. One evening when Emma was having dinner in a restaurant with a group of friends, the conversation turned to whether sick and disabled people should be allowed to claim state benefits. Emma said, "You just have to be firm with these people. Mummy's maid has terrible heart trouble, but she never misses a day's work because she knows we'd kick her out." One of the other members of the group, Ryan, used his mobile phone to film Emma's speech and sent the recording to Damien, the editor of the Daily Slur. Damien printed Emma's comments word for word on the front page, together with a photo of Emma eating lobster in the restaurant, and topped it off with the headline: "Mummy's Little Madam Slams Sick Servant". Emma is very hurt by what she considers to be Ryan's breach of confidence, and feels that Damien's article was defamatory.

- (a) In the light of reported case law and other sources of law, consider whether Emma may be able to sue Ryan or Damien. [14]
- (b) Explain the role of the jury in civil cases.

[11]

01A	In this case we test whether Emma maybe
	able to see for defamation or confidentiality regarding
	leaks about comments made in private. This
	person is already known for controversy being in the
	public domain.
	During a private debate she had expressed her
	view regard state benefits. It was filmed by another
	member of the group. In this case a balance is
	regarding bourne of privacy under Art. 8 of the
	European Convention on Human rights with Art . 10 ECHR
	and the freedom of Expression
	In the restaurant she was filmed stating her
	opinion. This case proves that she could not sue
	Ryan because there is under the Tort of
	Defamation and Confidence no absolute right to privacy.
	In this case they were in a public place which
	means that she could not defend that privacy had
	been breached because her opinion although intended
	for the group was public for people to hear.
	Under the ST defence under the Defamation Act 199
	Ryan could use the defence that his actions
	were assign her no night to sue in the
	first place because it was not published by her
	and using Tort of Confidence , their was no contractor
	or otherwise obligation to keep the comment and
	recording private.

	In this case the recordings were sent to Damien. He published the comments word for word in the newspaper along with a photo of Emma eating in the restaurant implying that their was an element of "Snobbery" as the innuendo of the article. In Cassidy-v-Daily Mirror the innuendo must be untrue of the claimant because but in this case the wording was true as to what she had saud meaning that although it referred to her, the newspaper could use the sets defence of justification to because it had not been altered. Defamation is defined in Sims-v-Stretch as "lower-ing the claimant in the eyes of right-minded thinking people" and is this ase their is an argument that this is the last and the fact that it refers to the claimant and is published to means that this is actionable against the newspaper however under S7 Defamation Act 1996, they are able to defend their actions, Also Ryan has not breached confidence because at the time of the
01B	Junes recognise through the Magna Carta our right to be thied by our peers but in civil cases are becoming less common because their role under the thether resorms would reform that was queshand because cases were too long and complex to understand and so were replaced by judges who called upon expert knowledge.  There Therefore they here in the few remaining the hypes of low they are involved in such as defamined to the evidence and return a verdict. Then they must decide the level of damages, however means that a judge can set out guidelines as to the level of

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	damages awarded however the judge may overlike
	this if the well is excessive such as in
	John -v- Minor Group Newspaper where on appeal the
	level of damages was reduced from £350,000 to £75,000
	after it was the jury awarded the damages.
	However this questions the equity of the jury and
	means that even though it may read to absurdities
	the jury must maintain balanced and uninterfered.
	They also play a role in some small
	Fraud cases but with the Access to Justice report
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4. Study the text below and answer the questions based on it.

Liam, a law student, took part in a televised question and answer session in which members of the public were invited to discuss matters of current debate with a panel of experts. The topic happened to be human rights. Next day, Liam was recognised in the street by PC Pinch, who had watched the programme and disliked Liam's views. PC Pinch ordered Liam to stop and submit to a search. In Liam's trouser pocket he found an asthma inhaler. PC Pinch said, "You could do someone serious damage with this," and took Liam to the police station for questioning. At the police station PC Pinch said to the custody officer, "This one doesn't need a lawyer. He knows his rights. You can put him straight in a cell." Liam was kept in a cell for twenty-six hours before being charged with carrying a weapon and being released on bail.

- (a) In the light of reported case law and other sources of law, consider whether the police were acting within their powers. [14]
- (b) Explain what powers the police have to grant bail to someone charged with an offence.
  [11]

The Police and Criminal Evidence Act 1984 is an act that 04 A regulates and sets out mentionework for which the police are able to exercise their powerset out in S66. of the Acts how the police The first issue in this case officer recognised the suspect. He had seen him and after distilizing his views. To exercise the power to stop and search any member of the public, under Code A officer must have a reasonable the suspect is carrying soft an offensive weapon or prohibited item-political corre Factual evidence or basis as defined in Castoning-v-Chief Constable of Surrey Eigs&J. In this case it is clearthat is based upon his views factual basis to warrant a securch . Wader search PC Pinch had found an asthma inhaler. is clear that PC Pinch has no pushfiately justifiable ground for arresting the suspect. The mext is sue is the role of the custody officer. Under 5. 838 PACE, the law requires the custody officer to explain the individual his rights and him to make sure that he did not suffer from any mental or physical impairment which would prevent him from questioning. Here their is another instance where are acting beyond their not, under 5.58 being able to consult a legal representative. Here the officer claims that with his findings of carrying a weapon, an assumption that he so allowing necessary evidence legal representative would thinder the meaning that there is another known ights R-v-Samuels it is said the suspect would only be justified that preventing those in this case does not seem length of time in which he was kept was illegal because under 541. of PACE,

	may only be kept in detention for 24 hours and under 542, of PACE, if it can be reason ably justified a 36 hour extension can be authorised by a superintendent may be requested. Here he has kept him beyond the time limit under 541 and breached 542. Of PACE, In total, the police breached the powers schup by PACE in 5 circumstances and were most definetly acting beyond their power.
846	The magistrates court is the first point of law to England and Wales dealing with 97% of all chaminal vertices and clear with some civil matters. If an appeal is made against a verticit in a negistrates court, then the appeal is dealt with in the Grown cook usually concurring a matter of fact such as the legality of evidence used against the defendant. If however a magistrates appeal concerns the sentence of a point of law where the magistrates may have mis-interpreted the law so that it lead to an absurd decision, then the appeal will be heard by the High Court Criminal Division. Appeal from the the appeal like in the the magistrates court concerns a point of law where the judge has mis interpreted the law. Then appeals from the magistrates can go no higher as if to limit the

The Police and Criminal Evidence Act 1984 is an act that 04 A regulates and sets out mentramework for which the police are able to exercise their powerset out in S66. of the Acts The first issue in this case is how the police officer recognised the suspect. He had seen him and after distilking his views. To exercise the power to stop and search any member of the public, under Code A of must have a reasonable the suspect is camping 68th an offensive weapon or prohibited item-political sease Factual evidence or basis as defined in Castoning-v-Chief Constable of Surrey Eigss J. In this case it is clearthat is based upon his views factual basis to warrant a securch . Water in the Pinch had found an asthma inhaler. is clear that PC Pinch has no pushfiable jushifiable ground for arresting the suspect. The prext is sue is the role of the custody officer. Under 5. 838 PACE, the law requires the custody officer to explain the individual his nights and him to make sure that he did not suffer from any mental or physical impairment which would prevent him from questioning. Here their is another instance where police are acting beyond their is not, under 5.58 being able to consult a legal representative. Here the officer claims that with his findings an assumption that he has all so allowing necessary evidence representative would thinder the meaning that there is another known rights R-v-Samuels it is said the from consulting with a lawyer suspect, would only be justified that preventing that in this case does not length OF time in which he was illegal because under 541. of PACE,

	may only be kept in detention for 24 hours and under 542, of PACE, if it can be reasonably justified a 36 hour extension control by a superintendent by a superintendent heavy be requested. Here he has kept him beyond the time limit under 541 and breached 542. Of PACE, In total, the police breached the powers schup by PACE in 5 circumstances and were most definetly acting beyond their power.
Olab	The magistrates court is the first point of law to England and Wales dealing with 97% of all cominal verdicts and deals with some and matters. If an appeal is made against a verdict in a magistrates court then the appeal is dealt with in the Grown court usually concurring a matter of fact such as the legality of evidence used against the defendant. If however a magistrates appeal concurrs the sentence of a point of law where the magistrates may have mis-interpreted the law so that it lead to an absurd decision, then the appeal will be heard by the High Court Criminal Division. Appeal from the them appeal like in the magistrates court concurrs a point of law where the judge has mis interpreted the law. Their appeals from the magistrates can go no higher as if to limit the
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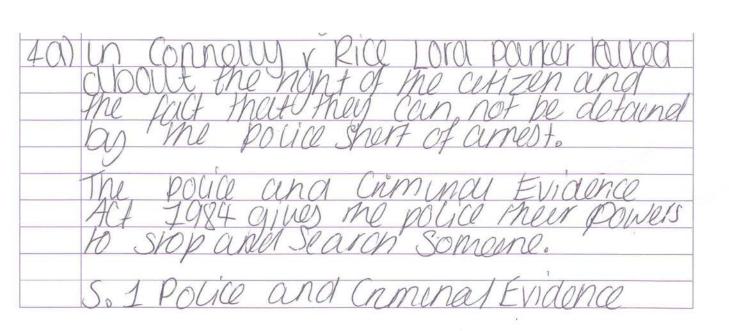
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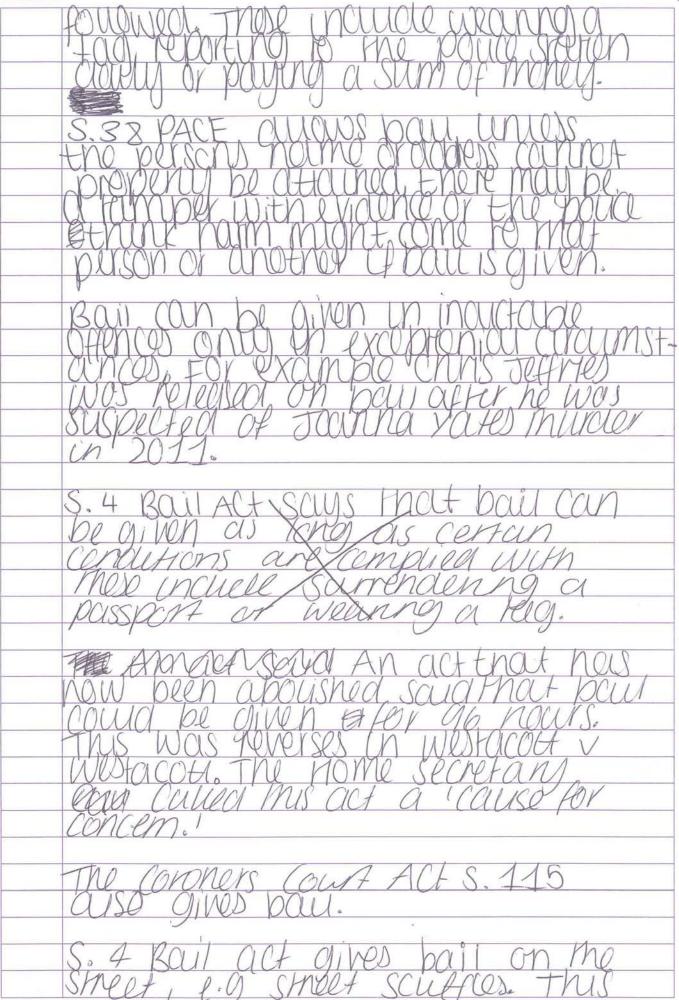
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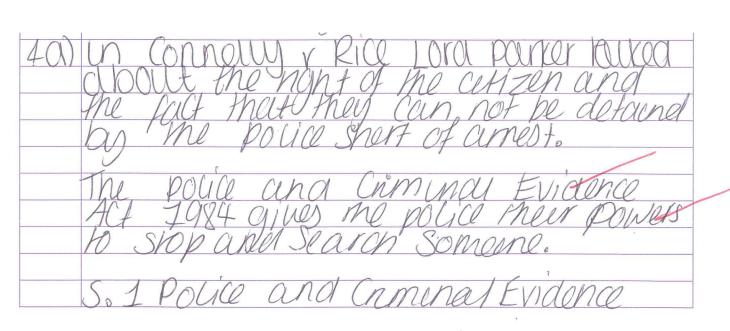
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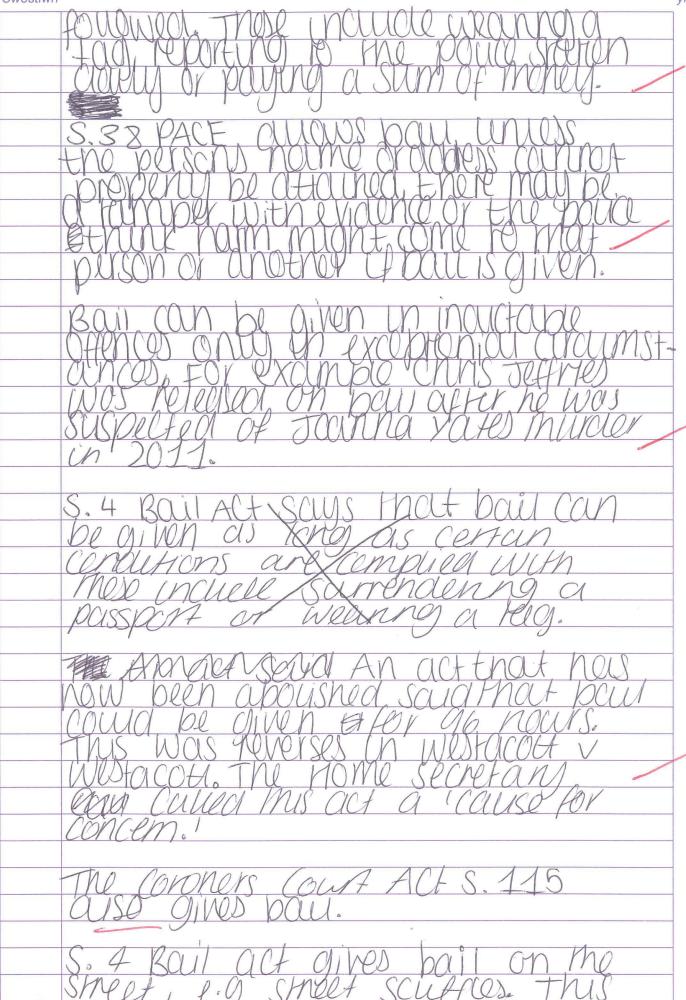
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