

Friday 17 May 2013 – Afternoon

GCSE LAW

B144/01 Consumer Rights and Responsibilities

Candidates answer on the Question Paper.

OCR supplied materials:
None

Other materials required:
None

Duration: 1 hour



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **60**.
- The quality of written communication is assessed in the question marked with an asterisk (*).
- This document consists of **16** pages. Any blank pages are indicated.

- 1 (a) A contract must have been formed according to certain standard rules.

State the **three** rules for the formation of a valid contract.

- 1
- 2
- 3

[3]

- (b) As contracts are so vital it is important to be able to identify those statements which can be relied on to create contractual obligations.

In the chart below write **true** in each of the **three** boxes which indicate a statement that will create contractual obligations. [3]

	Statement	True
(i)	Ros is watching TV when she sees an advert for a face cream which promises to get rid of all her wrinkles. Ros spends £50 on the face cream but her wrinkles do not go away.	
(ii)	Barbara is an accountant and she tells Frank that he should buy shares in a company because the accounts show that the company is about to make huge profits. Frank spends £5000 on shares but six months later the company has gone bankrupt and Frank has lost all his money.	
(iii)	Maria likes to watch programmes about antiques. Her sister, Nina, tells Maria that she has seen an antique silver vase for sale for £50 that she is keen to buy. Maria looks at the vase and says to Nina that she thinks the vase is very rare and worth about £500. Nina buys the vase but when she has it valued she is told it is only worth £10.	
(iv)	Colin runs a business fitting central heating boilers. Tom needs a new boiler and Colin tells him it will cost £2000, including fitting, because he is an authorised boiler fitter. In fact Colin has only read a book about fitting boilers. Tom pays Colin to fit his new boiler and two days later it blows up.	
(v)	Carl advertises a car for sale for £4500 saying it is "a great little runner". Dennis buys the car from Carl for £4500. A day later it breaks down. The garage says it will cost £2000 to repair.	
(vi)	Katya buys a new contract mobile phone. The contract says that she can use the Internet for 300 minutes each month but when Katya gets her bill she has been charged extra even though she only used the Internet for 200 minutes in the previous month.	

2 Read each of the following **three** scenarios and complete activity **2(a)** and activity **2(b)** which follow them.

(i) Dmitri owns a business which imports food and drink from Greece to sell to restaurant owners. He buys several sealed cases of mince which are out of date. He sells them to Tasos who puts them on his restaurant menu. Three of Tasos' customers who eat the mince are taken ill because the mince has gone off.

(ii) Rachel owns and runs a shop which sells mountain bikes. When the bikes arrive they need to be put together and Rachel has a book of instructions to follow. One day Rachel is in a hurry and assembles a bike without following the instructions carefully. Hector buys the bike. When he is out riding the bike Hector loses his balance and falls when making a risky jump. He breaks his arm and says he fell because the bike was not put together properly.

(iii) Kuldip has a computer which no longer works properly. She takes the computer to Ernest, a computer technician, who services it. The next time Kuldip uses the computer it gives her an electric shock which burns her hand because Ernest has not wired the computer properly.

(a) Identify which type of defendant is involved in each of the above scenarios.

(i) Dmitri

(ii) Rachel

(iii) Ernest

[3]

(b) Explain whether each of the defendants in **2(a)** will be liable in negligence and give the likely remedy, if any, in each case.

(i) Dmitri

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(ii) Rachel

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(iii) Ernest

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- 3 (a) A consumer contract is one which has certain requirements that need to be met if the consumer is to be protected.

Identify the **three** requirements which must exist if a consumer is to be protected.

Requirement 1

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Requirement 2

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Requirement 3

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[3]

(b) The **Sale of Goods Act 1979** offers protection to the consumer. In each of the **three** scenarios below explain how and why the law would protect the consumer.

(i) Tariq is building an extension on his house. He goes to a shop and says he wants to buy some timber for a new floor. The shopkeeper sells Tariq some timber and says it will be fine for Tariq's floor. A week later the floor collapses because the timber Tariq used was only meant for shelves.

(ii) Vivian buys a 1970's dress from an Internet shopping site. The seller says it is almost like new as it has hardly been worn. When the dress arrives it is dirty and has several holes in the back. Vivian has to have the dress repaired before she can wear it.

(iii) Damon buys an electric car. The salesman tells him that the car will run for 50 miles on one electric charge. Damon uses the car and finds out that it needs to be charged every 25 miles.

(i) Tariq

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(ii) Vivian

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(iii) Damon

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[6]

(c) The **Supply of Goods and Services Act 1982** is an extension of the **Sale of Goods Act 1979**.

Identify the **three** key elements that enable the 1982 Act to offer extra protection in specific circumstances.

Element 1

Element 2

Element 3

[3]

(d) In each of the following **three** scenarios explain how the **Supply of Goods and Services Act 1982** will apply and identify the most appropriate remedy. [6]

(i) Galina buys a new washing machine and the cost includes fitting the machine. On the day the machine is delivered the fitter says he is missing a part and that he will return the next day. A week later Galina is still unable to wash her clothes as the fitter has not been back.

(ii) Lukas has a garden on a slope. He employs Nick, a professional garden designer, to make it flat and install a water feature. Nick says it is his first job but he has some exciting ideas and that he will ask his boss to check his plans. Nick does the work and Lukas pays him. Lukas is unhappy as the garden is not flat and a week later the water feature starts to leak. When Lukas complains Nick says that his boss was too busy to look at his plans.

(iii) Maria has made Alison a fantastic wedding cake. Stella asks Maria to make a cake just like Alison's for her own wedding. Maria makes a cake but charges £50 more even though the cake looks the same as Alison's.

(i) Galina

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(ii) Lukas

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(iii) Stella

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4 (a) Read the following passage and fill in the missing words from the list below.

- term
- judges
- narrower
- parliament
- condition
- wider

Sometimes businesses put clauses in contracts which limit or exclude liability for breaches of a of the contract. Controls created by in the **Unfair Contract Terms Act (UCTA) 1977** also helped to limit harm caused to consumers because of the range of circumstances they cover. The rules were extended by EU Regulations in 1999 and these Regulations are in scope than the provisions already in existence.

[3]

(b) Identify the reason why the exclusion clause will **not** be valid in each of the following scenarios.

Sandra buys a jukebox from Max as a present for her husband, Vic. Max tells Sandra that the jukebox is in full working order and that it is 'sold as seen'. Sandra signs the contract Max gives her but when Vic uses the jukebox it does not play the records he has chosen. Max knew about this defect when he sold the jukebox to Sandra.

Reason

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Vic and Sandra visit a boating lake and Vic hires a boat. On the back of the ticket in small writing it says 'the company accepts no liability for accidents or damage caused by using this boat'. While they are out on the lake the boat starts to leak and ruins Sandra's designer shoes.

Reason

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Vic buys Sandra a car and the contract contains a price variation clause based on currency exchange rates. When Vic collects the car the price has gone up but the exchange rate has not changed.

Reason

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[3]

(c) The **Unfair Contract Terms Act (UCTA) 1977** limits the operation of exclusion clauses to protect consumers. It does this by making certain types of exclusion clauses invalid.

Identify **three** types of **exclusion clauses** that are always invalid.

Type 1

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Type 2

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Type 3

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[3]

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