UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2012**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

5180479490

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.

© UCLES 2012

Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

1 The Law of Torts discourages us from doing anything likely to be dangerous to others.

Critically assess the extent to which the rules that determine the standard of care in the tort of negligence enable this aim to be met. [25]

2 False imprisonment arises from a complete deprivation of personal liberty of which the innocent party is aware.

With reference to appropriate case law, consider the accuracy of the above statement. [25]

3 If claimants are partly responsible for the harm done to them, any compensation sought may be reduced to take account of their degree of fault.

Trace developments in statute and case law that have contributed to the present day approach to awards of damages in negligence cases. To what extent do you consider this approach to be satisfactory? [25]

© UCLES 2012

Section B

4 Mary owns a café. She asks Louise, a professionally trained electrician, to come to her café to repair a fault in the kitchen. She shows Louise to the kitchen and explains the problem to her. Louise receives an electric shock whilst carrying out the repair, which causes severe burns to her right arm.

Three days after the electrical fault is repaired by Louise, a fire breaks out in the kitchen and Nell, one of the café's customers, is overcome by fumes and dies later in hospital.

Assess Mary's potential liability, as occupier of the café, for the burns received by Louise and for Nell's death. [25]

5 Chiltern Electronics manufactures memory cards for the computer industry. In order to meet market demand, the production machinery needs to run 24 hours per day, 7 days a week.

Storms bring down overhead power cables and the electricity supply to the factory is cut for 48 hours. EnergyCorp is responsible for electricity supply in the area. The electricity could have been restored within six hours, but the company had recently reduced its number of staff to such an extent that it could no longer respond quickly to emergencies.

Chiltern Electronics now seeks damages in negligence from EnergyCorp for the profit that would have been made on the lost sales of memory cards. Chiltern Electronics also claims for the loss of profit from future sales to potential customers who have lost confidence in the business.

Consider any defence that EnergyCorp may raise to an action in negligence. Assess the extent to which Chiltern Electronics might be compensated for losses identified above. [25]

6 Steven is an amateur archaeologist and has a significant collection of interesting items. He decides to turn his house and garden into a museum which he will open to the public.

He engages the services of a firm of builders and landscape gardeners to do the work which takes several months to complete. The local people are annoyed by the dust and noise created by the work.

The neighbours also complain about the increased traffic that visitors to the museum will bring and the lack of suitable parking spaces for visitors' cars.

Discuss the rights and possible remedies of Steven's neighbours based in the tort of private nuisance. [25]

© UCLES 2012

BLANK PAGE

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

University of Cambridge International Examinations is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.

© UCLES 2012