UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/42**

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

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

2596175354

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.

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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 Explain the difference in law between economic loss and purely economic loss in the tort of negligence. Critically analyse whether or not the distinction is truly justifiable with reference to case law. [25]

2 'Willing participants in activities can never be victims in tort.'

Using illustrative case law, assess the truth of this view. [25]

3 The tort of private nuisance sets out to balance neighbours' rights to enjoy their property.

Critically evaluate the success or otherwise of the tort in achieving this aim. [25]

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Section B

4 One morning Milly is driving at a negligent speed in a residential area when she collides with a vehicle driven by Lou. Milly sustains no injury, but Lou suffers a broken leg and £2000 worth of damage to his car. Unbeknown to Lou, Milly is an uninsured driver.

Lou is taken to Royal Kennet Hospital where he is treated by Findlay, a newly qualified doctor, who sets his leg incorrectly resulting in a permanently limited range of movement. Lou is unable to work at all for 6 weeks, suffering a loss of £2500 in earnings, and eventually he has to give up his job altogether because of his inability to walk properly.

Discuss the rights and liabilities of Lou, Milly and Findlay as a consequence of the above facts. [25]

5 Kate attends Queenstown University and lives in one of its halls of residence (university accommodation). Even though University regulations state that only enrolled students are allowed to enter the halls of residence, Kate invites her boyfriend Jake to visit her in her room. Jake is not a student at the University.

On his way to her room, Jake sees a notice warning people to take care because cleaning is in progress and then a little further along the corridor he trips over the trailing cable of a vacuum cleaner being used by Rosa, one of the cleaning staff.

As Jake trips and falls, he breaks his wrist and badly damages the laptop computer he is carrying.

Queenstown University subcontracts its cleaning requirements to SpeedyClean, an independent company for which Rosa works.

Advise Jake, Rosa and the University as to their respective rights and responsibilities. [25]

6 Electronic Enterprises owns a factory at which MP3 music players are manufactured. Kuldeep visits the factory and as he enters there is a notice displayed saying that Electronic Enterprises reserves the right to search anyone on leaving the premises.

As he leaves the building after his visit, Kuldeep is stopped by Ranjit, a security guard, and is asked to submit to a routine search. Kuldeep refuses to co-operate, so Ranjit tells him that he cannot leave the building and asks him to sit in the factory's Reception area. Kuldeep becomes angry after waiting for 20 minutes and shouts personal abuse at Ranjit. Ranjit loses his temper and hits Kuldeep so hard that he falls unconscious to the floor. Ranjit moves Kuldeep into a separate room, locks the door and calls for an ambulance. Kuldeep is still unconscious when he is taken to hospital but regains consciousness 30 minutes later and is sent home following minor treatment.

Advise Ranjit and Kuldeep of their respective rights and liabilities towards one another based in the tort of trespass to the person. [25]

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