UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/43**

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

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

9275650193

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 An award of damages in tort is based on the principle of *restitutio in integrum* (restitution in full).

Critically assess the extent to which this aim of the principal remedy in tort is achieved. [25]

2 That wrongdoers should be liable for their own actions is a fundamental principle on which the law of tort is based.

Critically analyse how the concept of vicarious liability might seem to contradict this principle and explain why it is deemed necessary. [25]

3 'There is no need for the torts of trespass to land and private nuisance to co-exist as they both protect the same interests.'

Compare the elements of these torts and explain the extent to which you agree with this statement. [25]

© UCLES 2012

Section B

4 Adam is self-employed and repairs roads. Adam is at work when he carelessly damages an electricity cable under the road whilst driving a mechanical digger. As a result of the incident, the power supply is cut to properties in the surrounding area and cannot be restored for three days.

One property which suffers loss of power is an ice-cream shop which belongs to Joyanna. The power cut causes Joyanna to close the shop. Her stock of ice-cream valued at £2000 melts and she loses an estimated £400 profit on lost ice-cream sales. In addition, damage is caused to the shop's computer system and she has to pay Computer Care £200 to rebuild the system.

Advise Joyanna of the likely success of any action brought against Adam to recover losses and costs incurred as a consequence of the incident with the digger. [25]

5 Josh teaches at Barchester College. He leads a group of students on a field-trip to the North of England to an area well-known for bad weather conditions. On the second day of the trip, the group suddenly finds itself in thick fog. The group decides to return to the hostel in which they are staying but they soon get lost in the fog. Josh has no means of finding the way back to the hostel and the group waits until the fog clears.

When it gets dark and the group has failed to return, the manager of the hostel contacts the local police and arranges for a number of his friends to form a search party to go out and look for the group. The search party finds the group a few hours later, but not before Josh and Len (one of the search party's members) require medical attention. Len has fallen on rocks in the dark and suffered severe head injuries. Josh is suffering from exposure to the cold weather.

One of the students takes a video of Josh and Len being put into an ambulance and this video soon appears as part of a bulletin on a television news programme. Len's sister, Elsie, sees the news bulletin and suffers severe shock as she sees that Len has been badly injured during the incident.

Advise Len, Elsie and Josh as to their respective rights and liabilities in the tort of negligence. [25]

6 Victor is a supporter of United, his local football club. He is watching a match between United and City when the referee, Willy, awards a penalty against United and City score a goal. Willy sees Victor trying to get on to the pitch. He hears Victor shout: 'Cheating referee, I'll kill you!'

Victor's attempt to get on to the pitch is prevented by Ulysses, a steward, who grabs hold of him and escorts him from the spectator area and locks him in a room until the match is over. Victor is then allowed to leave the stadium. As he is walking through the car park he sees Willy and punches him in the face because United lost the match 1-0. Willy sustains a broken nose and loses two teeth.

Discuss the potential liability of Victor and Ulysses in the tort of trespass to the person arising from these incidents. [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