UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/42**

Paper 4 Law of Tort **May/June 2013**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

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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 In negligence cases, the rules relating to causation and remoteness restrict the liability of defendants.

Using decided cases to support your views, critically assess the impact of these rules on the aim of damages to fully compensate victims of tort. [25]

2 The tort of private nuisance protects rights and interests between neighbours.

Examine whether case law supports or undermines this view and critically evaluate the legal principles on which the court's decisions were based. [25]

3 A tort of strict liability makes a defendant liable regardless of fault.

Critically assess the truth of this statement in light of the tort in Rylands v Fletcher and the defences to a claim in this tort. [25]

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Section B

4 The village of East Dunmore is surrounded by land owned by Giles, the local farmer. The farmland is crossed by many footpaths that are designated public rights of way and which are used regularly for access by local people.

Giles is out shooting rabbits on his land when he sees Harry and Sally walking along a path that leads past his hay barns. Giles suspects that they may get up to mischief so he follows them. Harry and Sally leave the path to enter one of the barns where they climb on top of Giles' tractor.

Fearing damage, Giles shouts at them to leave his premises. Harry and Sally immediately rush out of the barn and, as they pass close by, Harry shouts abuse at Giles. Giles grabs him firmly by the arm and explains to Harry that he is on private land and that if he ever finds him there again he will not warn him but will simply fire his shotgun at him. He then throws Harry out of the barn to rejoin Sally who is already back on the footpath.

Harry now wishes to sue Giles. He has a badly bruised arm as a consequence of these events and he feels that his personal dignity has been insulted.

Consider the potential liability in tort of all three parties in these circumstances. [25]

5 Amir works as a commercial consultant. He advises his clients on all business matters, but his particular specialism concerns takeovers and mergers of companies.

Amir advises one of his clients, Balquees, that Delta, a company that owns high street shops, is about to open some new stores and that the purchase of shares in the company would be a good investment. Balquees invests £15 000 in Delta but stock prices fall dramatically and she loses all her money.

Amir meets his friend Charles for a drink in a bar and, as they are talking, he mentions that one of Charles' business competitors is suitable for takeover. Charles acts on what Amir says and takes over the competitor's business. It proves a poor decision and Charles' business has to go into liquidation and he loses everything.

Discuss whether, on the basis of giving poor advice, Amir can be held liable in negligence for the losses sustained by Balquees and Charles. [25]

6 Troy, aged 14, visits his local park which is owned by Weirside Council. The Council has had to cut down a number of large diseased trees in the park. The area has been roped off and there are notices displayed warning the public of the dangers of climbing on the tree-trunks and large branches. Troy crawls under the rope, climbs on the felled trees and is trapped under heavy branches as he does so. He sustains severe chest and leg injuries.

Analyse Weirside Council's potential liability under the Occupiers' Liability Acts 1957 & 1984 for the injuries sustained by Troy and assess the likely success of any defences that the Council might raise. [25]

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