Cambridge International A Level

Cambridge International Examinations
Cambridge International Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2014**

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, 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.

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Answer **three** questions, at least **one** of which must be from Section A and **one** from Section B.

Section A

1 The law of negligence has various aims: the compensation of victims of harm, identifying who is at fault, the deterrence of carelessness and spreading the costs of harm caused by carelessness.

Critically assess the extent to which each of these aims is met by the law. [25]

2 A general principle in tort states that wrongdoers should only be liable for their own actions.

Explain what you understand by the concept of vicarious liability and analyse why it is imposed despite the apparent conflict with this general principle. [25]

3 The torts of trespass to land and private nuisance protect similar interests.

Compare and contrast the two torts and assess whether they both continue to serve a useful purpose. [25]

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Section B

4 Nasrah has started to collect 19th century clocks. She sees one for sale in a local antiques shop. She is unsure whether the clock is in fact antique; so she asks her friend, Jonty, who has been an antiques dealer for many years, to give her some advice. Jonty tells Nasrah that he believes the clock to be an authentic antique and that it is probably worth £5000 at auction.

Nasrah negotiates with the shop owner and agrees to pay £2000 for it. When she gets the clock home she decides that she doesn't like it and that she will sell it at a forthcoming auction. It sells at auction for just £1000.

Consider Jonty's potential liability in tort for the financial loss sustained by Nasrah. [25]

5 Bella goes out for a drive in her expensive brand new car. She gets lost and finds herself on land belonging to Andrew where there is a dangerous bridge. As she drives across the bridge it collapses and Bella and her car fall into the river below. She sustains severe back injuries and she has to pay for the car to be recovered from the river; the car is so badly damaged that it is not economical to repair it.

Advise Andrew regarding his potential occupier's liability for Bella's injuries and for the damage to her car. [25]

6 Aaron and his friends go on holiday to Corfu. The price that they each pay the travel company, Hellenic Escapes (HE), includes a number of daily activities organised by HE's representatives. On the first day of the holiday they join a diving trip organised by HE.

HE's representatives give some basic diving training and safety warnings. Divers are supplied with breathing equipment and masks.

During the dive, Aaron swims away from the rest of the divers and is stung badly all over his body by poisonous jellyfish. He also becomes ill as a result of surfacing from deep water too quickly. He is admitted to hospital for several days and then returns home.

Aaron now wishes to sue HE in negligence on the grounds of its failure to meet the standard of care required in organising a dangerous activity for tourists. It appears that if a protective wetsuit had been supplied, the jellyfish would have been unable to sting Aaron. However, the training he received before the dive did explain the possible effect of coming up from deep water too quickly.

He wishes to obtain compensation both for the injuries he sustained and for the disappointment of ending his holiday early following his stay in hospital.

Advise HE as to their potential liability for Aaron's injuries and losses. [25]

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