Cambridge International A Level

Cambridge International Examinations
Cambridge International Advanced Level

LAW **9084/42**

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

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper



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.

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

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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 Victims of tort would ordinarily be compensated by an award of damages.

Using decided cases to illustrate your response, analyse when a court might make a non-compensatory award of damages instead. [25]

2 The tort of trespass to land is direct, forcible and consequently actionable per se.

Critically evaluate the legal principles associated with the tort and assess the truth of this statement. [25]

3 The current law relating to nervous shock is unsatisfactory and only policy considerations can justify it.

Critically assess this view. [25]

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Section B

4 Pavel cleans the premises of The Village Medical Practice (VMP) each evening from Monday to Friday. The practice is 50 kms from Pavel's home.

VMP has recently had new electrical wiring installed by ElecCo, but it overheats and catches fire. Pavel sustains severe burns when he tries to throw a carpet over the flames in order to extinguish them.

On a subsequent occasion, having completed the cleaning much later than usual, he decides to sleep on the premises instead of returning home. As he lays down on one of the doctor's consultation beds, it collapses and he sustains back injuries.

Discuss any legal liability that VMP, as occupier of the premises, might have for Pavel's two sets of injuries. [25]

5 Yves runs a stone masonry business in a workshop behind his house. His work generates considerable noise for approximately six hours each weekday.

Wahid lives in the adjoining house. He too works from home, but as a journalist. The noise from Yves' workshop upsets Wahid's concentration and he finds it impossible to continue his work as a journalist at his home.

Eventually, Wahid suffers a heart attack and is unable to work for several months. His doctor advises him that the heart attack was possibly caused by stress.

Discuss Yves' potential liability in private nuisance if Wahid decides to sue him and advise Wahid of the possible remedies (if any) that might be awarded. [25]

6 Jumbo's Flying Circus (JFC) is situated adjacent to a large car-park in the centre of the city of Oxford.

After one circus performance, an incident occurs. The performing elephants are returned to their trailer but their keeper fails to lock the door. Subsequently the elephants are set free by an animal rights activist who gains entry over a fence surrounding the circus compound.

As the elephants cross the car-park, they seriously injure Zak, a visitor who attended the circus, and badly damage his motorcycle as he tries to leave.

Advise JFC as to its potential liability for Zak's losses in the tort of negligence. [25]

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