Cambridge International A Level

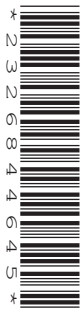
Cambridge International Examinations
Cambridge International Advanced Level

LAW **9084/43**

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 page.

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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 tort of negligence aims to compensate claimants for their losses.

With reference to decided cases, discuss the extent to which the principles of causation and remoteness restrict the law's ability to achieve the above aim. [25]

2 The tort of private nuisance aims to balance rights between people who occupy neighbouring premises.

Analyse appropriate case law and critically assess the extent to which you consider that this aim has been met. [25]

3 The notion of vicarious liability is at odds with the fundamental principle in tort that wrongdoers are liable for their own actions.

Evaluate the reasons why such liability is imposed and consider the extent to which you agree with the above statement. [25]

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Section B

4 Williams is the pilot of a passenger aircraft. Coming in to land at Kingsbury airport he misjudges his landing and overshoots the runway. The aircraft eventually comes to a standstill across the M99 motorway that passes close by the airport and a number of aircraft passengers are trapped and others severely injured on impact. An engine catches fire and begins to spread to the rest of the aircraft.

Reid, a doctor, and her passenger Stevens are travelling in her car on the motorway as the aircraft comes to a standstill a short distance ahead of them. She immediately stops her car and they go to assist the trapped and injured aircraft passengers. Attending to the injured, Reid sustains severe burns and Stevens hurts his back badly as he carries passengers to safety from the aircraft.

Advise Reid and Stevens whether they have grounds for any claim in tort against Williams and assess the possible success of their claims. [25]

5 Bristow and Denver have been sporting rivals since childhood. Their most recent meeting was at a basketball match. Bristow had never really liked Denver, especially as Denver always seemed to be better at any sport in which both of them had participated.

Throughout the match, they frequently provoked one another. At one point, Bristow verbally threatened to cause Denver an injury. Denver retorted by raising his fist and saying 'if we weren't in the middle of a match I'd knock you out'. Later in the match, after Denver had scored what appeared to be the winning points, Bristow deliberately tripped Denver as he was running back down the basketball court. Denver's consequent fall caused him to break both wrists and damage his knee. Denver was unable to work for six weeks and lost income amounting to £4500.

Advise Bristow and Denver of their potential liability in trespass to the person and evaluate any potential defences that they might raise. [25]

6 Evans travels to work in London daily by train. He drives his car from his home to the nearest railway station, parks in a car-park and then walks a short distance to catch the train.

On one occasion, Evans is rather late leaving home and it looks as if he will miss his train. Having parked his car he decides that he will shorten his walk by taking a well-known shortcut to the station across some private land owned by Farlow Estates (FE). He climbs through a gap in the fence surrounding the land and, as he is making his way across it, he falls into a deep hole, fractures his ankle and ruins his clothes. He claims that FE is responsible for the losses he has sustained.

Advise FE of its potential liability in this matter. [25]

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