Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/42**

Paper 4 Law of Tort **May/June 2015**

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.

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 The tort in *Rylands v Fletcher* is no longer necessary as the tort of negligence provides a sufficiently extensive basis for liability.

Outline the elements of the tort in *Rylands v Fletcher* and critically analyse this view. [25]

2 The rules governing the recovery of damages for pure economic loss are based on policy considerations rather than the interests of justice.

With reference to relevant case law, critically assess the validity of this statement. [25]

3 It is fair and just to reduce the amount of compensation awarded to a plaintiff in order to reflect their contribution to the damage suffered.

Critically evaluate this statement, using relevant cases to support your answer. [25]

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Section B

4 Nadia works with Jamal delivering groceries by van for a local supermarket. At the end of one day, after their final delivery, Jamal is in a hurry to return the van. He overtakes a vehicle on a corner and collides with an oncoming car. Jamal suffers cuts and bruises but Nadia has multiple injuries and loses a lot of blood.

Mary sees the accident and calls an ambulance. She helps Jamal from the van and stays with Nadia until the ambulance arrives. Mary is deeply traumatised by the event.

Lynn, Nadia's mother, is informed of the accident by telephone and arrives at the hospital as Nadia is brought in. Nadia does eventually recover from her injuries, but Lynn cannot return to work for six months after the incident as she suffers from anxiety and is unable to sleep.

Advise Nadia, Mary and Lynn as to the likely success of any actions in negligence arising from this incident. [25]

5 Bob owns a house with a long garden. He puts his old motorbikes in the garage at the bottom of the garden and these attract the interest of local boys. Bob sees them trying to climb through a gap in the fence near the garage. He puts up a small sign which says 'Danger – Keep Out' and he intends to repair the fence in the near future.

An eight year old boy, Carlos, climbs through the fence and on to the roof of the garage. The roof collapses due to its rotten condition and Carlos falls, suffering serious leg injuries. The valuable watch he is wearing is damaged beyond repair.

Advise Bob as to his potential liability as an occupier towards Carlos. [25]

6 Marco and Gianni are playing hockey for their university team in the final of the national championship. A former team member, Luigi, is now playing for the opposition. Marco and Gianni are still angry with him for leaving.

As they are playing, Gianni verbally threatens Luigi that he will injure him before the end of the game. Luigi replies that if the referee was not on the pitch he would ensure that Marco and Gianni 'would never play again'.

Later in the game Marco tackles Luigi aggressively on a number of occasions but the referee does not intervene. At half-time, when the players are returning to the dressing room, Luigi trips Gianni with his hockey stick. Gianni falls and suffers a serious head injury. He is unable to take any further part in the game and as a result of the injury he misses his final exams and has to repeat the entire year of university.

Consider the potential liability of Marco, Gianni and Luigi for trespass to the person in this situation. [25]

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