Cambridge International AS & A Level

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Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/43**

Paper 4 Law of Tort **May/June 2016**

1 hour 30 minutes

No Additional Materials are required.

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READ THESE INSTRUCTIONS FIRST

An answer booklet is provided inside this question paper. You should follow the instructions on the front cover of the answer booklet. If you need additional answer paper ask the invigilator for a continuation booklet.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

The number of marks is given in brackets [ ] at the end of each question or part question.

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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 Self-help remedies are of limited relevance in the modern law of tort.

Critically assess the validity of this statement. [25]

2 The current rules governing liability for negligent misstatement are too restrictive.

Critically analyse the development of these rules and comment on whether they are now too restrictive. [25]

3 It is reasonable to allow occupiers to reduce their potential liability to a lawful visitor.

Describe and evaluate the ways in which occupiers can reduce their liability to lawful visitors. [25]

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Section B

4 Andrew is a delivery driver. He is behind schedule with his final delivery to a shop in the town centre and is driving in excess of the speed limit. He loses control of the vehicle, avoids a collision with an oncoming bus but crashes into a shop on the High Street. The front of the shop is badly damaged and a number of people are injured. However, Andrew is unharmed.

Diana sees the incident from a café across the road. She runs over to help people that are seriously injured. She now claims that she is very upset and is unable to return to work.

Beth, the owner of the shop arrives on the scene and is so traumatised to see the damage to her business that she subsequently is unable to reopen the shop.

Calvin, who was working in the shop, was not physically injured but is still suffering panic attacks some weeks after the event.

Analyse the liability of Andrew in relation to the potential claimants in this scenario. [25]

5 Etienne collects venomous snakes which he keeps in a shed in his back garden. His neighbour Fabien is not happy about this and is planning to report the matter to the local council. He believes that Etienne is in breach of the local planning laws in using his property in this way.

Fabien believes that his complaint will be taken more seriously if he has photographic evidence so he enters Etienne's garden late one night and goes into the shed. He is shocked to see that the snakes are not in cages and takes photographs. He then leaves quickly, without closing the door.

Several of the snakes escape. In the following days a child is badly bitten by one of the snakes.

Discuss the potential liability of Etienne and Fabien in this case. [25]

6 Katya rents an apartment on the top floor of a building. The local authority has granted permission for a railway line to be built in the area. Big Build has been hired to carry out the building project, which includes a new bridge and station. Katya is concerned as the construction work is creating a lot of noise from 07.00 to 19.00 each day. Her apartment has also become very dirty due to the dust caused by the building work.

Katya's friend, Lisa, visits the apartment regularly and believes that the dust is causing her breathing difficulties as it has aggravated a medical condition which affects her lungs.

Advise Katya and Lisa as to the likely success of any action against Big Build. [25]

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