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 2017**

1 hour 30 minutes

No Additional Materials are required.



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 The tort of private nuisance is often described as 'the law of give and take.'

Explain the main elements of the tort of private nuisance and assess whether this description is accurate. [25]

2 The recovery of damages for nervous shock is governed by many factors including policy considerations.

Describe these factors and evaluate the role played by policy considerations. [25]

3 Equitable remedies are of limited relevance in the law of tort.

Critically evaluate this statement. [25]

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Section B

4 Betty is shopping with her three year old daughter Ellie. They enter Ahmed's shoe shop. The shop has recently had new glass shelving installed by a company called ABC Shelves.

While Betty is trying on shoes, Ellie wanders around the shop. Ellie reaches up to one of the shelves, attempting to get to a shoe. She is unable to reach the shoe but holds on to the shelf for support. The shelf detaches from the wall and shatters, causing severe cuts to Ellie's hand.

Advise the parties as to their rights and responsibilities in this situation. [25]

5 Greg is a recently qualified estate agent, specialising in finding buyers for clients who wish to sell property.

At a party, Greg meets John, who is seeking investment opportunities but has limited business experience. Greg informs John that he knows of a number of potential business opportunities and they arrange to meet the next day. Greg shows John a number of properties. These include an office building in the town centre which Greg says could be developed as a café with apartments upstairs.

John purchases the building but is then informed by the local authority that it can only be used for offices. John is now likely to lose a significant amount of money as there is already too much office space available in the town centre.

Advise John as to his rights in this situation. [25]

6 Khalid has recently been dismissed from his job at a factory for violent behaviour at work. However, he believes that he has been treated unfairly. He goes to the factory to speak to the manager, Shamid, who he blames for his dismissal.

At the entrance, Khalid is stopped by the security guard, Tom, who informs him that he cannot enter as he is no longer an employee. Khalid pushes Tom out of his way, enters the factory and goes straight to Shamid's office. He enters the office and tells Shamid that if he does not discuss the situation he will break Shamid's legs.

Khalid closes the door, locking them both inside. However, Tom and several other security guards break down the door. Tom then grabs Khalid and drags him outside, breaking his arm.

Advise Khalid, Shamid and Tom as to their rights and responsibilities in this situation. [25]

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