Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/43**

Paper 4 Law of Tort **May/June 2017**

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 The difficulty of identifying the precise cause of harm can produce unfair outcomes for claimants.

Explain and evaluate the rules governing causation in negligence. [25]

2 Describe and critically analyse the defences available in the law of tort. [25]

3 The tort of trespass to the person is of limited relevance, as an action can generally be brought under negligence instead.

Assess the validity of this statement. [25]

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Section B

4 Malik collects and restores old cars which he keeps in his back garden. He has drained the fuel tanks and stores the petrol in cans next to the cars. While Malik is out, some local children enter the garden to play. They knock over the petrol cans and all the petrol leaks out into the neighbouring gardens. That evening, Malik's next door neighbour, John, decides to have a barbeque in his back garden. He lights the barbeque and the leaked petrol ignites. The resulting fire causes extensive damage to a number of houses on the street.

Advise Malik as to his potential liability in this situation. [25]

5 James is a learner driver. While on a driving lesson with his instructor, Ali, he takes a corner too fast and crashes into an oncoming vehicle. Ali suffers concussion and a broken leg.

The driver of the other vehicle, Kathy, is badly injured and is taken to hospital. Kathy's mother, Celine, receives a phone call to tell her about the crash. She rushes to the hospital and sees her daughter as she is brought in for treatment. Although Kathy makes a full recovery, Celine is still feeling upset and has taken a lot of time off work. Ali is suffering from depression following the incident and has been unable to work.

Advise James, Ali, Kathy and Celine as to their potential rights and liabilities in this situation. [25]

6 Patrick and Bridget are staying at The ABC Hotel. On returning very late one evening they realise that they have left the key in their hotel room. The front door is locked and so they decide to climb up to the balcony of their room on the first floor. Patrick finds a ladder which has been left behind by a builder who is working at the hotel. Bridget holds the ladder as Patrick climbs up. As Patrick steps off the ladder on to the balcony, a railing that he is holding breaks away and he falls to the ground. He suffers serious injury in the fall. Bridget is injured when she is hit by the falling railing.

Advise Patrick and Bridget as to the likely success of an action against The ABC Hotel. [25]

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