Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2019**

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.

This document consists of **3** printed pages, **1** blank page and **1** Insert.

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[Turn over

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 Describe the factors which must be present for a duty to be imposed upon an occupier under the Occupiers Liability Act 1984 and assess whether it is fair to impose such a duty. [25]

2 The current rules governing the recovery of damages for negligence resulting in nervous shock are illogical and unfair.

Describe the current rules and assess the validity of this statement. [25]

3 Describe the purpose of a damages award in tort and assess whether damages can provide an adequate remedy. [25]

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Section B

4 Anne has recently opened a shop on the main street of a small town. The shop is very busy as a factory has opened nearby and the workers visit the shop on their way to and from work. Because the factory operates on a 24 hour basis, Anne keeps the shop open 24 hours a day in order to meet demand from the workers.

Ben lives opposite the shop. He is finding it difficult to sleep due to the noise from the shop and traffic during the night. He is also concerned about the amount of litter being discarded by customers as there is no bin outside the shop. Ben has complained to Anne but she has taken no action. She has now installed a music system in the shop which has increased the level of noise.

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

5 ABC Ltd is carrying out road works on the main street of Barchester. Deepak, an employee, has been instructed to dig a hole. He digs the hole to a deeper level than instructed. This results in a burst pipe and water floods a nearby bakery owned by Enid.

The water causes the ovens to shut down. Four wedding cakes which were in the process of being baked are destroyed. The ovens are beyond repair and must be replaced. The bakery has to shut down for a week and loses a significant number of orders during that time.

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

6 Frank is cycling to work. As the road is busy he decides to use a path through some woods, on land owned by Gareth. In the past, Gareth has allowed people to use the path through the woods.

As he enters the woods, Frank sees Gareth ahead. Gareth shouts at him: 'Get off my land! It is private now.' Frank ignores him and continues to cycle towards Gareth, who moves to block the path. Gareth shouts that he will knock Frank off his bike if he carries on. Frank does not slow down and collides with Gareth, who falls and cuts his head.

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

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