Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/42**

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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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 Explain and evaluate the factors which must be considered when deciding whether a claimant has consented to the risk of harm in tort. [25]

2 Distinguish between pure economic loss and consequential economic loss in the law of tort and assess the view that this is an illogical distinction. [25]

3 Explain the elements of the rule in *Rylands v Fletcher* and assess the extent to which it can be categorised as a tort of strict liability. [25]

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Section B

4 Julian, his wife Helen and their four-year-old child Oliver are staying in a cabin at the XYZ Holiday Park. On the first evening, Julian sustains a head injury when he falls on the steep steps up to the door of the cabin. There is no handrail and the light above the door is not working. There is a warning sign near the steps but Julian cannot read it in the dark.

The following day, whilst Julian is being treated at the hospital, Helen lets Oliver go to the children's play area alone. The climbing frame in the play area is damaged and a sign has been placed on it stating 'Danger – Do not use'. As Oliver starts climbing on it, a large section becomes detached and he falls to the ground, sustaining a broken leg.

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

5 Dimitri works as a chef in the kitchen of the ABC Hotel. During a busy evening at work, he is rushing from one part of the kitchen to another when he falls over a box left on the floor by another staff member and hurts his leg. He is taken to hospital and an X-ray is taken of his leg. When Doctor Jones examines the X-ray, he informs Dimitri that there is no serious injury and sends him home.

The next day Dimitri is unable to walk and is experiencing severe pain. He returns to the hospital. A different doctor examines the X-ray and informs Dimitri that his leg is, in fact, broken.

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

6 Jared is a college student. He is late for an examination and is running down the corridor at college. He collides with Eric, knocking him to the ground. Eric is unharmed but very angry. The next day Eric sees Jared in the college library and approaches him. He tells Jared that he will 'hurt him' once he sees him outside the college. When Jared tries to get away, Eric stands in front of him blocking his path. Jared pushes Eric out of his way and starts to run. Eric puts out his foot and trips Jared, who falls and sustains a broken arm.

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

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