Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/43**

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

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.

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 Describe and evaluate the elements of liability for a claim in respect of loss resulting from a negligent misstatement. [25]

2 Explain the purpose of damages in the law of tort and assess the factors considered by a court when calculating the amount of damages to be awarded. [25]

3 The tort of trespass to the person is no longer essential in the law of tort as a variety of alternative actions are available to a claimant.

Explain the tort of trespass to the person and assess the validity of this statement. [25]

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Section B

4 Navid is renovating his house. He hires Paulo to repair the roof. Navid also hires XTZ Ltd to erect scaffolding and secure ladders around the building.

Paulo uses the scaffolding to access the roof and begins the repairs. After the first day of work Paulo is descending from the roof by ladder, which becomes detached, and he falls to the ground. Paulo sustains serious injuries and the ladder smashes the windscreen of his van.

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

5 Megan is driving home having collected her two children from school. Her car is hit by a van driven by Darius, who is speeding on the wrong side of the road. Megan's neighbour, Rania, witnesses the collision and telephones Stefan, Megan's husband. He rushes to the hospital and sees his wife and children being taken from the ambulance.

Megan and the children sustain a variety of serious injuries. Rania has since been diagnosed with depression and is receiving counselling. Stefan has been too upset to return to work.

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

6 Jasmine has a business selling fireworks online. She stores the fireworks in a wooden outbuilding in her garden. During a severe storm the outbuilding is struck by lightning and the fireworks ignite. Some fireworks land on the roof of a house nearby, setting it alight. The house is badly damaged and the occupant, Kevin, sustains serious injuries.

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

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