Cambridge Assessment International Education

# Cambridge International AS & A Level

**LAW** **9084/41**

Paper 4 Law of Tort **May/June 2021**

**1 hour 30 minutes**

*9201228987*

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

**INSTRUCTIONS**

- Answer **three** questions in total:
  - Answer **at least one question** from Section A.
  - Answer **at least one question** from Section B.
  - Answer **one other question** from **either** Section A **or** Section B.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

**INFORMATION**

- The total mark for this paper is 75.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **4** pages. Any blank pages are indicated.


© UCLES 2021

Answer **at least one question** from Section A.
Answer **at least one question** from Section B.
Answer **one other question** from **either** Section A **or** Section B.

## Section A

**1** Describe the rules which apply to establishing a duty of care for a negligent misstatement. Assess the extent to which the rules are too restrictive. [25]

**2** Describe the equitable remedies available in tort. Assess the extent to which these remedies achieve justice for claimants. [25]

**3** Describe the elements of the rule in Rylands v Fletcher and assess whether this tort is still necessary given the range of alternative actions available. [25]

© UCLES 2021

## Section B

**4** Blaise has been renovating his house and wants to show his friend, Andre, how much work he has done. He invites Andre to pay him a visit. When Andre arrives at the house he knocks on the door but Blaise does not respond. Andre finds that the door is unlocked so he enters the house and calls to Blaise. He then goes out to the back of the house, where he sees a ladder leading to the roof. Andre climbs the ladder to check if Blaise is working on the roof. As he climbs, the ladder slides away from the wall. He falls to the ground and sustains a broken arm.

Advise the parties as to their rights and responsibilities in relation to occupier's liability. [25]

**5** Camila spends a lot of time working in her garden, growing a variety of flowers and vegetables. Recently her neighbour, Devon, has acquired a drone (an unmanned aerial vehicle) and he frequently flies it in his garden.

On a number of occasions, the drone flies over Camila's garden. Devon apologises and explains that it was unintentional and that he is still learning how to operate the drone. Subsequently, the drone crashes in Camila's garden, damaging some flowers. As Camila is not at home at the time, Devon climbs over the fence to retrieve the drone.

Advise the parties as to their rights, responsibilities and remedies in relation to trespass to land. [25]

**6** Ebrahim has recently decided that it would be quicker to cycle to work rather than drive. He has purchased a bicycle and a cycling helmet. Local bylaws require cyclists to wear a helmet, but he has not been doing so as he finds it uncomfortable.

One morning Ebrahim is late for work and is cycling as fast as he can in order to be on time for a 09:00 meeting. He cycles between two lines of cars waiting at traffic lights. Fay is a passenger in one of the stationary cars and decides to walk the remainder of her journey. Fay suddenly opens the car door just as Ebrahim cycles by, knocking him off his bicycle. Ebrahim sustains a serious head injury and the bicycle is badly damaged when it slides under another vehicle.

Advise the parties as to their rights, responsibilities and remedies in relation to negligence. [25]

© UCLES 2021

**BLANK PAGE**

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced online in the Cambridge Assessment International Education Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download at www.cambridgeinternational.org after the live examination series.

Cambridge Assessment International Education is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of the University of Cambridge Local Examinations Syndicate (UCLES), which itself is a department of the University of Cambridge.

© UCLES 2021