Cambridge Assessment International Education

# Cambridge International AS & A Level

**LAW** **9084/42**

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

**1 hour 30 minutes**

*7944106434*

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.


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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** An isolated incident cannot usually amount to a private nuisance.

Describe the elements of the tort of private nuisance and assess the validity of the statement above. [25]

**2** Describe the rules governing nervous shock and assess the fairness of these rules in relation to rescuers and bystanders. [25]

**3** Trespass to the person seeks to protect the individual from unlawful interference with their bodily integrity.

Describe the legal rules governing trespass to the person and assess the validity of the statement above. [25]

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## Section B

**4** Malik and Naseem are in the same law class in college. Malik has recently passed his driving test and has a driving licence. Naseem is still learning to drive and does not have a driving licence. Malik drives to college and Naseem travels with him in the car. One day Naseem asks if he can drive as he is taking his driving test soon and would like to practise. Malik agrees on condition that Naseem drives along a less busy route and avoids the main roads.

After driving around the quiet roads, Naseem tells Malik that he is going to join a main road as he needs to practise on a road with more traffic. Malik asks him not to do so but Naseem continues on. When joining the main road Naseem fails to check for other vehicles and collides with another car. Malik and Naseem both sustain serious injuries. The driver of the other car, Oliver, sustains a broken leg and his car is completely destroyed.

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

**5** Jade owns a large farm outside Barchester. A line of tall trees on Jade's land marks the boundary between her farm and a public road. During a storm one of the trees falls on to the road, landing on Kevin's car and causing significant damage.

The other side of Jade's farm shares a fenced boundary with land owned by Liam. He has recently started keeping horses. One of the horses leans over the fence and eats from a plant growing on Jade's land. The leaves of this plant are poisonous and the horse subsequently dies.

Advise the parties as to their rights and responsibilities in relation to the rule in Rylands v Fletcher. [25]

**6** Padma has an appointment to see a doctor at ABC Health Clinic. She drives to the clinic and finds the visitor car park. She sees a sign displaying the price for parking and is shocked to see how expensive it is. She drives around the car park and sees a section which is clearly signposted as 'Free Parking for Staff Only'. She parks in this section of the car park and is pleased that she does not have to pay.

As Padma is now late for her appointment she decides not to walk back to the pedestrian crossing to the clinic but instead walks directly towards the building up a steep muddy hill. She slips on the way up the hill and falls. She sustains a broken arm and breaks her expensive spectacles.

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

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