Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/42**

Paper 4 Law of Tort **May/June 2022**

1 hour 30 minutes

7559503983

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 2022

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 duty owed to a trespasser under the Occupiers' Liability Act 1984. Assess the fairness of the duty in relation to both the occupier and trespasser. [25]

2 In the tort of negligence, losses of a purely economic nature should be treated very differently from personal injury and damage to property.

Describe the rules governing pure economic loss. Assess the validity of the statement above. [25]

3 Describe the purpose of the remedy of damages in relation to the tort of negligence. Assess the extent to which the current rules achieve justice for the claimant. [25]

© UCLES 2022

Section B

4 Jim is late for work and driving at speed when his car collides with a taxi, driven by Shannon. She is not wearing a seatbelt and is seriously injured. Jim is trapped in his car.

Emma is a self-employed hairdresser. Although Emma does not witness the accident, it happens outside her shop. She calls the emergency services and stays with Jim until they arrive. She is very distressed as the injuries of both Shannon and Jim appear to be life threatening.

Shannon and Jim are taken to hospital and following treatment both make a full recovery.

Since the incident, Emma has been unable to work due to anxiety and stress. She eventually has no choice but to close her business.

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

5 Flynn drives to Barchester shopping centre. He parks his car in a very narrow space in the car park. On his return to his car he finds Bob waiting for him.

Bob is the owner of the car next to Flynn's. He has been unable to get into his car as Flynn has parked too close to the driver's side of Bob's car. Bob is very angry, raises his fists and shouts at Flynn to move his car immediately.

Flynn tells Bob to calm down and that he should have used another door to enter the car. After further argument Flynn gets into his car and begins to drive away. Bob has called the police and he stands in front of Flynn's car. Flynn continues to drive away even though Bob jumps on to the front of the car. Flynn speeds up and Bob falls from the car, sustaining a broken arm and concussion.

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

6 Anya has recently moved back to her family home as she is saving to buy her own property. Her mother Monica is the owner of the property and she does not charge Anya for rent or bills. Anya has a dog which barks frequently both during the day and at night. The neighbour, Sam, has complained about this, but Monica says that there is nothing she can do about the dog.

Sam is a nurse and he often works at night and sleeps during the day. Anya is angry about the fact that Sam has complained about her dog. She has now started to play very loud music as soon as she sees Sam returning from a night shift. Consequently, Sam is unable to sleep. Monica is not aware of what Anya is doing as she works during the day.

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

© UCLES 2022

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 Cambridge Assessment. Cambridge Assessment is the brand name of the University of Cambridge Local Examinations Syndicate (UCLES), which is a department of the University of Cambridge.

© UCLES 2022