Cambridge Assessment International Education

# Cambridge International AS & A Level

**LAW** **9084/43**

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

**1 hour 30 minutes**

*3334607977*

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** Not every interference with the enjoyment of land will be classed as a nuisance.

Describe the essential elements of private nuisance. Assess the validity of the statement above. [25]

**2** Describe the rules under which one person may be held vicariously liable for the tort of another. Assess the extent to which vicarious liability is justifiable. [25]

**3** A purely social relationship should never give rise to liability for a negligent misstatement.

Describe the elements of liability for negligent misstatement. Assess the validity of the statement above. [25]

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## Section B

**4** Andy is an experienced mountain climber. He is planning a climbing holiday. While he is preparing for the holiday he attends a medical appointment with Doctor West, to check that he has recovered fully from an injury to his left knee sustained on a previous climb.

Doctor West examines his left knee and tells Andy that he is fit to climb. Andy asks whether he should have any further tests but Doctor West tells him that these are not necessary.

During the first day of climbing, Andy's left knee suddenly fails to support his weight and he falls. He is rescued and taken to the nearest hospital. The doctor who treats him tells him he has a serious injury to his arm and a mild concussion. He is informed that his left knee had not fully healed and the injury is now so severe that it is unlikely that he will be able to climb again.

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

**5** Liam has recently opened a restaurant in Barchester. In order to increase sales, he decides to deliver a menu to every house in a large group of housing which is located near his restaurant.

Marie owns one of these houses. She is trying to sell it and there is a 'For Sale' sign just inside the entrance to her garden. The sign was erected by Tom, who is selling the house for Marie.

Liam delivers a menu to Marie's house. There is a strong wind which blows the sign down and it hits Liam. He sustains a head injury and also drops the bag of menus which blow away and are now unusable.

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

**6** Priti has been growing a variety of fruit and vegetables in her garden for the last few years. She has installed a system in her garden to collect rainwater in a series of large containers. The containers are lined up next to the fence between Priti's garden and her neighbour Bilal's garden.

Priti has not been spending time in her garden as she has been busy at work and she has not noticed that all of the containers are full. Following a period of heavy rain, the water overflows from the containers and floods Bilal's garden. His flowerbeds are destroyed and the engine of his expensive lawnmower is damaged.

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

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