Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2023**

1 hour 30 minutes

8331493026

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
  - Section A: answer **one** question.
  - Section B: answer **two** questions.
- 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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Section A

Answer **one** question from this section.

EITHER

1 A new sports shop is opening in Barchester and is offering substantial discounts on its products. A large number of people queue at the entrance to the shop.

John tries to join the queue but is pushed out of the way by Andy who tries to join at the same time. They argue and John, who thinks that he joined the queue first, tells Andy that if he does not move John will throw him out of the queue. Andy refuses to move, so John grabs him and pushes him. Andy punches John in the face. John falls backwards onto the road.

Bob, a taxi driver, has just driven a customer to the new shop. As he waits for another customer, his taxi rolls backwards as the brake has stopped working. John is still lying in the road, and the taxi rolls over his ankle causing a severe fracture. Bob was aware of a problem with the brake and was planning to have it examined by a mechanic but had not yet done so.

Advise the parties of their rights, responsibilities and potential remedies. [25]

OR

2 Mary owns a house and rents a room to Brian. She decides to extend her house and contacts various builders. She hires Simon, aware that he is relatively inexperienced but he offers the lowest price.

Simon builds the extension. To keep costs down, he does the electrical work himself, even though he has no qualifications for this. One night, the badly installed electrical wiring overheats and sets fire to the extension which is badly damaged. There is significant smoke damage to the whole house, including Brian's bedroom. Brian suffers damage to his lungs from the smoke and his belongings are ruined.

Mary tells Simon not to return to her property. She hires Tom to finish the extension and tells him this must be completed within six weeks. Tom's team of builders work from 06:00 until 22:00 every day to meet the deadline.

Regina works from home in a house next to Mary's. She claims that the noise of the building work makes it difficult to hold online meetings with colleagues. Regina starts to park her car in front of the entrance to Mary's house to prevent Tom and his team of builders accessing the property.

Advise the parties of their rights, responsibilities and potential remedies. [25]

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Section B

Answer **two** questions from this section.

3 The distinction between primary and secondary victims of nervous shock is no longer necessary.

Assess the validity of the statement above. [25]

4 Evaluate the legal rules governing the award of damages for negligence. [25]

5 *Rylands v Fletcher* is no longer a strict liability tort.

Assess the validity of the statement above. [25]

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