Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/42**

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

1 hour 30 minutes

0976589604

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 Nathan has recently qualified as an accountant. His neighbour, Maureen, invites Nathan to a party. At the party, she tells him that she has inherited a large amount of money and is thinking about using it to buy and run the café which is located on the high street. Maureen shows Nathan a copy of the most recent set of accounts for the café. Nathan looks through the accounts quickly and tells Maureen that it appears that the café is profitable. Maureen buys the café.

After six months, the café is yet to make a profit. She consults a business advisor who tells her that in fact the accounts show that the café has not made a profit for several years. Maureen is forced to close the café at a significant financial loss.

Having lost her inheritance on the café, Maureen is very angry with Nathan. One evening Maureen is walking outside and sees Nathan. She stands in his way, telling him that he cannot pass until he admits fault for her financial loss. Nathan moves towards her, shouting 'get out of the way or I will make you move'. Maureen refuses to move and Nathan pushes her. Maureen falls and breaks her wrist.

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

OR

2 Barchester University wants to encourage its students to walk to their lectures to reduce the level of pollution associated with driving. The university has created pedestrian-only pathways on its campus so that students can walk from their accommodation to the lecture halls. The university has put up signs stating 'no cycling', but it has received a number of complaints about cyclists using the pathways.

Clive, a cyclist, is using the pathway and as he is late for his lecture he is cycling very quickly. His bicycle slips on the uneven surface, and he falls to the ground. He breaks his arm, and his expensive bicycle is damaged beyond repair.

Following this incident, the university authorities prohibit the use of the pathways. New signs stating that the pathways are not in use are placed around the campus. Jim and Eoin continue to use the pathways to walk to lectures. On one occasion a security guard tells them to leave the pathway and they do. As a joke Jim pushes Eoin back on to the pathway. The security guard tells Eoin to leave the pathway but he refuses and continues to walk.

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

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Section B

Answer **two** questions from this section.

3 To ensure a fair outcome, special considerations must apply to the defence of contributory negligence when the claimant is a child.

Assess the validity of the statement above. [25]

4 The rules which determine who can sue or be sued for a private nuisance are unnecessarily strict.

Assess the validity of the statement above. [25]

5 The reasonable man test ensures a consistent approach to breach of duty in negligence.

Assess the validity of the statement above. [25]

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