Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/43**

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

1 hour 30 minutes

8427041357

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 Rick is a chemistry teacher at Barchester Academy. He requests more protective eye goggles for the chemistry laboratories as there are not enough for all the students. The academy tells him that they have been ordered. Until they arrive, he is told to conduct experiments in the laboratory with small groups so that all students can be protected.

Rick is concerned that he will not be able to complete teaching his course by the end of the school year, so he conducts some experiments with the entire class. During one of the experiments Rick drops a container of chemicals. One student, Elaine, is seriously injured when the chemical goes into her eye. She is not wearing any goggles as there are not enough for the whole class. She is taken to hospital and doctors say that she will need significant treatment to make a full recovery.

Instead of storing containers of chemicals in a locked cupboard, Rick keeps them in his office. A student enters the office without permission when Rick is not there and knocks over the containers. The chemicals leak into an adjoining property used by Marketing Company X (MCX). The chemicals damage the property and as a result, MCX is forced to close its business for several days.

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

OR

2 Naomi's neighbour John is building a new house on his land. In order to install water pipes, he is digging under Naomi's garden without her permission. A week later she becomes aware of the digging and asks him to stop. John says the work must be completed. John has also thrown a number of bags of rubbish over the fence into Naomi's garden. Naomi has asked him to remove the rubbish, but he has refused to do so.

Naomi decides that, rather than pay to have the rubbish removed, she will burn it instead. She starts a fire which burns for an entire afternoon and causes a lot of smoke. A strong wind blows the smoke on to Lorayne's property. Lorayne is forced to cancel an event which she is due to hold in her garden that day. She has spent a substantial amount of money on food and other items for the event. Lorayne also has an asthma attack which she believes is caused by the smoke from Naomi's fire.

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

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Section B

Answer **two** questions from this section.

3 Evaluate the factors considered by the court when determining whether a duty of care is owed in negligence. [25]

4 It is difficult to find a defendant liable for trespass to the person because of the defences available.

Assess the validity of the statement above. [25]

5 Evaluate the special considerations which apply in relation to the duty owed to a child visitor under the Occupiers' Liability Act 1957. [25]

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