Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **May/June 2024**

1 hour 30 minutes

7952542544

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 Ann is a personal trainer who runs her own business in Barchester. While driving to work, the car in front of her is hit by a bus operated by CD Transport. Ann's car is struck by a piece of the bus which comes off in the collision. She stops and gets out of her vehicle. She sees a man badly injured in the road and stays with him until an ambulance arrives. Following this incident, Ann has had panic attacks and has been unable to work. She has temporarily closed her business and has lost a valuable contract working with Barchester football club.

An investigation finds that Ben, the driver of the bus, was exceeding the speed limit at the time of the accident. He was behind schedule and was trying to get to the next stop on time. He had previously been warned by the management of CD Transport that if he did not keep the service on time, he would lose his job.

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

OR

2 Séamus owns a field next to a popular skateboard park. There is a fence around the field and the gate is locked. However, teenagers regularly use the field as a short cut to the skateboard park. On one occasion Séamus sees Brendan, aged 14, climbing over the locked gate into the field. Séamus tells Brendan to leave his property.

Brendan runs to the other side of the field to climb the fence to reach the skateboard park. This part of the fence is in poor condition as so many teenagers climb over it. Séamus is aware of this and he has put up a warning sign, but it has been knocked down by someone climbing over the fence. The fence collapses while Brendan is climbing over it. Brendan breaks his arm when he falls. He also drops his new skateboard which is badly damaged.

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 requirements for establishing liability under *Rylands v Fletcher* are so restrictive that it is difficult for a claimant to succeed.

Assess the validity of this statement. [25]

4 Evaluate the elements required to establish a defence of *volenti non fit injuria* (consent). [25]

5 The distinction between assault and battery no longer serves any practical purpose.

Assess the validity of this statement. [25]

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