Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/42**

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

1 hour 30 minutes

3134299519

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 Shannon purchases a large house near a lake and is aware that XY jet ski club uses the lake for practice sessions and competitions at weekends. These activities generally start at 09:00 and finish at 13:00.

The club expands its membership and now holds additional practice sessions Monday to Friday, from 18:00 to 21:00. The club also installs tall floodlights, which shine directly onto the front of Shannon's house. Shannon feels that she can no longer use her front room in the evenings due to the noise and bright lights.

The club has a large fuel storage tank on land it owns which is next to Shannon's property. Fuel leaks from the tank, causing significant damage to Shannon's vegetable garden.

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

OR

2 Police Constable (PC) Conor is driving his police car in pursuit of a gang of armed robbers. He switches on the car's siren and drives at speed through a junction where the traffic lights are red.

Helen approaches the junction from a different direction. The traffic lights are green and as Helen drives forward, her car is hit by the police car. Helen does not hear the police siren because she is listening to loud music. Helen is injured and trapped in her car. The emergency services are called.

Helen is taken to Barchester hospital by ambulance where she is initially treated by Dr Frank, a newly qualified junior doctor. He does not identify the symptoms of internal bleeding. The next day Helen is examined by a senior doctor who finds that she has sustained severe damage to her kidney. It is too late to treat the injury and her kidney must be removed. Helen is unable to return to work for six months.

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 rules governing the recovery of damages for nervous shock in relation to rescuers and bystanders. [25]

4 The rules governing liability for a negligent misstatement have been applied inconsistently and this has created injustice for claimants.

Assess the validity of this statement. [25]

5 The tort of trespass to land continues to provide essential protection for those with an interest in land.

Assess the validity of this statement. [25]

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