Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/43**

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

1 hour 30 minutes

6526054597

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 Tony inherits a collection of paintings and antique vases. He does not know how much the collection is worth, so he contacts XYZ gallery to request a valuation. XYZ asks a member of staff, Jane, to examine the collection. Jane is a very experienced dealer in paintings, but her knowledge of antique vases is limited. Therefore, XYZ instructs her not to offer any advice in relation to the value of Tony's antique vases.

Jane visits Tony and values the collection of paintings. As she is leaving, Tony asks her about an antique vase. Jane examines it briefly and informs him that it is a modern copy and of no value. Tony donates the vase to a charity. The charity sells the vase at a fundraising auction.

The vase is in fact a very rare original. Several people at the auction recognise its value and the price increases as they bid against each other to buy it. A week later, Tony receives a letter from the charity thanking him for donating the vase, which sold for £50 000. Tony is shocked as he would not have donated the vase if he had known its true value.

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

OR

2 Franco is cycling home from work when he is pushed off his bicycle by Maria. As he lies on the ground, Maria takes a bottle of clear liquid from her bag and, telling him it contains acid, demands money. Franco hands over all his money and Maria throws the bottle at him as she runs away. It hits him on the shoulder but causes no injury. Franco shouts at her that he will 'make her pay' next time he sees her. The police later tell Franco that the bottle actually contained water.

The next day, Maria goes to a local supermarket. She fills a shopping basket with goods and walks towards the exit. Terry, a security guard, sees that she has not paid for the goods and stops her from leaving. He takes Maria to the office and leaves her there while he calls the police. Maria sits in the office for an hour, unaware that Terry is standing outside. The police arrive and take Maria into custody.

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 which apply in cases of negligence where there is more than one possible cause of damage. [25]

4 The tort of private nuisance is no longer necessary as alternative actions are available.

Assess the validity of this statement. [25]

5 The award of a single lump sum payment for damages in tort is not fair to either the claimant or the defendant.

Assess the validity of this statement. [25]

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