UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/42**

Paper 4 Law of Tort **October/November 2012**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

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READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.

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Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

1 Critically analyse the development and application of the remoteness of damage principle through cases in the law of tort. [25]

2 The rule in Rylands v Fletcher is redundant as an independent tort because the torts of negligence and private nuisance adequately protect interests between occupiers of adjacent premises.

With reference to case law, make a detailed examination and assessment of this view. [25]

3 Pecuniary and non-pecuniary losses are treated differently in tort.

Discuss the approaches of courts in assessing compensation claims in tort and explain why they are considered necessary. [25]

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Section B

4 Kilby owns and manages a small supermarket. In order to attract more custom he decides to paint the shop and improve the lighting. He is unable to do the electrical work himself and is recommended to use the services of Sparks, a trained electrician. Kilby invites Sparks to the shop to see what he wants done and he explains to Sparks that much of the wiring is very old and may be dangerous.

Sparks starts work by examining the wiring for the shop lights which is under the floor of the upstairs stockroom. He soon receives a severe electric shock from faulty wiring. He completes the work but, as he returns downstairs, the handrail breaks and he falls to the bottom of the stairs and badly hurts his back.

Discuss Kilby's potential liability as occupier of the premises for the injuries suffered by Sparks. [25]

5 Bill is a scientist employed in a laboratory run by the Livestock Health Institute. He is working on a vaccine against FM disease in sheep. His work involves the use of small quantities of the FM virus and he regularly washes away contaminated material resulting from the scientific tests. The contaminated water is piped away to a treatment plant.

FM disease breaks out among flocks of sheep on farms near the laboratory. It is established that the sheep have eaten grass from farmland onto which contaminated water has leaked from the pipe leading to the treatment plant.

The sheep have to be slaughtered to stop the spread of the disease. The sheep farmers now seek compensation.

Discuss the potential liability of Bill and the Livestock Health Institute for the farmers' losses. [25]

6 Braithwaite is a wealthy businessman. Every year he sells tickets to a dance which he holds in a large tent in his extensive garden and donates the proceeds to charity.

Jack and Jill, two local residents, buy tickets and attend the dance. During the evening of the dance, Jack and Jill begin to argue loudly and their behaviour upsets a number of guests.

Braithwaite asks Jack and Jill to calm down or leave the dance immediately. Jack becomes very abusive, waves his fist and threatens to hit Braithwaite. Braithwaite throws Jack out of the premises, causing him to fall and hit his head on a rock by the roadside. Jack sustains severe concussion.

After Jack has been thrown to the ground, Jill jumps on Braithwaite's back from behind, bites his ear and draws blood.

Consider the respective liability in tort of Jack, Jill and Braithwaite as a consequence of this incident. [25]

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