UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW **9084/43**

Paper 4 Law of Tort **October/November 2013**

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

5662036094

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 The tort of private nuisance adequately balances rights that exist between neighbours.

With reference to decided case law, critically assess this view. [25]

2 People should be considered responsible for the probable consequences of their actions.

Using illustrative case law, critically analyse the historical development and application of the remoteness of damage principle in the law of tort. [25]

3 In spite of the publication of a Law Commission report in 1998, the rules on compensation for secondary victims suffering nervous shock continue to be too restrictive.

Critically assess the fairness of the current rules relating to losses suffered by secondary victims of negligence as developed and applied in decided cases. [25]

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Section B

4 Pinot takes his 8 year old daughter, Chardonnay, to see the Ruritanian State Circus. As they pay their entrance fee, they see notices displayed which state that visitors enter at their own risk.

The seats on which they have to sit for the performance are very old and Pinot injures his back severely when his seat collapses under his weight and he falls to the floor. Later, as the circus performance ends and they are trying to leave the circus tent, Chardonnay runs ahead through the crowd. She sees the performing bear tied up nearby, climbs into its enclosure and tries to stroke it, but the bear mauls her face so badly that she subsequently loses the sight in one eye.

Assess the potential liability in tort for the losses sustained by Pinot and Chardonnay. Might the Ruritanian State Circus successfully raise any defences? [25]

5 The Airspeed Pageant is an annual air display that takes place in the skies over Casterbridge and is organised by the local aero club to raise sponsorship for the National Museum of Aviation nearby.

Biggles was mistakenly given permission to land by the aero club's air traffic control tower and as his 1930s aircraft approached the grass airstrip Biggles noticed that another aircraft had only just landed in front of him. He had to take avoiding action and on landing one of the tyres punctured and the aircraft spun out of control into crowds that had gathered to watch. Several spectators were killed and many more seriously injured. Biggles survived the incident, but had to be cut from the wreckage and lost both legs as a consequence of his injuries.

Discuss whether or not the club might successfully defend any action taken against them by Biggles, by those injured or by representatives of those killed in the incident. [25]

6 Zorzon Gas Corp is a company that imports natural gas and distributes it by pipeline around the United Kingdom. The gas is piped into regional depots where it is stored in large storage tanks until it is piped on into the homes of the general public as it is needed for cooking and heating.

The storage depot in Barsetshire has just been replenished, when a fire breaks out in a pumping station on the site. The fire causes several gas storage tanks to explode and it takes the fire service several days to get the subsequent fire under control. Flying debris as a result of the explosions damages nearby houses so severely that local residents have to leave and have to pay to stay in hotels in the town until they are allowed to return home.

Discuss Zorzon Gas Corp's potential liability in tort for the unexpected financial costs sustained by local residents if the cause of the fire is a lit cigarette carelessly discarded by **(a)** a Zorzon Gas Corp employee or **(b)** a member of a dissident* group that had broken into the depot. Your answer should consider both situations **(a)** and **(b)**. [25]

*A dissident is a person who publicly disagrees with and criticizes their government.

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