Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2017**

1 hour 30 minutes

No Additional Materials are required.

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READ THESE INSTRUCTIONS FIRST

An answer booklet is provided inside this question paper. You should follow the instructions on the front cover of the answer booklet. If you need additional answer paper ask the invigilator for a continuation booklet.

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

The number of marks is given in brackets [ ] at the end of each question or part question.

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

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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 Explain and critically analyse the rules which apply to the recovery of damages for negligent misstatement. [25]

2 Trespass to the person is necessary in order to protect the personal rights and security of the individual.

Explain the legal principles associated with this tort and assess the validity of the above statement. [25]

3 Explain and critically evaluate the use of vicarious liability in the law of tort. [25]

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Section B

4 Charles has recently purchased a house opposite a tyre fitting business operated by Yasmin. Charles has discovered that Yasmin has been granted permission by the local council to extend the opening hours and the business will now be open 24 hours per day.

Over the next few weeks, the business becomes very busy. The noise from the business and its customers has increased and is disturbing Charles, who works from home. He also believes that the noise is interfering with his daughter's ability to study for her A Level examinations. He has spoken to Yasmin but she has responded by allowing her staff to play loud music while they work which has increased the level of noise significantly.

Advise Charles and Yasmin as to their rights in this situation. [25]

5 Alice works in XYZ Supermarket. She is instructed to restock the shelves by her manager. In order to reach the high shelves she has to stand on a chair as the ladder that she normally uses cannot be found. The chair breaks and Alice falls, hitting her head on the concrete floor. She is taken to hospital where Dr Smith, a junior doctor, diagnoses concussion. He prescribes medication for a headache and sends her home.

A week later, Alice is feeling worse. She returns to the hospital and is immediately sent for an X-ray. A senior doctor then discovers that Alice has a fractured skull.

Advise Alice as to the potential liability of XYZ Supermarket and Dr Smith. [25]

6 Devi has purchased a house and he has been informed by the seller that the roof is in poor condition. Before moving in, Devi contacts a local builder, Pedro, and tells him that he is concerned about the safety of the roof. He makes an appointment with Pedro to inspect the roof and provide an estimate for repairs. Pedro arrives early and decides to go up to the roof, using his own ladder, before Devi arrives. He begins to inspect the roof but as he walks on it a section gives way. Pedro falls through the roof and suffers a serious back injury.

Advise Pedro as to his rights against Devi in this situation. [25]

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