Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2019**

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 The tort of private nuisance is no longer necessary as claims are generally covered by the tort of negligence.

Explain the elements of private nuisance and assess the validity of this statement. [25]

2 Explain and assess the factors considered by the court when determining whether a duty of care should be imposed in the tort of negligence. [25]

3 Explain and evaluate the range of remedies available in tort. [25]

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Section B

4 ABC Ltd is negotiating to buy PRQ Ltd. Wilhelm, an independent accountant, is hired at short notice by PRQ Ltd to prepare a report on its financial position. He is aware that it will be used in the negotiations. Wilhelm produces a favourable report and on this basis, ABC Ltd buys PRQ Ltd.

PRQ Ltd is actually in financial difficulty and is worth significantly less than the sum paid by ABC Ltd. Wilhelm had noticed some inconsistencies in the financial records of PRQ Ltd but due to the limited time available did not make any further enquiries.

Advise ABC Ltd as to the likely success of an action against Wilhelm. [25]

5 Xavier is renovating an unoccupied house that he owns. He hires Yolande to carry out specialist electrical work on the property from Monday to Friday. Yolande falls behind schedule and, without informing Xavier, decides to work at weekends too.

One weekend, Yolande gains access through a back door which is not locked. The stairs are in poor condition and awaiting repair. They collapse as Yolande carries her tools to the upper floor. She falls and breaks her leg, and a number of her tools are damaged beyond repair.

Advise Yolande as to her rights in this situation. [25]

6 Angus starts working in a factory, owned by DEF Ltd, which manufactures industrial cleaning products. He is provided with protective gloves to use when handling the products. His manager, Kim, informs him that all workers must wear the gloves at all times. Angus finds the gloves very uncomfortable and observes that many workers do not wear them. Even though Kim notices that Angus has stopped wearing the gloves, she says nothing to him.

After a month, Angus's hands are very painful and inflamed. He is told by his doctor that the chemicals are aggravating a skin condition he had as a child. The doctor informs him that he should no longer work in the factory and that the condition will need intensive treatment.

Advise the parties as to their rights and responsibilities in this situation. [25]

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