Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2022**

1 hour 30 minutes

9439556898

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
  - Answer **at least one question** from Section A.
  - Answer **at least one question** from Section B.
  - Answer **one other question** from **either** Section A **or** Section B.
- 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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Answer **at least one question** from Section A.
Answer **at least one question** from Section B.
Answer **one other question** from **either** Section A **or** Section B.

Section A

1 Describe the elements of the tort of private nuisance. Assess the extent to which the right to sue in this tort is linked to ownership of land. [25]

2 Trespass to the person is one of the most important torts in terms of its aims and what it seeks to protect.

Outline the elements of the tort of trespass to the person. Assess the validity of the statement above. [25]

3 Describe the legal rules governing the recovery of damages for nervous shock.
Assess the extent to which policy rather than foreseeability of harm has influenced the development of the current rules. [25]

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Section B

4 Jayden, an 11 year old boy, and his friends regularly play in the grounds of Barchester Hospital which are easily accessible through a number of public entrances. The hospital security staff tell the children to leave when they see them. However, the grounds are large so the children can avoid the security staff by running to other parts of the grounds.

Recently some of the children have been seen by security staff playing on a fire escape ladder attached to the main hospital building. Jayden climbs up the fire escape ladder and as he reaches the top he loses his grip and falls to the ground. He sustains a broken leg and concussion. He also drops his smartphone which is damaged beyond repair.

Advise the parties as to their rights, responsibilities and remedies in relation to occupiers' liability. [25]

5 Simon has been cycling to work for the last year. One day he is late for work and is cycling as fast as he can when he comes to a junction in the road. Instead of stopping, he continues without checking that the road is clear and he is hit by a car travelling faster than the speed limit. Simon is thrown from his bicycle and sustains serious injuries. The driver of the car, Ada, is not physically injured but her passenger Pierre is traumatised by the incident and has been unable to return to work since the incident.

Advise Ada as to her liability in relation to negligence. [25]

6 AB Tyres Ltd (ABT) operates a used tyre business. The business has grown significantly in recent years and the storage space is full. A large number of tyres are placed against a wall shared with the business next door, XY Computing Ltd (XYC).

One evening after both businesses have closed, a fire starts in ABT's premises. The tyres against the wall catch fire and the fire then spreads to the premises of XYC. By the time the emergency services arrive the fire has completely destroyed XYC's premises and all of its stock. A technical examination has revealed that the fire was caused by a lightning strike during a severe storm and was not the fault of ABT.

Advise the parties as to their rights and remedies in relation to the rule in Rylands v Fletcher. [25]

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