Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2023**

1 hour 30 minutes

7038490707

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
  - Section A: answer **one** question.
  - Section B: answer **two** questions.
- 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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Section A

Answer **one** question from this section.

EITHER

1 Pavel is driving his truck on a busy motorway in excess of the speed limit. Whilst changing lanes to overtake without using the truck's indicator, Pavel's truck hits a car driven by Sean. Both drivers stop their vehicles by the side of the motorway, to inspect the damage and exchange insurance details. Sean's car is badly damaged.

In his rush to stop after the collision, Sean does not move his car completely off the motorway. As he and Pavel are about to get back into their vehicles, a car driven by Becky hits Sean's car. Sean and Pavel are trapped between Sean's car and Pavel's truck. They are both bleeding heavily and shouting for help. Becky is uninjured but is traumatised.

Cara, a nurse, sees the incident and stops to help. However, she is unable to reach the injured parties trapped between the vehicles. When the emergency services arrive, they take Sean and Pavel to hospital. Cara has been very upset since the incident as she believes that she should have done more to help.

Advise the parties of their rights, responsibilities and potential remedies. [25]

OR

2 Anna opens a bakery and shop. There is a step at the entrance to the shop, so, to warn customers, Anna makes and displays a small but colourful sign at the door which reads 'Watch your step!'.

Val is going to her mother's 80th birthday party and has forgotten to buy her a birthday cake. Val rushes into the shop and is relieved to find that Anna has a suitable cake. She pays for it and quickly turns to leave. As she does so, she trips on the step. She falls, crushes the cake and breaks her leg.

The good reputation of Anna's bakery results in a contract to supply several supermarkets. To fulfil these orders, Anna extends the operating hours of the bakery so that production continues throughout the night. Paul has lived in an apartment opposite the bakery for several years. He is now frequently woken at night by the noise of delivery trucks. The air conditioning in the bakery is not working so windows are kept open and Paul can hear the loud music played by the staff. He complains to Anna that the new operating hours are disruptive. Anna says that there is nothing she can do if she is to keep customers happy and her business profitable.

Advise the parties of their rights, responsibilities and potential remedies. [25]

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Section B

Answer **two** questions from this section.

3 The legal rules governing the recovery of damages for a negligent misstatement are inconsistent and therefore unfair.

Assess the validity of the statement above. [25]

4 Assess the importance of equitable remedies in the law of tort. [25]

5 Trespass to the person remains an essential and fundamental source of protection of personal rights.

Assess the validity of the statement above. [25]

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