Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/42**

Paper 4 Law of Tort **October/November 2024**

1 hour 30 minutes

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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 John is the company accountant for XYZ. He has recently prepared the annual financial statements for the company, which show that it has made a significant profit.

John meets his friend Frank for lunch. Frank tells John that he has inherited a large sum of money. John says that XYZ has had an exceptionally good year and that he believes that the company will grow and become more profitable every year. Frank invests all his inheritance in XYZ.

The following year XYZ goes out of business. John had not taken into consideration a number of recent loans obtained by the company when he prepared the financial statements. In fact, the company was not making a profit but was trading at a loss. However, this was not reflected in the financial statements prepared by John. Frank has lost his entire investment.

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

OR

2 Barchester Council decides to install a charging point for electric vehicles in its main car park. The council hires Andy, who quotes the lowest price for the work. The council is satisfied that Andy is knowledgeable and experienced enough as an electrician to do the work, even though he has had no previous experience of installing vehicle charging points.

Andy completes the installation work, but customers soon start to complain that their vehicles are not charging properly. Colm, the chairman of the council, uses the charging point to charge his own car and receives an electric shock, resulting in minor burns. The council contacts a specialist company to inspect Andy's work and is advised to close the charging point until it has been inspected.

Liam, aged 13, goes to the car park. There is a sign on the charging point which says, 'out of use'. Nevertheless, Liam uses it to charge his electric scooter, which overheats and catches fire. As he runs from the car park, he falls and breaks his arm. His electric scooter is destroyed in the fire.

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 standard of care in negligence is an objective one. However, in a limited number of circumstances the court should take into consideration the individual characteristics of the defendant.

Assess the validity of this statement. [25]

4 Evaluate the operation of the defence of contributory negligence. [25]

5 The rule in *Rylands v Fletcher* is no longer necessary because a remedy can generally be found in private nuisance.

Assess the validity of this statement. [25]

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