



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

Paper 4 Law of Tort

9084/43

May/June 2010

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

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

At the end of the examination, fasten all your work securely together.

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

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



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 Critically assess the role of policy in decision making in cases in the tort of negligence and explain why policy has been allowed to play such a role. [25]
- 2 Tort plays a significant role in the protection of civil liberties.

To what extent do you agree that the statement applies to trespass to the person, given the type of defences to this tort? [25]
- 3 Critically assess the extent to which the torts of private nuisance and Rylands v Fletcher might potentially contribute to environmental protection. [25]

Section B

- 4 Primrose answers a knock at her front door. Paddy has been repairing roads in the neighbourhood and offers to repair Primrose's driveway with some of the tarmac material that he has left over. As she has been thinking about having this work done and the price seems fair, she agrees that Paddy should do it.

Paddy does the job badly and leaves the newly repaired driveway very uneven. A few days later, Nasir, a postman, is delivering letters when he trips on the driveway, falls and breaks his ankle. He is unable to work for three months following the accident.

With reference to decided cases, discuss the potential liability for Nasir's injury that arises from these circumstances. [25]

- 5 Greta needs a new gas-fired boiler fitted in her house to provide her with hot water and central heating. Kelvin, a trained central heating engineer, agrees to fit one for her. Kelvin fails to fit the boiler properly and one evening the boiler explodes and causes the house to catch fire. Greta manages to get out of the house, but thick smoke and flames prevent her young daughter, Leah, from escaping the house. The fire brigade arrives and puts the fire out, but none of the firemen is able to rescue Leah, who dies in the fire. Greta, who has a history of emotional instability, suffers serious and long lasting nervous shock. One of the firemen, Sam, sustains severe burns and also suffers emotional distress because he is unable to rescue Leah from her bedroom.

On the assumption that Kelvin's negligence can be established, assess his potential liability for the injuries suffered by Greta and Sam. [25]

- 6 The Greensea Shopping Mall was opened last year in Oxford. Recently, the manager has received complaints from shop owners that a gang of people regularly visits the shopping mall, with the intention to create a nuisance to other customers and to steal from their shops.

Discuss the steps that the owner of the shopping mall and the shop owners themselves can take in the law of tort to deal with this problem and evaluate the likelihood of their success. [25]

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