

CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

LAW

9084/02

Paper 2 Legal Liabilities

October/November 2003

3 hours

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 in dark blue or black pen on both sides of the paper.
You may use a soft pencil for any diagrams, graphs, music or rough working.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **three** questions. Answer **one** question from Section A, **one** from Section B and **one** from Section C.
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.
The scenarios described in these questions are entirely fictitious.

This document consists of 4 printed pages.



Section A: Contractual Liability

Answer **one** question only from this section.

- 1 An advertisement appears in The Echo newspaper:

<u>500 POUNDS REWARD!!</u> for information leading to recovery of Rolex watch serial number XV68792E believed lost or stolen on or about 20 September. Reward to be claimed in writing by 30 October to Goldman, 4 Eton Place, Windsor.

Wei is on duty as a policeman and finds the watch whilst searching refuse bins for evidence for a case on which he is working. Wei doesn't read The Echo, but is told about the reward by his girlfriend, Li.

Wei writes a letter saying that he has found the watch and that he would like to claim the reward, but forgets to post it until 29 October. The letter gets delayed and does not arrive at Goldman's address until 5 November.

Consider the legal entitlement, if any, that Wei would have to pursue the reward if Goldman refuses to give it to him upon return of the watch. [25]

- 2 Harry set up his own computer sales and repairs business and he arranged for Kwikbuild Ltd to build an extension to his house from which he would carry on the business. A price for the work was agreed, as was a completion date. Kwikbuild Ltd experienced delays associated with staff and materials shortages that meant that the job was eventually completed two months later than agreed, by which time Harry had lost profitable repair work and sales contracts.

Consider the success, if any, that Harry would have in claiming damages in respect of

- (a) profits lost on repair work that had to be cancelled during the two months in question.
- (b) the loss of a special contract to supply a large quantity of computer hardware and,
- (c) the mental distress caused to himself and his wife due to the delays.

[25]

Section B: Tortious Liability

Answer **one** question only from this section.

- 3 Gleeson worked in the Singapore office of Dobson's Bank as a foreign securities assistant. Bassett, a director for Dobson's Bank in London, received a letter from Gleeson's manager in Singapore, which made allegations that Gleeson's drunkenness, dishonesty and immoral behaviour were affecting his performance at work. Bassett showed the letter to other directors of the bank and also to Gleeson's wife. Gleeson was later sacked by the bank and divorced by his wife.

Gleeson denies the allegations and now seeks compensation for damage to his career and for the break-up of his marriage.

Consider the liability in *tort* for the losses sustained by Gleeson and discuss the likely success of any defences that might be raised. [25]

- 4 There has recently been heavy snowfall and a team of men working at Hilltop College, but employed by Hillshire Country Council, has been asked to clear the snow from paths leading across the college's grounds to the college's main entrance. Frank, one of the men, finds the weather very cold and, in his haste to get the work done quickly, fails to clear the snow and ice properly and Mahmoud, a student at the college, slips on the path that Frank was supposed to have cleared. Mahmoud sustains a fractured arm and severe bruising as a result of his fall.

Consider the liability in *tort* for the injuries sustained by Mahmoud in the situation above and discuss the likely success of any defences that might be raised. [25]

Section C: Criminal Liability

Answer **one** question only from this section.

- 5 John and Janet are close friends and spend the evening drinking vodka, taking drugs and watching films on their video recorder at Janet's home. Late in the evening Janet gets bored with the violent film they are watching and falls asleep. While Janet is sleeping, John, under the influence of the drink and drugs, hits her repeatedly over the head with a table lamp. Janet's cries seem to bring John to his senses and he stops hitting her and shows considerable distress at what he has done. An ambulance is called, but Janet dies from her injuries whilst on the way to hospital.

Consider the principal offence(s) that John could be charged with in the situation above and whether he would be found guilty of the offence(s). Discuss the defences that might be raised and how they might affect any sanction imposed by the courts. [25]

- 6 Kate attends a party at a friend's house. At the end of the party, she collects her leather coat from the place where guests' coats have been left and returns home. She wears the coat the following day and realises that it is not hers, as, in the pocket, there is a railway season ticket valid for one month that she did not buy. She continues to wear the coat and to use the railway ticket. Four weeks later, she receives an angry telephone call from the owner of the coat and they later exchange the coats. The railway ticket has now expired and can no longer be used.

Consider the principal offence(s) against property that Kate could be charged with in the above situation and whether she would be found guilty of any offence(s). Discuss the defences that might be raised and how they might affect any sanction imposed by the courts. [25]