



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

9084/04

Paper 4 Law of Tort

October/November 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** The distinction made between primary and secondary victims who suffer nervous shock can no longer be justified.

Critically analyse the rules that are applied in claims for nervous shock and assess the extent to which the view above can be substantiated. [25]

- 2** The Occupiers Liability Acts 1957 and 1984 impose an unfair burden on occupiers of land to ensure the safety of those, whether visitors or trespassers, who enter that land.

Critically analyse this view. [25]

- 3** The law suggests that, unless a negligent act causes physical damage to something or someone, no compensation can be recovered.

With reference to decided cases, trace the development of legal principles relating to the recovery of pure economic loss and assess the extent to which the principles are fair to innocent victims. [25]

Section B

- 4 Mackenzie offers Jack a lift home in his van from a friend's party and, even though he knows Mackenzie to be drunk and that it is an offence to drink alcohol and then drive, Jack accepts. Neither of them puts on a seat belt when they get into the van. Mackenzie sustains concussion and Jack breaks both of his legs and an arm when Mackenzie drives too quickly around a bend and collides with a car being driven by Petunia. Petunia sustains no injury but her car, which she uses for her business, is badly damaged.

Consider the extent to which Mackenzie might be held liable in negligence for the injuries and losses sustained by Jack and Petunia. [25]

- 5 Jeremy collects fishing rods. He sees an old cane rod for sale in a shop selling second-hand goods and he asks Isaac, a friend who has been an antiques dealer for some years, how much the rod is worth. Isaac suggests that it is worth £250 and Jeremy negotiates its purchase from the shopkeeper for that amount. Jeremy then discovers that Isaac's valuation is too high and that the cane is almost worthless.

Consider the potential liability in tort for the financial loss sustained by Jeremy in the situation above. How successful might any defences be? [25]

- 6 Shearer runs a farm located on the outskirts of a small town near Newcastle. Whilst his crops are growing, he controls the growth of unwanted weeds by the use of highly toxic liquid weed killer. The weed killer is kept in containers in wooden outbuildings adjacent to the farm owned by Keegan.

Keegan alleges that weed killer from Shearer's outbuildings has leaked out and contaminated a large quantity of animal feed and rendered it useless. Shearer claims that the leak has been the result of damage caused by a series of unprecedented storms.

Analyse the basis of any liability in tort for the loss sustained by Keegan in this situation. Are there any potential defences which might succeed? [25]

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