

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

LAW

9084/04

Paper 4 Law of Tort

May/June 2005

Additional Materials: Answer Booklet/Paper

1 hour 30 minutes

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 on both sides of the paper.
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** 'Trespass to the person is no longer a significant tort.'

Critically assess the extent to which this view can be substantiated. [25]

- 2** 'A balance needs to exist between the interests of an occupier of land and those of people who enter his/her land.'

Discuss this statement and debate the extent to which the Occupiers' Liability Acts 1957 and 1984 achieve such a balance. [25]

- 3** The tort in *Rylands v Fletcher* is one of strict liability. Explain what is meant by the term strict liability and consider whether there are any defences that might successfully be raised in a case founded on this tort. [25]

Section B

- 4 Salvatore leaves the oil refinery at the end of a day's work. He is approximately 1 km away from the gates when a series of massive explosions occur back at the refinery and he is knocked to the ground by the shock waves. He hears the cries of workmates caught in the fire that follows, but thick smoke prevents him from returning inside to help them. 20 people die as a result of the explosions and fire. It later transpires that the accident was caused by the lack of proper maintenance of refinery machinery. Salvatore suffers severe trauma following the incident and is unable to work again.

Discuss the potential liability in negligence of the oil refinery owners for Salvatore's illness. [25]

- 5 Linford and Leroy go out to a bar for the evening. Linford offers Leroy a lift home in his car and Leroy accepts, even though he knows Linford to be drunk and that it is an offence to drink alcohol and then drive. Neither of them put on their seat belts when they get into the car. Linford drives too quickly around a bend and collides with a van being driven by Sally-Ann. In the accident, Linford only sustains bruising, but Leroy breaks both of his legs. Sally-Ann sustains no injury but her van, which she uses for her business, is badly damaged.

Consider the extent to which Leroy and SallyAnn could hold Linford liable in negligence. [25]

- 6 Margaret inherits a very large house, its contents and gardens from her rich Uncle Richard. The house contains a collection of art treasures that Uncle Richard had brought from around the world. Margaret decides to turn the house into a museum and charge an admission fee. She arranges for builders to restore the house. The work, which takes place over a period of a year, causes resentment among those living nearby because of the dust and noise created by the builders. They are also concerned about the increased traffic on surrounding roads that visitors to the house will bring.

Discuss the rights of Margaret's neighbours in respect of the present and future disturbance caused by the building work and the opening of the house to members of the public. Consider what remedies might be available to them. [25]

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