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| <b>Candidate<br/>forename</b> |  |  |  |  |  | <b>Candidate<br/>surname</b> |  |  |  |  |  |
| <b>Centre<br/>number</b>      |  |  |  |  |  | <b>Candidate<br/>number</b>  |  |  |  |  |  |

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS**  
**A2 GCE**  
**G158/01**  
**LAW**

**Law of Torts Special Study**

**FRIDAY 22 JUNE 2012: Morning**  
**DURATION: 1 hour 30 minutes**  
**plus your additional time allowance**

**MODIFIED ENLARGED**

**Candidates answer on the Question Paper.**

**OCR SUPPLIED MATERIALS:**

**Clean copy of the Special Study Materials**

**OTHER MATERIALS REQUIRED:**

**None**

**READ INSTRUCTIONS OVERLEAF**

## **INSTRUCTIONS TO CANDIDATES**

- **Write your name, centre number and candidate number in the boxes on the first page. Please write clearly and in capital letters.**
- **Use black ink. HB pencil may be used for graphs and diagrams only.**
- **Answer ALL the questions.**
- **Read each question carefully. Make sure you know what you have to do before starting your answer.**
- **You are reminded of the importance of including relevant knowledge from ALL areas of your course, where appropriate, including the English Legal System.**
- **Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).**

## **INFORMATION FOR CANDIDATES**

- The number of marks is given in brackets [ ] at the end of each question or part question.
- The total number of marks for this paper is 80.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions 1 and 2 you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (\*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely ‘lift’ information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.

**You are reminded of the importance of including relevant knowledge from ALL areas of your course, where appropriate, including the English Legal System.**

**In answering questions use the source materials AND your knowledge of the subject.**

**Answer ALL questions.**

**1\* Discuss the significance of the case of ‘Hunter and Others v Canary Wharf Ltd’ [Source 1 page 4 Special Study Material] to the development of the law of private nuisance. [16]**

**Start writing your answer to question 1 below.  
Start writing your answer to question 2 on page 11.  
Start writing your answer to question 3 on page 27.**

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**You are reminded of the importance of including relevant knowledge from ALL areas of your course, where appropriate, including the English Legal System.**

**In answering questions use the source materials AND your knowledge of the subject.**

**2\* In Source 6 [page 17 lines 115-117 Special Study Material] John Cooke states that in ‘Hatton v United Kingdom’ “a fair balance must be struck between the interests of the individual and of the community as a whole”.**

**Discuss the extent to which the law of private nuisance strikes a fair balance between these competing interests.**

**[34]**

**Start writing your answer to question 2 below.  
Start writing your answer to question 3 on page 27.**

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[illegible]



























**You are reminded of the importance of including relevant knowledge from ALL areas of your course, where appropriate, including the English Legal System.**

**In answering questions use the source materials AND your knowledge of the subject.**

**3 Consider whether or not the following claimants are likely to succeed in an action for private nuisance:**

- (a) Asif rents a house directly opposite the Clam Oil Refinery which is generally only busy during the day time when Asif is at work. However, in order to maximise their profits the oil refinery has recently introduced nightshifts to increase production. Now all night long there is noise from the petrol tankers coming and going and light from the bright floodlights which stop Asif being able to sleep. (10)**
- (b) Belinda has recently bought a terraced cottage in the countryside. Belinda teaches piano and plans to make a living working from home giving music lessons. Her neighbour, Charlie, does not like the music and, every time a pupil starts a lesson, Charlie starts playing his heavy metal music loudly enough to disturb Belinda's lessons. (10)**

**(c) Christov is an artist. His uncle allows him to use a studio at the bottom of the garden in his cottage as it is close to the cliffs and has beautiful sea views for Christov to paint. The cliffs have been slowly eroding for many years but Christov feels perfectly safe as the local council keeps a regular check on the condition of the cliffs. One day Christov enters his uncle's garden only to find the studio and half of the garden has fallen into the sea in a sudden landslide. (10)**

**[30]**

**Start writing your answer to question 3 below.**

**Write the number of the part question (a), (b) or (c) in the margin.**

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