



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Level

LAW

9084/42

Paper 4 Law of Tort

May/June 2011

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 Evaluate the usefulness of the current rules relating to liability for secondary victims in the tort of negligence. [25]

- 2 The basic principle in tort is that wrongdoers should be liable for their own actions.
In the light of this assertion, critically evaluate the reasons why vicarious liability should be imposed. [25]

- 3 Entry to another's land without permission is never justifiable and is always actionable per se.
Discuss the above view of the tort of trespass to land. [25]

Section B

- 4 Larssen plays for the Metros ice hockey team. During a match against the Bulldogs, Larssen finds himself playing against Pedersen, his former chemistry teacher. He has always had a grudge against Pedersen for giving him poor grades at school.

Larssen discovers that Pedersen is a very good player and finds it very difficult to play against him. After one particular incident on the ice, Larssen verbally threatens to injure Pedersen. Later in the match, after Pedersen has scored two goals against the Metros, Larssen takes the opportunity to tackle him fiercely and consequently Pedersen suffers two broken ribs. Pedersen is unable to work for twelve weeks and loses income amounting to £10 000.

Pedersen sues Larssen in trespass to the person. Advise Larssen of his potential liability and evaluate any potential defences that he might raise. [25]

- 5 Waring works for an investment bank. He is having dinner in a restaurant with Houtt and other friends one evening and the conversation turns to the stock market and investments. During the conversation, Waring says that he believes that ComputerCity, a company selling personal computer solutions, is about to be taken over by a Chinese company and that ComputerCity's shares would represent a good investment as they were bound to increase in value.

Knowing Waring to be an investment expert, Houtt decides to invest £15 000 in ComputerCity shares. The market becomes unstable and the planned takeover fails to happen. Houtt loses all his money when the stock market crashes.

Discuss whether Waring can be held liable in negligence for the loss suffered by his friend Houtt. [25]

- 6 The Department of Chemistry at Loddon Valley University stores toxic chemicals in a special compound on the University campus which is surrounded by wire fencing, 3 metres high, and has a padlocked gate. Thieves break in one night and open lids of the plastic barrels that contain the chemicals, but they are disturbed when an alarm sounds and they knock over one of the barrels as they hurry to escape. The chemicals leak out of the compound and into the premises of the Loddon Valley livestock market.

Milo works in the market and is overcome by the fumes from the chemicals. He dies as a consequence of an underlying breathing problem that he has. A number of animals due to be sold at the market have to be slaughtered and disposed of when they eat feedstuff which has become contaminated by the chemicals.

Milo's wife and the owners of the animals now wish to obtain compensation from Loddon Valley University. Advise them on the legal basis for their claims and consider the likelihood of their success. [25]

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