

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2577

Law of Torts 1

Monday

19 JUNE 2006

Afternoon

1 hour 30 minutes

Additional materials:

16-page Answer Booklet

TIME 1 hour 30 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **two** questions, **one** from Section A and **one** from Section B.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the numbers of the questions you answer on the front of your answer booklet.

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 **100 (50 per question)**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This question paper consists of 2 printed pages.

Answer two questions, one from Section A and one from Section B.

Section A

Answer one question from this section.

- 1 'The Occupiers' Liability Act 1957 is a statutory form of negligence.'

Discuss the provisions of the Occupiers' Liability Act 1957 in the light of the above statement.

[50]

- 2 'It is plainly unfair to impose liability on a person who has not actually committed the wrong.'

Discuss the way that the courts apply the rules of vicarious liability in the light of the above statement.

[50]

Section B

Answer one question from this section.

- 3 Marquis attends Rottengrove Comprehensive School. Marquis is small and is frequently bullied by larger boys. His parents have often complained to the headmaster but the school has done nothing to prevent the bullying. Recently Marquis was thrown off the wall-bars by other boys during gym class. He broke his elbow in the fall and also banged his head.

Marquis was taken to the Rottengrove Hospital where a junior doctor ordered X-rays of his elbow, which was then put in plaster. The doctor failed to examine Marquis' head. Marquis suffered severe headaches for the next week and eventually lost consciousness. Doctors then carried out a brain scan which revealed that Marquis now has massive brain damage. Tests have shown that if his condition had been diagnosed at once he could have been treated and would have made a complete recovery.

Consider any possible claims that may be made against Rottengrove Comprehensive School or Rottengrove Hospital for Marquis' injuries. [Do not discuss trespass to the person] [50]

- 4 At a recent sports event, a company, Fire-Crackers, was hired to conduct a fireworks display before the game. Through Fire-Crackers' negligence, one firework shot directly into the crowd. It hit Raj in the face. He suffered severe burns. The firework narrowly missed Raj's girlfriend Jasbir, who was sitting beside Raj. Jasbir now suffers from post traumatic stress disorder following the incident.

Les, a first aider, attended to Raj before an ambulance arrived. Les was so shocked by the state of Raj's injuries that he also suffers from post traumatic stress disorder and can no longer work.

Raj's mother Manjit was telephoned immediately by Jasbir and saw Raj being carried into hospital from the ambulance within one hour of the incident. Manjit was upset at Raj's injuries and now has lost her appetite for food and feels generally unwell.

Advise Jasbir, Les and Manjit whether each may succeed in any claims against Fire-Crackers for their injuries.

[50]