

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2578

Law of Torts 2

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.

- 1 Discuss the factors that limit the effectiveness of the tort of private nuisance. [50]
- 2 'The difficulties of bringing a successful claim in the tort of Rylands v Fletcher remain unaltered by the judgment in Transco plc v Stockport MBC.'
- Discuss the accuracy of the above statement. [50]

Section B

Answer one question.

- 3 Pierre and Luigi are the favourites to win an important cycle race. Luigi knows that Pierre is more likely to win and so decides to run into Pierre's bicycle early in the race to take him out of it. When Luigi does so, Pierre is forced into a wall. He breaks several ribs in the collision and is taken to hospital.

A few days later Luigi, feeling guilty, comes to visit Pierre in hospital to apologise. Pierre is so angry when he sees Luigi that he threatens to leap out of bed and kill Luigi, despite the fact that, unknown to Luigi, Pierre is too weak to move easily. Nurse Ratchett, fearing a real confrontation, pushes Luigi roughly out of the room and locks Pierre in his hospital room. She returns twenty minutes later and unlocks the door.

Consider any potential claims in trespass to the person in the above situation. [50]

- 4 Katie, aged fifteen, owns a poisonous Mexican scorpion which she keeps in a glass case. Katie's friends, Michelle and Sophie, are staying with her. Despite being warned against going too near, Michelle wants to see the scorpion close up and holds the case to her face. The scorpion moves quickly and in fear Michelle drops the case. The case shatters and the scorpion runs into the kitchen where it stings Sophie's leg causing her severe injury.

Katie also has a pet cat, Tibs, that has just had a litter of kittens. Michelle runs into the kitchen when she hears Sophie crying out from the scorpion sting. The scorpion runs past Tibs and the kittens and under the cooker. Tibs hisses at the scorpion and then leaps at Michelle scratching and biting her quite severely. Tibs has never behaved violently before.

Consider any possible claims that can be made under the Animals Act 1971 in the above situation. [50]