

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS
ADVANCED GCE**

G158

LAW

Law of Torts Special Study

FRIDAY 25 JUNE 2010: Morning

DURATION: 1 hour 30 minutes

SUITABLE FOR VISUALLY IMPAIRED CANDIDATES

Candidates answer on the Answer Booklet

OCR SUPPLIED MATERIALS:

16 page Answer Booklet

Clean copy of the Special Study Materials

OTHER MATERIALS REQUIRED:

None

READ INSTRUCTIONS OVERLEAF

INSTRUCTIONS TO CANDIDATES

- **Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.**
- **Use black ink. Pencil may be used for graphs and diagrams only.**
- **Read each question carefully and make sure you know what you have to do before starting your answer.**
- **Answer ALL questions.**
- **Write the numbers of the questions you answer on the front of your Answer Booklet.**
- **You are reminded of the importance of including relevant knowledge from ALL areas of your course, where appropriate, including the English Legal System.**

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 and your use of appropriate legal terminology (QWC). 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 decision in the case of *Wheat v E Lacon & Co. Ltd* [Source 2 page 3 Special Study Material] to the development of the law on occupiers' liability. [16]

2* In Source 5 [page 15 lines 59-62 Special Study Material] Lord Hoffman suggests that *"it will be extremely rare for an occupier of land to be under a duty to prevent people from taking risks which are inherent in the activities they freely choose to undertake upon the land"*.

Discuss how accurately the above statement reflects the way in which the courts have developed the rules on the duty owed by an occupier to trespassers to his land. [34]

3 Consider whether a successful claim under the Occupiers' Liability Act 1957 is possible in each of the following situations against the Professional Academy:

- (a) Quentin, an expert on local history, is contracted with the Professional Academy to deliver a lecture on 'Local Legends'. As he begins to speak a large spotlight falls from the roof of the Professional Academy lecture theatre, injuring Quentin. The light has recently been installed by Oliver, an unqualified electrician. (10)**
- (b) Reggie, an electrical contractor, is contracted by the Professional Academy to install a new spotlight. Reggie connects the new spotlight without switching the electricity supply off. He receives an electric shock, and falls off his ladder suffering a broken leg. (10)**
- (c) Sara, the four-year-old daughter of the Professional Academy receptionist, regularly comes to work with her mother. Sara wanders off when her mother is on the phone and injures her foot on a rusty nail sticking out from a floorboard. (10)**

[30]

[Total marks 80]

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