

ADVANCED GCE

LAW

Law of Torts Special Study

G158

Candidates answer on the answer booklet.

OCR supplied materials:

- Clean copy of the Special Study Materials
- 16 page answer booklet (sent with general stationery)

Other materials required:

None

Thursday 23 June 2011
Afternoon

Duration: 1 hour 30 minutes



INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the spaces provided on the answer booklet. Please write clearly and in capital letters.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- Answer **all** the 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.
- Do **not** write in the bar codes.

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.
- This document consists of **4** pages. Any blank pages are indicated.

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 development made to the law on trespass to the person by the case of *Herd v Weardale Steel, Coal and Coke Co.* [Source 5 page 6 Special Study Materials]. **[16]**

2* In Source 6 [page 7 line 1 Special Study Materials] the author suggests that “*the remaining importance of trespass to the person is in the area of civil liberties ...*”.

Discuss the extent to which judges have succeeded in protecting ‘civil liberties’ in developing rules in the tort of trespass to the person. **[34]**

3 Consider the possibility of successful claims in trespass to the person in each of the following situations:

(a) Dick is watching East City play Far Town in a professional football match. His team, East City, is losing 6-0 at half time so he wants to leave but the stewards will not open a gate to let him out. **(10)**

(b) Gus, another East City fan, runs to the front of the stand and, while two stewards hold him back, he shouts at the East City goalkeeper “You’re useless! I’ll kill you if I get hold of you!” **(10)**

(c) Gus struggles to get away from the stewards so one of them, Henry, punches Gus in the face as hard as he can. The punch breaks Gus’ cheek bone and some of this bone goes into Gus’ eye, blinding him in that eye. **(10)**

[30]

[Total marks 80]

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