

Wednesday 25 January 2012 – Morning

A2 GCE LAW

G158/01 Law of Torts Special Study

Candidates answer on the Question Paper.

OCR supplied materials:

- Clean copy of the Special Study Materials

Other materials required:

None

Duration: 1 hour 30 minutes



Candidate forename		Candidate surname	
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Centre number							Candidate number				
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- 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 **24** 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 relevance of the case of *Network Rail Infrastructure Ltd (formerly Railtrack PLC) v CJ Morris (trading as Soundstar Studio)* [Source 2 page 3 Special Study Material] to the development of the law of private nuisance. **[16]**

Start writing your answer to question 1 below. Start writing your answer to question 2 on page 7.
Start writing your answer to question 3 on page 17.

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A vertical solid line is positioned on the left side of the page. To its right, there are 25 horizontal dotted lines spaced evenly down the page, providing a guide for handwriting practice.

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2* In Source 5 [page 6 lines 22-23 Special Study Material], Conor Gearty states that “indirectly causing physical damage to land once properly belonged to the tort of negligence” before suggesting that nuisance should be restricted to non-physical interference with enjoyment of land.

Discuss the extent to which private nuisance is an irrelevant and ineffective tort.

[34]

Start writing your answer to question 2 below. Start writing your answer to question 3 on page 17.

2*

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- 3** Consider whether or not the following claimants will be likely to succeed in an action for private nuisance:
- (a)** Alice recently bought a house opposite a sweet factory. The factory has been there for 100 years and employs lots of people. Alice viewed the house on a Saturday when the factory was closed. Having moved in Alice has realised that during the week there is a strong smell of liquorice. Many local people find this pleasant but Alice really dislikes the smell. **(10)**
 - (b)** Bob owns a cottage next to a wildlife reserve which attracts lots of birds. This summer a large flock of geese arrive and staff at the reserve feed them to encourage them to return in the future. So many geese mean that a lot of bird droppings fall onto Bob's garden, ruining his prize-winning, rare African water-lilies. **(10)**
 - (c)** Charley is 17-years-old and lives at home with her parents. She belongs to lots of social networking websites and uses her smartphone to keep in touch with her friends. The local council has recently built a large office block which has blocked the smartphone signal to Charley's house and she can no longer communicate with her friends. **(10)**

[30]

Start writing your answer to question 3 below.

Write the number of the part question **(a)**, **(b)** or **(c)** in the margin.

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