

Friday 22 June 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.

A writing template consisting of a vertical solid line on the left side and a series of horizontal dotted lines extending across the page, providing a guide for handwriting practice.

A vertical line is positioned on the left side of the page. From this line, 25 horizontal dotted lines extend across the page, providing a guide for writing.

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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In answering questions use the source materials **and** your knowledge of the subject.

2* In Source 6 [page 8 lines 62-63 Special Study Material] John Cooke states that in *Hatton v United Kingdom* “a fair balance must be struck between the interests of the individual and of the community as a whole”.

Discuss the extent to which the law of private nuisance strikes a fair balance between these competing interests. **[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 are likely to succeed in an action for private nuisance:

(a) Asif rents a house directly opposite the Clam Oil Refinery which is generally only busy during the day time when Asif is at work. However, in order to maximise their profits the oil refinery has recently introduced nightshifts to increase production. Now all night long there is noise from the petrol tankers coming and going and light from the bright floodlights which stop Asif being able to sleep. **(10)**

(b) Belinda has recently bought a terraced cottage in the countryside. Belinda teaches piano and plans to make a living working from home giving music lessons. Her neighbour, Charlie, does not like the music and, every time a pupil starts a lesson, Charlie starts playing his heavy metal music loudly enough to disturb Belinda's lessons. **(10)**

(c) Christov is an artist. His uncle allows him to use a studio at the bottom of the garden in his cottage as it is close to the cliffs and has beautiful sea views for Christov to paint. The cliffs have been slowly eroding for many years but Christov feels perfectly safe as the local council keeps a regular check on the condition of the cliffs. One day Christov enters his uncle's garden only to find the studio and half of the garden has fallen into the sea in a sudden landslide. **(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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