

Friday 14 June 2013 – 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 *Mattis v Pollock (trading as Flamingos Nightclub)* (Source 4 page 5 Special Study Materials) to the development of the law of vicarious liability. [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.

1*

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

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

2* In Source 5 (page 6 lines 27–28 Special Study Materials) Lord Millett cites Glanville Williams who states that: *“Vicarious liability is the creation of many judges who have had different ideas of its justification or social policy, or no idea at all.”*

Discuss the extent to which vicarious liability is justified in achieving the aims of social justice and apportioning blame in the light of the above statement. **[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 defendants will be vicariously liable in each of the following situations:

- (a)** Amaan picks bunches of flowers for Floral Farms. She lives in a mobile home provided as part of her employment and works irregular shifts depending on the level of orders. She is paid 20 pence per bunch and can earn what she likes according to the speed she can pick at. Floral Farms deduct tax and national insurance from her earnings. One day Amaan negligently sprays the flowers with insecticide instead of preservative. Consequently, Floral Farms is being sued by several customers who developed a nasty skin rash as a reaction to the insecticide. **[10]**
- (b)** Bruce works as a full-time employed delivery driver for Pronto Parcels. Pronto Parcels has instructed its drivers not to drive the vans over the speed limit or to give lifts to anyone who does not work for Pronto Parcels. Pronto Parcels is in competition with Kwik Couriers. Bruce damages one of Kwik Courier’s vans whilst breaking the speed limit to get to a job first. Later that day, Bruce gives a lift to Charlie who does not work for Pronto Parcels. Charlie is injured when Bruce crashes into another van having driven through a red light. Kwik Couriers and Charlie are now claiming damages from Pronto Parcels. **[10]**
- (c)** Dave is a paramedic working for Countyshire Ambulance Services. During a week’s leave, Dave goes to London and hangs around in his uniform with his first aid kit in an area with lots of nightclubs. Emily leaves one of the nightclubs in a very drunken state at 4.00 am. Dave approaches Emily and offers to assist her. Emily follows Dave up a side street where he commits a serious assault on her. Dave subsequently pleads guilty to the assault but Emily wants to seek compensation from Countyshire Ambulance Service as Dave’s employers. **[10]**

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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