



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

9084/41

Paper 4 Law of Tort

October/November 2011

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.

The number of marks is given in brackets [] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.



Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

- 1 Judicial attitudes towards the award of damages for psychiatric illness caused by negligence have softened significantly over the years.

Trace the development of case law associated with claims for nervous shock and consider the extent to which accident victims are likely to receive compensation for this form of loss today. [25]

- 2 The doctrine of vicarious liability is unfair to employers.

Critically analyse the doctrine and its application through case law and explain to what extent you agree with the above statement. [25]

- 3 The law of tort aims to protect victims from harm, to deter prospective tortfeasors and to compensate those who do suffer harm or injury.

With reference to the tort of trespass to the person, critically assess the extent to which these aims are met by the law. [25]

Section B

- 4 Peter owns a large house and he has a swimming pool in his garden. Peter's children love to have swimming parties with their friends and one day, while a party is in progress, Peter sees a number of his children's friends running along the side of the swimming pool. He calls out to them to stop running as the area surrounding the pool is slippery.

Euan, aged 8, continues to run, despite Peter's warning. He slips over, bangs his head on the ground and suffers concussion for several days.

Craig, also aged 8, finds a bottle near the pool labelled 'lemonade' and drinks some of its contents. The bottle, which Peter had failed to take away when he had finished cleaning the swimming pool ready for the party, actually contained chemicals for treating the pool water. Craig suffers severe burns to his mouth and stomach.

Advise Peter with regard to his potential liability in tort for the injuries sustained by Euan and Craig. [25]

- 5 Intercontinental Rubber owns a factory which manufactures and supplies tyres to motor manufacturing businesses located in the area.

Brian has recently become the manager of the local professional football team and he moves into a large house in the countryside approximately 1 km away from the tyre factory. He does not realise that fumes and smoke from the factory drift as far as the house when the wind blows in that direction.

Brian suffers from asthma, which can make it difficult for him to breathe, and he finds that his condition worsens as a result of the repeated inhalation of smoke and fumes from the tyre factory. The smell from the factory also makes it impossible for him to relax in his garden.

Advise Intercontinental Rubber as to its potential liability in the tort of nuisance. [25]

- 6 Jimmy buys some goats to raise on his farm. He makes sure that the area in which they are to live is secure and puts them in it. A few days later, the goats discover a gap in the fencing that separates Jimmy's farm from the property owned by Oliver.

Oliver comes home from work to find that Jimmy's goats have eaten the flowers that he had been growing for his daughter's wedding the following week. Oliver is also bitten by one of the goats when he tries to put it back into Jimmy's farm.

Discuss Jimmy's potential liability in tort for the injury and loss caused to Oliver by the goats. [25]

BLANK PAGE

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

University of Cambridge International Examinations is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.