



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

9084/04

Paper 4 Law of Tort

October/November 2008

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 Contributory negligence and volenti non fit injuria are very similar in nature and effect.
Analyse these defences in tort and explain the extent to which you agree with this statement. [25]

- 2 Compare and contrast the torts of private nuisance and trespass to land. [25]

- 3 With reference to case law, analyse the extent to which the rules relating to causation and remoteness achieve their aim of compensating a claimant's loss in tort. [25]

Section B

- 4 Six months ago, Adrienne fell to her death when her harness broke during a sponsored abseil down the side of Tower Bridge in London. The event to raise money for local charities was televised live by the Greater London Broadcasting Company and viewers were clearly able to see the accident as it happened. Christopher was responsible for checking the harnesses of the participants but it appeared that Christopher had negligently failed to check the harness that Adrienne used.

Adrienne's sister Shelly and her friend Nigel were watching the event from a boat on the river flowing beneath the bridge and saw her fall.

Adrienne's mother, Gill, was not present, but had to go to the hospital several hours later to formally identify her body.

Adrienne's grandfather, Paul, saw the accident on live television.

Shelly, Nigel, Gill and Paul have all been diagnosed as suffering from various forms of depression and other psychiatric problems.

With reference to case law, advise Christopher regarding his liability in negligence towards each of them. [25]

- 5 Philippe purchases an old house to repair and redecorate. He decides to do most of the work himself and to rely on the services of specialists when he is unable to do particular aspects of the work.

During the course of the renovations, several people enter the premises and sustain injuries while they are there.

Philippe's friend, Jean, visits the house on several occasions with his young daughter, Elise. On their third visit, Elise falls over some tools that Philippe has left scattered on the floor of the living room and breaks her wrist. Philippe had warned Jean and Elise orally that they should take care whilst in the house.

Philippe employs the services of a firm of builders to mend the underground drains to the property. Two people suffer injury when they fall into a hole left uncovered by the builders. Michel is a courier who breaks his leg when he falls in the hole when delivering a parcel to Philippe. One week later, Louis a neighbour sustains concussion when he falls into the hole while taking a short cut home across Philippe's garden after dark.

With reference to appropriate statute and case law, advise Philippe regarding his liability for the injuries sustained by Elise, Michel and Louis. [25]

- 6 Oxford Athletic and Cambridge Rovers are rival soccer teams and have to play one another in the semi-final of the National Cup competition. During the course of the game, Athletic's striker Michael is tackled badly by Rovers' defender John and sustains a severe cut to his knee. The two get to their feet and Michael raises his fist and threatens John verbally that if he does it again, he will hit him. Later in the game, another incident occurs between the two of them and this time, John gets up from the tackle and kicks Michael in the head while he is still on the ground. Michael has to be carried from the field with a fractured skull. As a result of the injury he has to stop playing professional football.

With reference to case law, assess the potential liability in tort of both John and Michael. [25]

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