

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS**

**Advanced GCE**

**LAW**

**2578**

Law of Torts 2

Wednesday      **19 JANUARY 2005**      Morning      1 hour 30 minutes

Additional materials:  
16-page Answer Booklet

**TIME**    1 hour 30 minutes

**INSTRUCTIONS TO CANDIDATES**

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **two** questions, one from Section A and one from Section B.
- If you use additional sheets of paper, fasten these securely to the answer booklet.

**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 **100 (50 per question)**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

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**This question paper consists of 2 printed pages.**

Answer two questions, one from Section A and one from Section B.

### Section A

Answer one question from this Section.

- 1 'Critically assess the extent to which the law of private nuisance creates an effective balance between the rights of neighbours in their respective use of land. [50]
- 2 Consider the extent to which the tort of trespass to land is an effective means of protecting the fundamental right of privacy. [50]

### Section B

Answer one question from this Section.

- 3 Two businesses share the same premises on a retail park. Bright Light plc sell light fittings from the first floor. Chemi-Kaze plc sell industrial chemicals and store large quantities of chemicals in the ground floor. A wiring fault in Bright Light causes a fire which escapes down to the ground floor causing damage to Chemi-Kaze. Firemen put out the blaze.

Chemi-Kaze leave large containers of chemicals outside the back door while repairs are taking place to the premises. Some of the containers have become damaged in the fire causing rust to develop. Vandals also knock over some of the containers and unscrew the caps. The chemicals from all the containers then seep out and run along the ground and down a slope and escape into the next unit, Flower Power, a garden centre. The chemicals kill many of Flower Power's stock of plants valued at several thousand pounds.

Discuss the potential liability of Bright Light to Chemi-Kaze and of Chemi-Kaze to Flower Power including any possible defences. [50]

- 4 A ladies' football league cup final is being contested between two teams, the Wanderers and the Lilywhites. In an early chance the Wanderers' striker, Emma leaps to head the ball and clashes heads with the Lilywhites' goalkeeper, Vicki, causing a gash under Vicki's eye. Vicki turns on Emma waving her fists and shouting 'I'll make sure nobody will want to see your pretty face in future'. The next time Emma has a chance of a shot on goal Vicki rushes towards her to prevent a goal. Fearing that Vicki is going to attack her, Emma punches Vicki in the face, knocking her unconscious. The referee immediately sends Emma off. Emma is so angry with this that an official, Uriah, has to drag her off the field, and he then locks her in the dressing room till the end of the match.

Advise Vicki and Emma of any claims that either of them may bring in the tort of trespass to the person. [50]