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.

- Read each question carefully and make sure you know what you have to do before starting your answer.

- 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.**

This question paper consists of 2 printed pages.

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

Section A

1   Consider the extent to which the principles used to determine the standard of care in negligence are fair to both claimant and defendant. [50]

2   Fear of 'opening the floodgates' has led to restrictive rules regarding secondary victims. As a result they are treated unfairly by comparison to primary victims who suffer nervous shock (psychiatric damage).

Discuss the accuracy of the above statement. [50]

Section B

3   Clive and Jennie are invited to speak at a conference of law students in the Superposh Hotel and decide to stay at the hotel the night before the conference. After his evening meal, Clive decides to take a swim in the hotel pool. A notice on the door to the pool reads "Danger. No entry permitted when unattended." Clive enters anyway. He cannot find the light switch but takes his clothes off and jumps into the pool, which has been emptied for cleaning. Clive hits the bottom of the pool, injuring himself and wrecking his expensive watch.

Next day at the conference, Jennie switches on the overhead projector. The machine explodes in flames setting fire to Jennie's blouse and burning her arms and face. The explosion is caused by a fault in the wiring in the room, which has recently been rewired for Superposh by Lightning Electrics Co.

Advise both Clive and Jennie of any claims under occupiers liability that they may make against Superposh Hotel or Lightning Electrics. [50]

4   Sid works as a driver for Sunnydale, a children's home. Although Sid is paid for his work, he pays his own tax and national insurance. He drives Sunnydale's minibus and works set hours making it difficult for him to take driving jobs elsewhere.

Sid often takes children to hospital for check-ups. Under the terms of this contract Sid is forbidden from smoking during working hours. On one visit to Eastshires Hospital he lights a cigarette while he is waiting during the child's check up. He carelessly drops his cigarette on the floor of the waiting room causing the carpet to catch fire.

Sometimes Sid has to sleep over at Sunnydale when he is due to take children on an outing the next day. It has recently come to light that on one such occasion Sid sexually abused one of the children, Henry.

Advise Eastshire Hospital and Henry of any actions that they may have against Sunnydale. [50]