

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2578

Law of Torts 2

Monday

20 JUNE 2005

Afternoon

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.
- 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 'The various requirements developed by the courts for a claim in *Rylands v Fletcher* mean that the possibility of success is slim.'
- Discuss the accuracy of the above statement. [50]
- 2 Discuss the extent to which the Animals Act 1971 ensures that a person who keeps animals, of whatever type, is liable for any damage caused by the animal. [50]

Section B

- 3 'Crasher', is known as 'the ugliest man in rugby', because of the number of times his nose has been broken. In one game he is tackled by 'Blocker'. Crasher lands heavily, he bangs his head on the ground and is knocked unconscious. He is taken immediately to the hospital, where x-rays reveal a fractured skull and a piece of bone wedged in his brain. Doctor Foster operates immediately to prevent possible brain damage.

The x-ray also reveals that his nose could be reset, which would improve his looks, so Doctor Foster does this while Crasher is still unconscious. When he regains consciousness, Crasher is furious since he says his straightened nose will ruin his hard man image. Although his head is held in a restraint, Crasher nevertheless waves his fists at Doctor Foster threatening that he will break Doctor Foster's nose.

Advise Crasher of any claims he may have against Blocker and Doctor Foster, and whether Doctor Foster has a claim against Crasher. (Do not consider the liability of the hospital.) [50]

- 4 Pablo is an artist. He lives in a quiet country village and a year ago received local authority planning permission to convert an old brick outhouse into a studio for his sculpture. He makes these by cutting up scrap machinery and welding it into different shapes and uses special paints to colour them.

The noise and smell from the welding and the fumes from the paint have upset his neighbour, Gladys, who has complained that she cannot sit in her garden in the summer as a result. The fumes have also killed some of Gladys' favourite plants.

Pablo also paints nudes and Gladys is very distressed at the number of young women who come to his house on a daily basis to model. She complains that it is lowering the tone of the neighbourhood.

Advise Gladys whether she may have any remedies against Pablo. [50]