

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2579

Law of Torts Special Study

Wednesday

22 JUNE 2005

Morning

1 hour 30 minutes

Additional materials:

- 16-page Answer Booklet
- Special Study Material

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 **all** questions.
- 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**.
- **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.

You are reminded of the importance of including relevant knowledge from all areas of your course, where appropriate, including the English Legal System.

Answer all questions.

- 1 In Source 1 [page 3 lines 52–53 Special Study Materials] the author suggests that the main problem with statutory interpretation is that “ the intention of Parliament must be established primarily from the words used by Parliament ”

Compare the literal and purposive approaches to statutory interpretation, in light of the above statement. [30]

- 2 Discuss the extent to which the decision in *Froom v Butcher* [Source 11 page 8 Special Study Materials] can be said to represent Parliament’s intention in the Law Reform (Contributory Negligence) Act 1945. [15]

- 3 In Source 8 [page 7 lines 2–4 Special Study Materials] Stephenson LJ cites Lord Wright in *The Oropesa* where he said: “ To break the chain of causation it must be shown that there is ... something unwarrantable, a new cause which disturbs the sequence of events, something which can be described as either unreasonable or extraneous or extrinsic. ”

Discuss the extent to which judges only accept that the chain of causation is broken when the intervening event is ‘unreasonable’, in light of the above statement. [25]

- 4 Consider how issues of causation in fact will affect each of the following potential claims:

a) Playing in a football game, Nathan badly injures his hip. Nathan is taken to hospital where the doctor, Harold, negligently fails to take X-rays. Nathan returns to hospital a week later, still in great pain. An X-ray reveals a fracture which has led to a permanent disability. Expert opinion is that there would have been a 50% chance of Nathan recovering if the injury had been diagnosed at once. [10]

b) Dean, another footballer, suffers multiple fractures to his right leg when Lee negligently drives into him while he is walking along the pavement. Dean has to give up football for a low paid job in the ticket office. Dean issues a claim for negligence against Lee. Before this can be heard, Dean suffers another injury to the same leg in a car crash caused by Jason’s negligence. As a result of the crash Dean’s leg has to be amputated. [10]

c) George, a footballer, suffers a knee injury and is given regular pain killing injections. United Football Club continue to select him for the team. He then transfers to City Football Club who, knowing of his injury, also give him pain killing injections and select him to play. George now has to retire with a permanent knee disability. It is uncertain whether the disability would have resulted from the original injury but doctors are sure that continuing to play has increased the chances of him suffering the disability. United Football Club no longer exists. [10]

[30]