

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced GCE

LAW

2578

Law of Torts 2

Thursday **19 JANUARY 2006** 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.
- 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.
- Write the numbers of the questions you answer on the front of your 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

Answer one question from this section.

- 1 'It can be argued that there is little difference between liability for dangerous species and for non-dangerous species under the Animals Act 1971'.

Discuss the accuracy of the above statement. [50]

- 2 Discuss the extent to which trespass to the person is more effective as a means of compensating victims than as a general deterrent. [50]

Section B

Answer one question from this section.

- 3 Tom and Jack own adjoining semi-detached houses. Tom has planning permission to build an extension at the rear of his house. Jack allows Tom to take down the fence between the two properties. He also allows the builders to walk on his back garden while work is in progress. The builders dig a trench and put in foundations which extend thirty centimetres under Jack's garden.

Jack complains to Tom that the builders are leaving building materials on Jack's garden which are damaging his plants. He also complains that a large sign advertising the builders' name has been put in Tom's front garden but overhangs the fence into Jack's front garden. Tom refuses to take these complaints seriously.

Advise Jack of any claims that he may have against Tom. [50]

- 4 Hancock is paralysed from the waist down and house-bound. For more than twenty years his main pastime has been his short wave radio transmitter which he uses each evening until he goes to bed at eleven o'clock. Karen recently bought the house next door to Hancock. The transmitter interferes with Karen's television reception.

Hancock also has a stair lift on the wall adjoining Karen's house. One day the vibrations from the lift cause a picture to fall from Karen's wall injuring Karen's twelve year old daughter Sally.

Karen retaliates by playing loud music until five o'clock each morning.

Consider the possible success of any claims against Hancock. [50]