

**ADVANCED GCE UNIT**

**2577**

**LAW**

Law of Torts 1

**MONDAY 18 JUNE 2007**

Afternoon

Time: 1 hour 30 minutes

Additional materials: 16-page Answer Booklet



**INSTRUCTIONS TO CANDIDATES**

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Write your answers, in blue or black ink, in the answer booklet provided.
- 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.
- 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 document 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 Consider the extent to which the rules on liability for a negligent misstatement are fair to both the claimant and the defendant. [50]
- 2 'Claiming as a primary victim is only a matter of proving foreseeable harm, but the rules regarding secondary victims who suffer from nervous shock (psychiatric injury) make it practically impossible for a successful action to be brought.'

Discuss the accuracy of the above statement. [50]

### Section B

Answer **one** question from this section.

- 3 Rottendean Primary School organises a 'Summer Fun Day' for its pupils. It hires a 'bouncy castle' from Toys2Rent which is placed in the main hall. Toys2Rent erect the bouncy castle but its employee inflates it with too much air. Penny and Jennifer are the first children to play on the bouncy castle. The first time that they jump on it the material bursts and both children are injured when they are tossed aside by the rush of escaping air. As she falls, Jennifer also ruins, beyond repair, an expensive watch that her parents had recently bought for her birthday.

Another child, Rowland, wanders to the back of the hall and enters an unlocked door into a storage room behind. The school has allowed Toys2Rent to place a generator in the room for a roundabout that the school has also hired. Rowland is badly burned when he touches the terminals on the generator and his jacket is ruined.

Consider any potential claims that may be made by Penny, Jennifer and Rowland against Rottendean Primary School under the Occupiers' Liability Acts. [50]

- 4 Sally has just passed her driving test. She drives too fast round a tight bend, loses control, veers onto the wrong side of the road and collides with a car driven by Pete. Pete's car is destroyed and Pete's left eye is badly injured when his windscreen shatters. Pete is taken to Bent Cross Hospital where doctors diagnose that his eye needs to be removed. Doctor Burns, the surgeon, removes the wrong eye leaving Pete totally blind.

On the same day, Doctor Burns also operates on another patient of Bent Cross Hospital, Jim, to remove a cancerous tumour in Jim's bowel. The operation is successful but Doctor Burns carelessly omits to stitch up the wound in Jim's intestine. Another operation is impossible because Jim also suffers from asthma and the risk of post operative shock is too great. Jim dies six days later from an infection from the wound in the intestine.

Advise Pete of any claims that he may make in negligence against Sally and Bent Cross Hospital and advise Jim of any claim in negligence he may make against Bent Cross Hospital.

[Do not discuss vicarious liability] [50]

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