UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

LAW **9084/04**

Paper 4 Law of Tort

October/November 2004

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write your Centre number, candidate number and name on all the work you hand in.
Write in dark blue or black pen on both sides of the paper.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one question from section A**, **one from section B** and **one other**, thus making a total of **three** responses required.
At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [ ] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.

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Candidates must attempt **one** question from section A, **one** from section B and **one other**, thus making a total of **three** responses required.

Section A

1 Compare and contrast the torts of trespass to land and private nuisance. [25]

2 The Law of Torts encourages us to take care in what we do and discourages us from doing anything likely to be dangerous to others.

Critically assess whether these aims are achieved by the rules that determine the standard of care in the tort of negligence. [25]

3 According to s37, Supreme Court Act 1981, a judge may only award an injunction as a remedy when it is considered just and convenient to do so.

Using examples of cases from the Law of Torts, evaluate the circumstances under which injunctions have been awarded as remedies. [25]

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Section B

4 George moves into a new house, but is unaware of how close it is to the local racecourse, at which horse-racing takes place on alternate Saturdays all the year round and two evenings a week during the summer months. He is unprepared for the disruption and noise caused by spectator traffic arriving, parking and leaving the race meetings.

Discuss the racecourse owners' potential liability towards George and critically evaluate the remedies provided by English Law in such instances. [25]

5 A van driver was delivering a jar containing a virus to a local laboratory. He was driving too quickly and the van overturned on a bend in the road. The jar was broken in the accident and the virus escaped into the air. It was later established that this incident caused an outbreak of a disease amongst sheep in the area. As a consequence, many farmers had to have entire flocks of sheep slaughtered and burned in order to stop the spread of the disease. In addition, a number of local auctioneers lost income as sheep could not be bought or sold for many months.

Discuss the liability of the van driver for the losses incurred by the farmers and the auctioneers. [25]

6 Henri is a trained electrician. He is asked to visit Albert's restaurant to repair some faulty wiring in the restaurant's cellar. Albert explains the problem and shows Henri the entrance to the cellar. Henri starts to carry out repairs, but he receives an electric shock. He manages to complete the work but, on climbing the wooden steps out of the cellar, the steps break and he injures his back as he falls to the floor.

Discuss Albert's potential liability as occupier of the premises for the two injuries received by Henri. [25]

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