



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

9084/04

Paper 4 Law of Tort

May/June 2007

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.

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.



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 'The Occupiers' Liability Act 1984 states that an occupier has a duty to persons other than visitors to take such care as is reasonable in the circumstances to see that they do not suffer injury on the premises.'

Examine the circumstances that led to this legislation and critically assess whether the liability imposed on occupiers by this Act is fair. [25]

- 2 'The test for remoteness of damage is essential, but its application is too uncertain in an action in negligence.'

Critically evaluate the truth of this statement. [25]

- 3 The courts use different approaches when assessing pecuniary and non-pecuniary losses suffered by claimants in tort. Discuss these various approaches. [25]

Section B

- 4 Andrew and Tim are tennis rivals who are to play each other in the final of the Masters Tournament. The evening before the match, Andrew is having a coffee with his girlfriend in a local café when he is approached by Greg, one of their team-mates in the national tennis squad. Greg tells Andrew that he is going to get beaten easily by Tim in the final and Greg becomes increasingly abusive. Andrew raises his fist as if to hit Greg, but says "If my girlfriend wasn't here, I would not take this abuse from you!" and then lowers it again. Following further abuse, Andrew grabs Greg, raises his fist and hits him in the face. As a consequence of injuries sustained, Greg is unable to play tennis for 2 weeks and sustains a personal loss of £5000. Greg now wishes to seek compensation for his injuries and financial losses.

Advise him whether he has grounds for any claim in tort and assess the likelihood of the success of his claims. [25]

- 5 Rohan collects antique cricket equipment and he sees an interesting cricket cap for sale in a shop selling second-hand goods. Rohan asks Jahangir, a friend who has been an antiques dealer for some years, to tell him how much the cap is worth. The seller agrees to sell the item to Rohan for the price suggested by Jahangir's valuation. Rohan now discovers that Jahangir's valuation was too high and that the cap is almost worthless.

Consider the potential liability in tort for the financial loss sustained by Rohan in the situation above. How successful might any defences be? [25]

- 6 Jones and Meredith are neighbours in Cambridge. Jones frequently holds loud parties that go on late into the night. Meredith has often complained to Jones about the noise that keeps him awake but Jones has ignored him. Last weekend, Jones held a party in his house and, at 2 o'clock in the morning, Meredith went to complain to Jones and had an argument with him. Jones became so angry during the argument that he threatened to hit Meredith if he did not leave his premises. Meredith refused to leave when asked to do so by Jones, so a friend, Evans, helped Jones to lock Meredith into Jones' garage for the remainder of the night.

Consider the potential liability in tort of Jones and Evans for their respective actions and the likely success of any defences that might be raised against any claim brought by Meredith. [25]

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