



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS  
General Certificate of Education Advanced Level

**LAW**

**9084/04**

Paper 4 Law of Tort

**October/November 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 'Bystanders who have no relationship with the primary victims of an accident are very unlikely ever to be able to sue successfully for psychiatric injury experienced as a result.' (Elliott & Quinn: Tort Law, 2003)

With reference to relevant case law, discuss the limitations imposed by the courts in instances of nervous shock sustained by secondary victims. [25]

- 2 'The tort of nuisance sets out to protect the right to use and enjoy land without interference from others and to balance such rights between neighbours.'

Critically assess the extent to which you consider that this aim is achieved. [25]

- 3 Critically analyse the protection offered by the tort of trespass to the person and its impact on personal freedom. [25]

**Section B**

- 4 Omar was employed by Gulf Estates Ltd as a steel erector. Whilst at work, he fell 20 metres; no safety harness had been supplied by his employer. He was taken to hospital where he was examined immediately by a doctor, who said he had broken his left hip and damaged his right knee. He was given painkillers and then left to await further attention. He died while waiting for further treatment. The cause of death was bleeding caused by internal injuries.

Omar's wife now wishes to sue for compensation for her husband's death. Advise Gulf Estates Ltd and the hospital staff as to their potential liability. [25]

- 5 The Dimple Gold Cup is a horse race that takes place at the famous Braintree racecourse in England. On the day of the race the horses were being loaded into the stalls from which they were to start the race when two of them reared up and threw their jockeys to the ground. One of the jockeys, Bob Jameson, badly damaged his spine in the fall. His horse, Whisky Galore, ran across the racecourse, leapt the surrounding fencing and knocked over and trampled several spectators before being caught. One of the spectators, Gemma Grouse, sustained two broken legs in the incident.

Consider the liability of the race organisers and the owner of Whisky Galore and whether they can successfully defend any action taken against them by Bob or Gemma. [25]

- 6 Kelly visits a lake in her local park on which boating and other activities are allowed by its owners, Glendale Borough Council. It is a very warm day, so Kelly decides that she will go for a swim, even though the Council has displayed numerous signs around the lake that say, 'Dangerous water; no swimming.' Kelly injures her back and neck when she dives in at a point where the water is too shallow.

Assess Glendale Borough Council's potential liability under the Occupier's Liability Acts 1957 & 1984 for the injuries sustained by Kelly, and whether they can successfully defend any action that might be brought. [25]

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