



Oxford Cambridge and RSA

**Tuesday 13 October 2020 – Afternoon**

**AS Level Law**

**H015/02 Law making and the law of tort**

**Time allowed: 1 hour 30 minutes**



**You must have:**

- the OCR 12-page Answer Booklet

**INSTRUCTIONS**

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **all** the questions.

**INFORMATION**

- The total mark for this paper is **80**.
- The marks for each question are shown in brackets [ ].
- Quality of extended response will be assessed in questions marked with an asterisk (\*).
- This document has **4** pages.

**ADVICE**

- Read each question carefully before you start your answer.

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**SECTION A**

**Law making**

Answer **all** the questions.

- 1 Describe the way that pressure groups **and** private members' bills influence parliamentary law making. **[10]**
  
- 2 Explain **and** illustrate how statutes are interpreted using the literal rule. **[10]**
  
- 3 Describe both the *ratio decidendi* **and** the *obiter dicta* of a judgment in the system of precedent. **[10]**
  
- 4 Discuss the disadvantages of the system of precedent. **[10]**

**SECTION B****Law of tort**

Read the scenario and answer **all** the questions.

Carl, aged 8, was visiting 'Fishy Pets' a tropical fish shop with his parents. Whilst his parents were looking at fish tanks, Carl wandered off to look around. A colourful fish with long spines caught Carl's attention. Carl put his hand into the tank to feel the spines. One of the spines punctured Carl's skin. Carl jumped back in shock and hit the back of his head hard on a fish tank and cut his hand. There was a notice on the fish tank which said "This fish has sharp spines".

The shop staff called 999 and a paramedic was dispatched. When the paramedic arrived, she treated the cut to Carl's hand. Carl said that his head hurt. The paramedic suggested that as Carl was talking he should be taken home to rest. During the night, Carl complained of a severe headache and became confused and fell into a coma. He was taken to hospital where a scan revealed a bleed on his brain. This bleed has caused permanent brain damage. An investigation found that if Carl had been properly evaluated by the paramedic, he would have been admitted to hospital where a scan would have picked up the bleed. Early medical treatment would almost certainly have allowed Carl to make a full recovery.

- 5 Explain the way in which a claim is established under the Occupiers' Liability Act 1984. [10]
- 6 Advise whether or not Carl will be able to make a successful claim under the Occupiers' Liability Act 1957. [10]
- 7 Advise whether or not the paramedic will be liable in negligence for the brain damage suffered by Carl. [10]
- 8\* Discuss the extent to which the factors taken into consideration when deciding whether there is a breach of duty are fair and provide justice for both parties. [10]

**END OF QUESTION PAPER**

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