

Modified Enlarged 18pt

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Wednesday 20 May 2020 – Afternoon

AS Level Law

H015/02 Law making and the law of tort

**Time allowed: 1 hour 30 minutes
plus your additional time allowance**

**YOU MUST HAVE:
the OCR 12-page Answer Booklet**

READ INSTRUCTIONS OVERLEAF



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 (*).

ADVICE

Read each question carefully before you start your answer.

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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