



Oxford Cambridge and RSA

Tuesday 12 October 2021 – Afternoon

A Level Law

H415/02 Law making and the law of tort

Time allowed: 2 hours



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 **five** questions in total:
Answer **one** question from Questions 1 and 2 and **one** question from Questions 3 and 4 in Section A.
Choose **one** Part in Section B. Answer the **three** questions for that part.

INFORMATION

- The total mark for this paper is **100**.
- 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.

SECTION A

Law making

Answer **two** questions (**one** from questions **1–2** and **one** from questions **3–4**).

Answer **one** question from questions **1–2**.

1 Describe the purposive approach to statutory interpretation using cases to illustrate your answer. **[10]**

2 Describe the legislative process in the House of Commons for a Bill which commences there. **[10]**

Answer **one** question from questions **3–4**.

3 Discuss the advantages of the purposive approach to statutory interpretation. **[15]**

4 Discuss the advantages of the legislative process. **[15]**

SECTION B

Law of tort

Choose **Part 1 or Part 2**.

Part 1

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Amir works from home assembling wooden corkscrews for EkoSkrewz. He can choose his own hours and is paid 50p per assembled corkscrew. Although Amir has no written agreement, twice a week a van from EkoSkrewz collects the completed corkscrews and drops off the parts for the next batch. EkoSkrewz provides and maintains all the equipment and tools Amir uses and deducts tax and national insurance from his earnings. There are strict assembly instructions set out by EkoSkrewz, but Amir decides he can make more corkscrews by taking a short-cut and not following the instructions. As a result of Amir's negligence, an EkoSkrewz customer, Leo, is badly cut.

Messyham Leisure Lakes is a nature reserve which has been created by the conversion of some disused gravel pits by Messyham Council. The lakes are a popular attraction and many local people go there to admire the wildlife and for walks and picnics. However, whilst the lakes themselves are very scenic, they are also dangerous as the water varies in depth and there are dangers from its industrial past beneath the surface. Messyham Council has gone to great lengths to provide warnings not to swim in the lakes and warnings about the nature of the dangers. They have also provided safety rangers and, where practical, barriers. Layla (aged 25) visits the lakes one hot day with some friends. She decides to show off and dives into the lake. Unfortunately, the water is shallower than she thinks, and she sustains serious injuries and ruins her expensive watch.

- 5 Advise Leo whether he will be successful if he were to sue EkoSkrewz as being vicariously liable for Amir's negligence. [25]
- 6 Advise Layla whether she would be successful if she sued Messyham Council in occupiers' liability. [25]

Essay question on the law of tort

- 7* Discuss the arguments for and against the requirement to prove fault in negligence. [25]

Part 2

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Kareem owns a cottage next door to Tom's farm in a small rural village. Tom has recently purchased a new super-spreader which he uses regularly to spread manure on the field next to Kareem's cottage. Every time he does so, Kareem's cottage is covered in manure. During the spring, pollen from Tom's crops blows over the whole village forming a layer of dust. Kareem's sixteen-year-old son, Sam, is the only person in the village with hay fever. During the spring, Sam has to keep his window shut and runs a pollen filter. However, the pollen is so dense that the filter cannot cope and constantly breaks down. This leaves Sam with expensive repair bills and acute hay fever.

Zac is a mechanic. He is also a keen environmentalist and worries that his boss at work doesn't dispose of highly corrosive battery acid properly. Once a week Zac takes the acid home and stores it in plastic vats in his garage. He intends to recycle it properly by selling it to a specialist chemical recycling company once he has accumulated enough. One night, Ben, a homeless person, breaks into Zac's garage looking for something to eat. Ben pushes the containers of acid over and they start to leak under the garage door onto the drive that Zac shares with his neighbour, Jane. The next morning, Jane finds her car tyres have all been melted by the acid. She also suffers burns to her feet when the acid eats through her shoes.

8 Advise both Kareem and Sam whether they would be successful in any potential nuisance actions they may have against Tom. [25]

9 Advise Jane whether she would be successful in an action in *Rylands v Fletcher* against Zac. [25]

Essay question on the law of tort

10* Discuss the arguments for and against the requirement to prove fault in negligence. [25]

END OF QUESTION PAPER



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