

Friday 18 January 2013 – Afternoon

A2 GCE LAW

G158/01 Law of Torts Special Study

Candidates answer on the Question Paper.

OCR supplied materials:

- Clean copy of the Special Study Materials

Other materials required:

None

Duration: 1 hour 30 minutes



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **80**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions **1** and **2** you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely 'lift' information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- This document consists of **24** pages. Any blank pages are indicated.

In answering questions use the source materials **and** your knowledge of the subject.

1* Discuss the relevance of the case of *Lister v Hesley Hall Ltd* (Source 5 page 6 Special Study Materials) to the development of the law of vicarious liability. **[16]**

1*

[illegible]

Handwriting practice lines consisting of a solid top line, a dashed middle line, and a solid bottom line. The page contains 20 rows of these lines for practice.

This image shows a blank sheet of white paper designed for writing. It features a series of evenly spaced horizontal blue lines across its entire width. A single vertical blue line runs down the left side, creating a narrow margin. The paper is otherwise empty, with no text or markings.

Handwriting practice lines consisting of a solid vertical line on the left and horizontal dotted lines for writing.

[illegible]

In answering questions use the source materials **and** your knowledge of the subject.

- Discuss the extent to which vicarious liability is fair on employers in the light of the above statement. [34]

2*

[illegible]

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Handwriting practice lines consisting of a solid top line, a dashed middle line, and a solid bottom line. The page contains 20 rows of these lines for practice.

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[illegible]

Handwriting practice lines consisting of a solid vertical line on the left and horizontal dotted lines for writing.

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In answering questions use the source materials **and** your knowledge of the subject.

3 Consider whether or not the defendants will be vicariously liable in each of the following situations:

- (a) Alice works at home making Christmas crackers. All the work which Alice undertakes and all the equipment she needs comes from Crackz Ltd. Alice works for a rate of £5 per hundred crackers. She can choose her own working hours. Crackz deduct tax and national insurance from Alice's earnings. Recently Alice negligently put too many bangers in some crackers. Consequently, Crackz is being sued by a claimant for injuries caused by an exploding cracker. [10]
- (b) Barrinder works as a full-time employed cab driver for Speedi-Cabz. Speedi-Cabz is in competition with Kwik-Karz. Speedi-Cabz has a strict rule that cab drivers are only to take one job at a time. However, Barrinder has been listening in to the Kwik-Karz radio channel and stealing its customers when he already has his own. Whilst rushing to pick up a Kwik-Karz customer from the local airport, Barrinder negligently damages the claimant's car. [10]
- (c) Craig is employed by a security firm called TuffGuyz who hire him out to TrimPrice supermarket as a security guard. Craig's role is to deal with shoplifting and TrimPrice is happy to let him run things as he likes since this maintains his authority and TrimPrice benefits from his no nonsense approach. Eddie tries to enter TrimPrice but Craig stops him. A scuffle breaks out and Craig is left looking embarrassed when Eddie beats him up before running off and threatening to return. Later that day Craig sees Eddie over the road. Craig thinks Eddie is going to try and get into TrimPrice again. Craig crosses the road and pulls out a knife which he uses to stab Eddie in the chest causing him considerable injuries which Eddie now wishes to claim for. [10]

Start writing your answer to question 3 below.

Write the number of the part question (a), (b) or (c) in the margin.

[illegible]

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[illegible]

Handwriting practice lines consisting of a solid vertical line on the left and horizontal dotted lines for writing.

[illegible]

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