



Cambridge International AS & A Level

LAW

9084/04

Paper 4 Law of Tort

For examination from 2023

SPECIMEN PAPER

1 hour 30 minutes



You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
 - Section A: answer **one** question.
 - Section B: answer **two** questions.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 75.
- The number of marks for each question or part question is shown in brackets [].

This document has **4** pages. Any blank pages are indicated.

Section A

Answer **one** question from this section.

EITHER

- 1 Anne has recently inherited a large amount of money. She asks her friend Dan, an architect, if a plot of land near her house would be suitable for building. Anne would like to purchase the land and build some houses, which she hopes to sell for a substantial profit. Dan advises her, free of charge, that the land is suitable for building. Anne purchases the land for £1 million. She then discovers that the land has regularly flooded in recent years and is therefore unsuitable for building. Anne cannot build on the land and is unable to sell it.

While driving to a meeting at the bank, Anne replies to a text on her smartphone. She loses control of the car and crashes into a wall. Anne is not injured but the wall collapses and traps Jim, who is working in his garden. Jim's wife, Mia, hears the noise of the crash and runs out of the house to find Jim lying on the ground covered in blood. Mia comforts Jim while they wait for the ambulance. Jim makes a full recovery but Mia is traumatised and is unable to return to work as a self-employed accountant for six months.

Advise the parties of their rights, responsibilities and potential remedies.

[25]

OR

- 2 Rio owns a large house with extensive grounds. He is converting the house into a small hotel. The house and grounds are not yet open to the public. Rio erects a fence around the construction site and displays a 'No Entry' sign on the locked gate. Rio is aware that a number of local teenagers have found a gap in the fence and have been entering the site late at night. Nat, aged 16, and his friends climb through the gap in the fence one night. Nat falls into a deep uncovered hole. He is taken to hospital with a head injury and a broken arm. His new smartphone is broken in the fall and cannot be repaired.

The next day, Rio goes to the hospital to enquire about Nat's condition. He is confronted by Nat's father, Pete, who tells him that if they were not in the hospital he would 'give him a good beating' for what has happened to Nat. Rio tries to leave but Pete stands in his way. Rio pushes Pete aside and runs out of the hospital.

Advise the parties of their rights, responsibilities and potential remedies.

[25]

Section B

Answer **two** questions from this section.

- 3 Discuss the view that the rule in *Rylands v Fletcher* is no more than a form of nuisance. [25]
- 4 Evaluate the rules governing causation in the tort of negligence. [25]
- 5 The defence of contributory negligence ensures that the court achieves justice by examining the conduct of both parties.
Assess the validity of the statement above. [25]

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