

OCR

Oxford Cambridge and RSA

Friday 16 June 2017 – Afternoon

A2 GCE LAW

G158/01 Law of Torts Special Study

Candidates answer on the Question Paper.

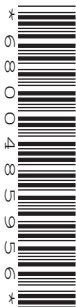
OCR supplied materials:

- Clean copy of the Pre-release Special Study Material

Other materials required:

None

Duration: 1 hour 30 minutes



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| 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. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.
- Do **not** write in the barcodes.

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.

You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

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

Answer **all** questions.

- 1* Discuss the significance of the case of *Addie v Dumbreck* (Source 6, page 8, Special Study Materials) to the development of the law of occupiers' liability. **[16]**

Start writing your answer to question 1 below. Start writing your answer to question 2 on page 7. Start writing your answer to question 3 on page 17.

1*

A series of horizontal dotted lines for writing an answer, starting from a vertical line on the left.

A series of horizontal dotted lines for writing, starting from the top of the page and extending to the bottom, with a solid vertical line on the left side.

A vertical line is positioned on the left side of the page. From this line, 25 horizontal dotted lines extend across the page, creating a series of rows for writing.

A vertical solid line is positioned on the left side of the page. To its right, there are 25 horizontal dotted lines spaced evenly down the page, providing a guide for handwriting practice.

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

2* In Source 6 (page 8, Special Study Materials), Luke Bennett states that ‘legal principles in English Law concerning occupiers’ liability towards child trespassers portray a “humanising” trend over the last 100 years’.

Discuss the ways in which the law concerning occupiers’ liability towards children has been developed over the last 100 years. **[34]**

Start writing your answer to question 2 below. Start writing your answer to question 3 on page 17.

2*

A vertical line is positioned to the left of the question number. The rest of the page is filled with horizontal dotted lines for writing.

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A vertical solid line is positioned on the left side of the page. From this line, 25 horizontal dotted lines extend across the page, creating a series of rows for writing.

A series of horizontal dotted lines for writing, starting from the top of the page and extending to the bottom, with a solid vertical line on the left side.

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- 3 Xena, Yvonne and Zoe are having a luxury break at the Midshire Manor Hotel and Spa. Consider whether Xena, Yvonne and Zoe might succeed in any claims they may make against Midshire Manor Hotel and Spa in occupiers' liability.
- (a) Xena goes for a sauna. She is electrocuted when she pours water over the sauna heater. The sauna has just been fitted by Superb Saunas, a firm of professional sauna fitters. However, it has not been wired correctly. **[10]**
 - (b) Yvonne needs to iron her dress but there is no iron in her room. She goes to a door marked 'Housekeeping – Staff Only' and enters the room thinking it will be a good place to find an iron. The light only comes on when it detects an electronic staff identity badge. In the darkness Yvonne falls over a mop and bucket breaking her arm in the fall. **[10]**
 - (c) Zoe is taking a walk in the hotel gardens when she is attacked by a swan which the hotel keeps in the grounds for decorative reasons. The hotel is aware that the swan is aggressive and occasionally dangerous but has done nothing about it. Zoe suffers cuts and bruises. **[10]**
- [30]**

Start writing your answer to question 3 below.

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

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A vertical line is positioned on the left side of the page. From this line, 25 horizontal dotted lines extend across the page, creating a series of rows for writing.

A series of horizontal dotted lines for writing, starting below the page number and extending to the bottom of the page. A solid vertical line is positioned on the left side of the page, approximately one-tenth of the way across, creating a margin.

A vertical solid line is positioned on the left side of the page. From this line, 25 horizontal dotted lines extend across the page, creating a series of rows for writing.

A series of horizontal dotted lines for writing, starting below the page number and ending above the footer text. A solid vertical line is positioned on the left side of the page, extending from the top of the dotted lines to the bottom.

END OF QUESTION PAPER

ADDITIONAL ANSWER SPACE

If additional space is required, you should use the following lined page(s). The question number(s) must be clearly shown in the margin(s).

A large rectangular area with a vertical line on the left side and horizontal dotted lines across the page, providing space for writing answers.



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