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I declare this is my own work.

# A-level (7162) LAW

## Paper 2

Nature of Law and English Legal System (25 Marks out of 100)

Tort (75 Marks out of 100)

Time allowed: 2 hours

### Materials

- You will need no other materials.

### Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

### Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.

For Examiner's Use	
Question	Mark
1–5	
6	
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<b>TOTAL</b>	



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Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each question completely fill in the circle alongside the appropriate answer.

CORRECT METHOD



WRONG METHODS



If you want to change your answer you must cross out your original answer as shown.



If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.



**0 1** In a claim for psychiatric injury brought by a primary victim, which of the following does not need to be proved?

- A** The claimant sustained a mental injury that can be shown by medical evidence.
- B** The claimant was in personal danger.
- C** The incident occurred because of the defendant's negligence.
- D** The injury would only have been suffered by a person of reasonable fortitude (reasonable courage).

[1 mark]

**0 2** In a case involving private nuisance, for which of the following can the claimant not seek a remedy?

- A** Damage to buildings.
- B** Damage to plants.
- C** Personal injury.
- D** Unreasonable interference with use or enjoyment of land.

[1 mark]



**0 3** Which type of judge normally hears appeals in the Civil Division of the Court of Appeal?

[1 mark]

**A** Circuit Judge

**B** District Judge

**C** Justice of the Supreme Court

**D** Lord Justice of Appeal C Justice of the Supreme Court

**0 4** Which of the following best describes a decision made by a tribunal? The decision is

[1 mark]

**A** binding on the parties and can be appealed

**B** binding on the parties, but cannot be appealed

**C** not binding on the parties and cannot be appealed.

**D** not binding on the parties, but can be appealed.

**0 5** In relation to a claim for vicarious liability made against an employer, which of the following is false?

[1 mark]

**A** An employer cannot be vicariously liable for any negligence on the part of an employee.

**B** An employer may be vicariously liable for an injury caused by an employee to someone who is not an employee.

**C** An employer may be vicariously liable for an injury caused by one employee to another employee.

**D** An employer need not be personally at fault to be vicariously liable.

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0 6

Explain, using examples, the role of tribunals in the English legal system.

**[5 marks]**

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**5**



0 7

Andy owned a car wash. Beth was digging up the road outside Andy's car wash. Beth had been given the plans for the road showing the location of the water pipes, but she had not bothered to look at them. Consequently, when Beth used her digger, she broke the water pipe leading to Andy's car wash. The car wash was not damaged, but Andy did lose an afternoon's earnings as he had no water to wash customers' cars.

Suggest why any claim made by Andy in respect of his economic loss would not succeed in court.

[5 marks]

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08

Nick had savings of £100 000 which he wanted to invest . Nick received through his letterbox a newsletter written by Ona, a local councillor. The newsletter updated residents on the progress of a new solar energy project just outside the town. In the newsletter , Ona explained that she was sure the solar energy project would be very profitable and she gave details as to how people could invest in the project. As a result of reading this, Nick invested his savings in the project . Later , residents found out that Ona had misunderstood the project and had failed to identify several serious defects. The project collapsed and Nick lost all his savings.

Taking into account the rules on negligent misstatement, advise Nick of his rights against Ona

[10 marks]

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**15**

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In Question 10 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion. .

1 0

Paul owned an old house. There was an outside light high up on the back wall of the house. The light was faulty, and Paul asked Ravi, an electrician, to repair it. Paul warned Ravi that the house was not in good repair and that he should take care. To reach the light, Ravi climbed through an upstairs window and stood on the narrow wooden ledge just outside. Ravi could see that the ledge was damaged. In fact, it was rotten and it collapsed. Ravi fell to the ground and broke his ankle. His injury was worse than it might have been because he had previously injured his leg in an accident playing football.

There was a large trampoline in the back garden of the house. Children, including Saffi, lived in the next-door house. Paul was aware that these children sometimes played on the trampoline and that they had damaged the springs. In order to stop the children coming into his garden, Paul would warn them to stay away every time he saw them. To further discourage the children, Paul also built a fence around his garden. However, he did not notice that there was a hole next to one of the fence posts. Late one evening, Saffi, who was 10 years old, crawled through the hole and jumped on the trampoline, which broke. Saffi injured her arm, and smashed her watch.

Taking into account the law of occupiers' liability, consider the rights and remedies of Ravi against Paul and of Saffi against Paul.

**[30 marks]**

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In Question 11 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1

Sam attended an evening drinks party at his golf club. Guests had been invited to bring along antiques to be valued. Sam took with him a small vase. He met Tina, who was giving advice on the value of antiques. Tina had been sent along by UserArt Ltd, an antiques company for which she frequently did valuation work. Tina had been instructed by UserArt to value paintings only. However, Tina ignored this instruction and examined Sam's vase. She then told him that it was only a modern copy and that it was worth about £10. Having heard this, Sam gave the vase to a local charity shop. He later discovered that the vase was a genuine antique and was worth £20 000.

Consider the rights and remedies of Sam against Tina and against UserArt Ltd in relation to the vase.

Law plays a role in society in both allowing and restricting civil claims. There are rules which restrict when a claimant can recover for pure economic loss in tort. Assess the reasons why these restrictions on recovery for pure economic loss exist.

**[30 marks]**

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Question number	<b>Additional page, if required.</b> <b>Write the question numbers in the left-hand margin.</b>
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