



Oxford Cambridge and RSA

**Tuesday 4 June 2024 – Afternoon**

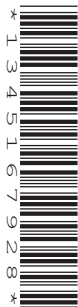
**A Level Law**

**H418/02 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 **80**.
- 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 Question 1 **or** Question 2. Then answer Question 3 **or** Question 4.

Answer Question 1 **or** Question 2.

- 1 Describe the extrinsic aids which can be used by judges when interpreting statutes. [8]
- 2 Explain original and persuasive precedents using cases to illustrate each of them. [8]

Answer Question 3 **or** Question 4.

- 3 Discuss the advantages of the influences on law-making. [12]
- 4 Discuss the advantages of the literal rule of statutory interpretation. [12]

**SECTION B****Law of tort**

Choose **Part 1** or **Part 2**.

**Part 1**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

The Smith family are on holiday at Boswin Farm Holidays. Mr and Mrs Smith have two children, Amari aged 12 years old and Ben aged three years old. Amari goes off to explore the farm and finds a barn full of broken farm machinery and rubbish. Amari finds some old rope which he decides to use to make a zip line he can slide down. He ties one end to the barn door and the other end to a nearby tree. He attempts to slide down the rope, but it is old and rotten and it breaks. Amari falls to the ground and breaks his leg. Ben wanders off to look for farm animals while his parents are busy unpacking. He slips in the mud and falls, sustaining serious head injuries.

Darcie, Emma and Heidi are all employed as delivery drivers under a contract of service by Sellan Deliveries. All of the drivers have been issued with instructions not to use unauthorised help and to drive within the law. Sellan Deliveries also offer a daily bonus for drivers who complete their deliveries promptly.

- Darcie is eager to finish her deliveries in order to earn the bonus payment. She is driving too fast between deliveries when she carelessly knocks over and injures a pedestrian, Ivan.
- Emma has picked up her 12-year-old son, Jack, to give her a hand with the deliveries as her way to speed things up and get the bonus. After one delivery, Emma drives off too quickly and the passenger door slams shut injuring Jack's hand.
- During her lunch break, Heidi decides to use the van to pick up some furniture she has bought for her flat from a store in a town five miles away. While loading the furniture, she forgets to put the handbrake on and the van rolls off and crashes into Kareem's car.

- 5 Advise Boswin Farm Holidays of their potential liability for the injuries to both Amari **and** Ben under the Occupiers' Liability Act 1957. Do **not** discuss any defences or remedies. [20]
- 6 Advise Sellan Deliveries whether they will be vicariously liable for the negligence of Darcie, Emma **and** Heidi. Do **not** discuss employment status, defences or remedies. [20]

**Essay question on the law of tort**

- 7\* Discuss the extent to which the rules on factual and legal causation in negligence are fair. [20]

## Part 2

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

An actionable private nuisance has been established in the following three cases:

- New Railz have a government contract to build a new railway line. The Environment Agency has passed the National Railway Act. The Act gives New Railz specific permission to build tunnels involving the use of heavy machinery which can cause noise and vibrations. New Railz are tunnelling through land next to Kobe's house. Kobe has established that he is suffering an actionable nuisance in respect of noise and vibrations from the tunnelling.
- Forest Splatx have operated a paint-ball centre in some countryside woodland since 1989. Jane has lived in a bungalow next to Forest Splatx since 2010. In 2019, she built an extension which is closer to Forest Splatx. As a result, it is constantly getting covered in paint for which Jane has established an actionable nuisance.
- Layla has just moved into a new house which backs onto a field. The field is used by Remotz Model Aircraft Club (RMAC) where members fly remote-controlled model aircraft. When members lose control of their models they frequently land in Layla's garden. Layla has established an actionable nuisance in respect of the interference with her reasonable use and enjoyment of her garden.

Farmer Leo is planning to retire and spend his time sailing around the world. He has purchased an old wooden sailing yacht which he is restoring in his farmyard. Because the yacht is mostly made of wood, he is having to use large quantities of marine varnish to give the yacht the multiple protective coats it needs. Every time he applies a new coat of varnish, some drips on the ground and runs into the neighbouring farm, belonging to Farmer Tom. The varnish is toxic to plants and ruins Farmer Tom's entire crop of strawberries. The fumes from the varnish are also giving Farmer Tom terrible migraine headaches.

- 8 Advise New Railz, Forest Splatx and RMAC whether they have any defences available to them in respect of the private nuisance claims which have been established against them. **[20]**
- 9 Advise Farmer Tom whether he would be successful in suing Farmer Leo in *Rylands v Fletcher* for both the ruined strawberries and his headaches. Do **not** consider any defences or remedies. **[20]**

### Essay question on the law of tort

- 10\* Discuss the extent to which the rules on factual and legal causation in negligence are fair. **[20]**

### END OF QUESTION PAPER

**OCR**  
Oxford Cambridge and RSA

#### Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website ([www.ocr.org.uk](http://www.ocr.org.uk)) after the live examination series. If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact The OCR Copyright Team, The Triangle Building, Shaftesbury Road, Cambridge CB2 8EA.

OCR is part of Cambridge University Press & Assessment, which is itself a department of the University of Cambridge.