

**ADVANCED GCE**

**LAW**

Law of Torts Special Study

**G158**

Candidates answer on the answer booklet.

**OCR supplied materials:**

- Clean copy of the Special Study Materials
- 16 page answer booklet (sent with general stationery)

**Other materials required:**

None

**Thursday 27 January 2011  
Morning**

**Duration:** 1 hour 30 minutes



**INSTRUCTIONS TO CANDIDATES**

- Write your name, centre number and candidate number in the spaces provided on the answer booklet. Please write clearly and in capital letters.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- Answer **all** the questions.
- Write the numbers of the questions you answer on the front of your answer booklet.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- 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 **4** 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 materials **and** your knowledge of the subject.

Answer **all** questions.

**1\*** Discuss the significance of the case of *Letang v Cooper* [Source 3 page 4 Special Study Materials] to the development of the law of trespass to the person. **[16]**

**2\*** In Source 4 [page 5 lines 38-41 Special Study Materials] the authors suggest that “*Ultimately, Goff LJ’s notion of generally acceptable touching [in Re F (Mental Patient: Sterilisation)] falls foul of the same definitional difficulties as Croom-Johnson LJ’s in Wilson v Pringle, what constitutes contact ‘generally acceptable in the ordinary conduct of human life’ is just as problematic as what can be considered hostile*”.

Discuss how the judges have developed rules to overcome this and other ‘definitional difficulties’ in the tort of trespass to the person in the light of the above statement. **[34]**

**3** Consider the possibility of successful claims in trespass to the person in each of the following situations:

**(a)** Andy undoes the locking nuts on Ben’s bicycle wheels so that the bike falls apart when Ben rides it. Ben suffers a broken leg in the fall. **(10)**

**(b)** Collis, aged 15, throws a stone which breaks the window of his neighbour, Dingle. Having done this, Collis runs away. Dingle, who is arthritic and who uses a walking stick to walk with, shuffles after Collis and shouts out “If it was not for my arthritis I would give you a beating young man”. **(10)**

**(c)** Eric has fallen asleep in Florence’s garden shed after stealing an apple pie from Florence’s window sill and eating it. While Eric is asleep, Florence locks Eric in the shed for several hours to teach him a lesson. However, Eric is still asleep when Florence unlocks the door. **(10)**

**[30]**

**[Total marks 80]**



**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 Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.