

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS
ADVANCED GCE**

G158

LAW

Law of Torts Special Study

THURSDAY 28 JANUARY 2010: Morning

DURATION: 1 hour 30 minutes

SUITABLE FOR VISUALLY IMPAIRED CANDIDATES

Candidates answer on the Answer Booklet

OCR SUPPLIED MATERIALS:

16 page Answer Booklet

Clean copy of the Special Study Materials

OTHER MATERIALS REQUIRED:

None

READ INSTRUCTIONS OVERLEAF

INSTRUCTIONS TO CANDIDATES

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer ALL 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.

INFORMATION FOR CANDIDATES

- The number of marks for each question 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 and your use of appropriate legal terminology (QWC). 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.**

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 extent to which the decision in the case of *Tomlinson v Congleton BC* [Source 5 pages 9-11 Special Study Material] represents a fair development of the law on occupiers' liability. [16]

2* In Source 3 [pages 6-7 lines 19-22 Special Study Material] Devlin J suggests that “... *the [occupier] may in determining the extent of his duty have regard to the fact that it is the habit, and also the duty, of prudent people to look after themselves*”.

Discuss how accurately the above statement reflects the development of the judicial and statutory law on an occupier's duty to lawful visitors. [34]

3 Liam, Matt and Neill are footballers who travel to an away game at Bromwich Town Football Club.

Consider the possibility of each of them succeeding in a claim in occupiers' liability against Bromwich Town Football Club in the following situations:

(a) After the match Liam goes to the dressing room to wash and change. Liam uses a shower cubicle with a sign on the door which reads ‘Use other

cubicles'. While showering, Liam cuts his foot on some broken floor tiles. (10)

- (b) Matt goes into the toilet. The light is off and when Matt switches it on he is electrocuted and suffers burns to his hand. The wiring in the toilets has recently been replaced by Bright Sparks Electricians. (10)**
- (c) Neill, who has travelled with the team but is not playing, decides to explore the Bromwich Town stadium. He enters a room marked 'No admittance except to staff'. The room has been overfilled with equipment and a large tin of paint, carelessly stacked, falls on Neill's head injuring him. The lid comes off the tin, covering Neill in paint and ruining his expensive suit. (10)**

[30]

[Total marks 80]

BLANK PAGE

BLANK PAGE



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, is given to all schools that receive assessment material and is freely available to download from our public website (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.