

Friday 18 January 2013 – Afternoon

A2 GCE LAW

G158/01 Law of Torts Special Study

Candidates answer on the Question Paper.

OCR supplied materials:

- Clean copy of the Special Study Materials

Other materials required:

None

Duration: 1 hour 30 minutes



Candidate forename		Candidate surname	
-----------------------	--	----------------------	--

Centre number							Candidate number				
---------------	--	--	--	--	--	--	------------------	--	--	--	--

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. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- 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 **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 materials **and** your knowledge of the subject.

Answer **all** questions.

- 1* Discuss the relevance of the case of *Lister v Hesley Hall Ltd* (Source 5 page 6 Special Study Materials) to the development of the law of vicarious 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 the answer to question 1.

A writing template consisting of a vertical solid line on the left side and 25 horizontal dotted lines extending across the page, providing a guide for handwriting practice.

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 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.

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.

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.

2* In Source 1 (page 2 lines 9–11 Special Study Materials) Howarth and O’Sullivan state that: *“The most widely accepted theory [of the justification of vicarious liability] is that the person with the power of control and direction over the actor is usually the best fitted to absorb the loss”*

Discuss the extent to which vicarious liability is fair on employers in the light of the above statement. **[34]**

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

2*

A vertical line on the left side of the page is followed by 20 horizontal dotted lines, providing a ruled area for writing the answer to question 2.

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.

A writing template consisting of a vertical solid line on the left side and 25 horizontal dotted lines extending across the page, providing a guide for handwriting practice.

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 writing template consisting of a vertical solid line on the left side and 25 horizontal dotted lines extending across the page, providing a guide for handwriting practice.

A vertical 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.

A writing template consisting of a vertical solid line on the left side and 25 horizontal dotted lines extending across the page, providing a guide for handwriting practice.

A vertical 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.

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

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.

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.

A writing template consisting of a vertical solid line on the left side, creating a margin. To the right of this line are 25 horizontal dotted lines, providing a guide for text alignment and spacing.

A vertical solid line runs down 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.

A series of horizontal dotted lines for writing, spanning the width of the page. A solid vertical line is positioned on the left side, approximately one-tenth of the way across the page, creating a margin.

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.

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.

PLEASE DO NOT WRITE ON THIS 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 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.