

CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

LAW

9084/02

Paper 2 Legal Liabilities

May/June 2003

Additional Materials: Answer Booklet/Paper

3 hours

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.
Write in dark blue or black pen on both sides of the paper.
You may use a soft pencil for any diagrams, graphs, music or rough working.
Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **three** questions. Answer **one** question from Section A, **one** from Section B and **one** from Section C.
At the end of the examination, fasten all your work securely together.
The number of marks is given in brackets [] at the end of each question or part question.
The scenarios described in these questions are entirely fictitious.

Section A: Contractual Liability

Answer **one** question only from this section.

- 1 Eazi-Glaze Ltd agreed to build a garage for Mr and Mrs Green. Incorrect measurements, poor quality product and bad weather caused significant delays in the contract. Consequently, upon completion of the work, the Greens decided to complain and to withhold payment. Eazi-Glaze thought the complaints unjustified, but, in order to get some money, they agreed to reduce the price for the job by 20% and accepted a cheque in full and final settlement. Eazi-Glaze Ltd now wish to recover the discount given.

Consider Mr & Mrs Green's contractual liability, if any, towards Eazi-Glaze Ltd in the above situation. Discuss any remedies that might be awarded. [25]

- 2 Nazia takes her coat and her husband's suit to Swift Cleaners to be dry-cleaned. She is given a ticket by the assistant in Swift Cleaners' shop that she is to give back when she collects the clothing. The ticket makes reference to the cleaning contract being subject to the company's terms and conditions. Nazia asks the assistant what the terms say and is told that they "exclude liability for damage to clothing during the cleaning process". She decides that the risk is worth taking and leaves the clothing to be cleaned. When she returns to collect the clothes, she discovers that her husband's suit has stains on it that were not there before being cleaned and that her coat has been badly torn. When she complains, another assistant points out a notice on the wall, which Nazia had not previously noticed and which excludes all liability for loss/damage caused by the cleaning process. The suit is only two months old and would cost two hundred pounds to replace. The coat is three years old and would cost one hundred pounds to replace but could be repaired for twenty pounds.

Consider Swift Cleaners' contractual liability, if any, towards Nazia in the above situation. Discuss any remedies that might be awarded. [25]

Section B: Tortious Liability

Answer **one** question only from this section.

- 3 Bill, a police officer, receives a message over his radio about a stolen car. Minutes later, he sees the car come speeding past. He jumps into his police car and, having failed to put on his seat belt, starts to chase the stolen vehicle. Seeing the police car in his rear-view mirror, Jim, the driver of the stolen car accelerates in order to avoid capture. The high-speed chase ended, when taking a bend too quickly, Bill's police car is in collision with a stationary vehicle and Bill is seriously injured.

Consider the liability in *tort* for the injury sustained by Bill in the situation above. Discuss the likely success of any defences that might be raised. [25]

- 4 Jeremy is starting to collect antique furniture and he sees an interesting item for sale in a local shop. Not knowing whether it is worth the marked price, Jeremy asks Tony, a friend who has run an antiques business for many years, to take a look at the item and to tell him how much it is worth. Tony values the item and informs Jeremy. The seller agrees to sell the item to Jeremy for the price suggested by Tony's valuation. Jeremy now discovers that Tony's valuation was incorrect and that the item is almost worthless.

Consider the liability in *tort* for the financial loss sustained by Jeremy in the situation above. Discuss the likely success of any defences that might be raised. [25]

Section C: Criminal Liability

Answer **one** question only from this section.

- 5 Throughout their ten-year marriage, George had subjected his wife, Mildred, to repeated verbal and physical abuse. He also frequently had lovers and insulted her about her lack of sexual attractiveness. One evening, both having drunk a large quantity of alcohol, they argued about him having taken a new girlfriend. The argument ended with George threatening to give her a 'good beating', but he fell asleep from the effects of the alcohol. Whilst George was asleep, Mildred went to stay at her sister's house nearby. As she was leaving, she placed a lighted cigarette down the side of the sofa on which George was asleep. The sofa caught fire and, although he awoke and managed to get out of the house, George died in hospital some hours later as a result of the poisonous fumes he had inhaled.

Consider the principal offence(s) with which Mildred could be charged in the situation above. Discuss any defences that might be raised and how they might affect any sanction imposed by the courts. [25]

- 6 Harry and Sally are very short of money. They enter a large store during opening hours and, seeing a till unattended, Sally goes behind the counter to an area reserved for shop assistants and grabs money from the open till. Harry then moves on to the next till, pulls a toy gun from his pocket and points the gun at a shop assistant and gets her to open her till. He snatches several handfuls of cash from the till before he and Sally then run out of the store.

Consider the principal offence(s) that Harry and Sally could be charged with in the situation above and whether either or both would be found guilty of the offence(s). Discuss any defences that might be raised. [25]