

ADVANCED GCE

G148

LAW

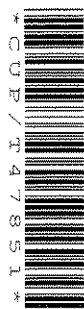
Law of Torts Special Study

FRIDAY 18 JANUARY 2008

Afternoon

Time: 1 hour 30 minutes

Additional materials: 8-page Answer Booklet
Law of Torts Special Study Materials



INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **all** the questions.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- 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 special study materials have provided a starting point for study of the topics set. Each booklet contains source material which indicates the area of substantive law to be tested. You are expected to demonstrate understanding of the area 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.
- **Quality of Written Communication (QWC)**
Candidates are reminded of the need to write in continuous prose where appropriate. You will be assessed on your written communication and your use of appropriate legal terminology.
- 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**.

This document consists of **2** printed pages.

Answer **all** questions.

- 1 Discuss the ways in which *McLoughlin v O'Brian* [Source 3 and Source 4 pages 2 and 3 Special Study Materials] developed the law on secondary victims in nervous shock.

[12]

- 2 In Source 5 [page 3 lines 10–14 Special Study Materials] the author states that '*A further difficulty is the 'floodgates' problem. Ordinary physical damage caused by negligent conduct will by its nature be limited to those within the range of impact. Nervous shock is not so limited, as persons not within the range of impact may be affected. The courts have been conscious of this problem and imposed restrictions on those who can recover.*'

Discuss the restrictions imposed by the courts on those who can claim for nervous shock in the light of the above statement.

[30]

- 3 Harminder is in labour at the Ickborough County Hospital. Due to the negligence of the doctor carrying out a forceps delivery, Harminder's baby is born with severe head injuries, suffers massive brain damage and dies shortly after the birth.

Consider the possibility of each of the following succeeding in a claim against Ickborough County Hospital.

- a) Jaspreet, Harminder's friend, was present at the birth and suffers severe depression as a result of seeing the baby's injuries. (10)
- b) Kelly, a nurse, was called to give a blood transfusion to Harminder and suffers post-traumatic stress disorder after seeing the baby's injuries. (10)
- c) Mandeep, Harminder's husband, is unavoidably out of the country on business at the time of the birth. He is told about the baby's death by telephone later that evening by Harminder and suffers grief as a result of the baby's death. (10)

[30]

QWC [8]