

ADVANCED GCE**LAW**

Law of Torts Special Study

G148

Candidates answer on the Answer Booklet

OCR Supplied Materials:

- 8 page Answer Booklet
- Law of Torts Special Study Material

Other Materials Required:

None

Friday 25 June 2010**Morning****Duration:** 1 hour 30 minutes**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 that 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.
- 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**.
- 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.
- This document consists of **2** 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.

Answer **all** questions.

- 1 Discuss the fairness of the decision in the case of *Bourhill v Young* [Source 2 page 2 lines 1-10 Special Study Material]. [12]
- 2 In Source 7 [page 4 lines 1-2 Special Study Material] the author suggests that “*The twentieth century has witnessed a steady liberalisation in the judicial attitude towards allowing recovery of damages for nervous shock* [psychiatric damage].”

Discuss how accurately the above statement reflects the attitude of the courts to claims by primary victims **and** rescuers who suffer nervous shock (psychiatric damage). [30]

- 3 Bungle Brothers is a haulage company. Through negligent maintenance of its vehicles, two tyres puncture on one of its lorries. This causes the lorry to mount the pavement, injuring several pedestrians and killing one, Amy.

Advise whether each of the following may make a successful claim as a secondary victim against Bungle Brothers:

- (a) Bratislava, Amy’s friend, is waiting to cross the road to meet Amy and witnesses the accident from the other side of the road. Bratislava suffers grief and depression as a result of seeing the incident. (10)
- (b) Charlotte, a shop assistant, comes out of her shop after hearing the bangs and screams to see what is going on. Charlotte suffers post traumatic stress disorder as a result of the scene she witnesses. (10)
- (c) Daniel, Amy’s father, is out of town on business at the time of the accident, but is immediately telephoned about his daughter’s death. Daniel suffers severe depression after identifying his daughter’s body a few hours later. (10)

[30]

QWC [8]



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