

**ADVANCED GCE
LAW**

Law of Torts Special Study

FRIDAY 20 JUNE 2008

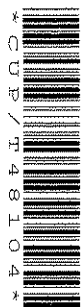
G148

Afternoon

Time: 1 hour 30 minutes

Additional materials (enclosed): Answer Booklet (8 page)
Law of Torts Special Study Materials

Additional materials (required):
None



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 significance of the case of *Dulieu v White* [Source 8 page 4 lines 9–11 Special Study Materials] to the development of the law on nervous shock. [12]
- 2 In Source 4 [page 3 Special Study Materials] Wilberforce LJ states that “*There remains . . . a real need for the law to place some limit on the extent of admissible claims. It is necessary to consider the three elements inherent in any claim: the class of persons whose claims should be recognised; the proximity of such persons to the accident; and the means by which the shock is caused.*”

Discuss how the courts have developed limits on claims for nervous shock in the light of the above statement. [30]

- 3 Rutger, his wife Siggie, and their young daughter Trudi, are travelling in a taxi driven by Uffah when they are involved in an accidental collision. Because of negligent maintenance by the taxi firm, WayToGo Taxis, both Uffah’s and Trudi’s safety belts snap. Trudi is thrown from the back of the car and through the windscreen. Trudi suffers massive head and facial injuries and dies from her injuries several weeks after the crash. Uffah is physically unharmed.

Consider the possibility of each of the following succeeding in a claim against WayToGo Taxis.

- a) Rutger suffers post traumatic stress disorder after he attends Trudi’s funeral. (10)
- b) Siggie suffers from insomnia and is no longer able to travel in cars as a result of what happened to her daughter. (10)
- c) Uffah is not physically injured. However, after seeing the injuries sustained by Trudi, he suffers a recurrence of clinical depression from which he had previously suffered but from which he had recovered. (10)

[30]

QWC [8]