



Surname _____

Other Names _____

Centre Number _____

Candidate Number _____

Candidate Signature _____

AS

LAW

Paper 2

7161/2

Thursday 24 May 2018 Afternoon

Time allowed: 1 hour 30 minutes

- | |
|---|
| <ul style="list-style-type: none">• You will need no other materials. |
|---|

At the top of the page, write your surname and other names, your centre number, your candidate number and add your signature.

[Turn over]



BLANK PAGE



INSTRUCTIONS

- **Use black ink or black ball-point pen.**
- **Answer ALL questions. You must answer the questions in the spaces provided. Do NOT write on blank pages.**
- **Do all rough work in this book. Cross through any work you do not want to be marked.**
- **Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.**

INFORMATION

- **The marks for questions are shown in brackets.**
- **The maximum mark for this paper is 80.**

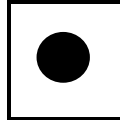
DO NOT TURN OVER UNTIL TOLD TO DO SO



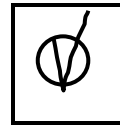
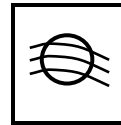
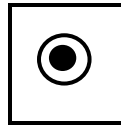
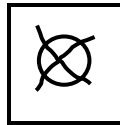
Only ONE answer per question is allowed.

For the multiple-choice questions, completely fill in the circle alongside the appropriate answer.

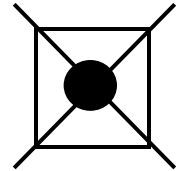
CORRECT METHOD



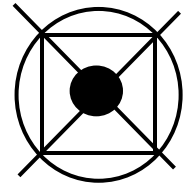
WRONG METHODS



If you want to change your answer you must cross out your original answer as shown.



If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.



0	1
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In relation to the tort of negligence, which ONE of the following does NOT owe a duty of care?

[1 mark]

A A car driver, to other drivers on the road

B A doctor, to his or her patient

C A manufacturer of a washing machine, to the eventual user of that washing machine

D A policeman, to members of the community to catch a criminal

[Turn over]



0	2
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In relation to the tort of negligence, which test is used to establish 'causation in fact'? [1 mark]

A Reasonable foreseeability

B The 'but for' test

C The 'thin skull' rule

D The three-part Caparo test



0 3

In a negligence case, the claimant is under a duty to mitigate loss.

Select ONE of the following that accurately describes that duty. [1 mark]

A To claim damages only for property losses

B To claim losses from any available insurance policy

C To declare all losses accurately

D To take reasonable steps to minimise losses

[Turn over]



0 4

In relation to causation when making a claim in negligence, a claimant must prove which ONE of the following? [1 mark]

A Both factual causation and legal causation

B Factual causation only

C Legal causation only

D Neither factual causation nor legal causation



0 5 The Occupiers' Liability Act 1957 has special rules for particular categories of visitors.

Identify which **ONE** of the following is subject to special rules. [1 mark]

A Hotel guests

B Police officers

C Specialist visitors in the exercise of their calling

D Spectators at a football match

[Turn over]



0 6

For the purposes of statutory interpretation, which of the following is NOT an extrinsic/external aid?
[1 mark]

A A case authority in which an appeal court defined a particular word in a statute

B A dictionary

C A schedule at the end of an Act of Parliament

D Hansard



07

Which ONE of the following would you normally associate with the work of the Law Commission?
[1 mark]

A The enactment of new legislation

B The proposal of reforms to the law

C The publication of Green Papers

D The repeal of legislation which is no longer needed

[Turn over]



0 8

Select the court that would normally hear the trial of a case allocated to the fast track. [1 mark]

A County Court

B Crown Court

C Magistrates' Court

D Queen's Bench Division of the High Court



0 9

In the trial of a civil claim, which ONE of the following is NOT part of the role of the judge?
[1 mark]

A Deciding the amount of compensation, if any, to be awarded

B Deciding whether any appeal should succeed

C Deciding whether the claimant or the defendant should pay legal costs

D Deciding whether the claimant should succeed in his or her claim

[Turn over]



1	0
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The Supreme Court is most likely to give permission for an appeal involving which ONE of the following? [1 mark]

A A claim allocated to the small claims track

B A point of European Union law

C A point of law of general public importance

D An important person

10



1 1

Explain, using an example, what is meant by a 'by-law'. [3 marks]

[Turn over]

3



1 | 2

Alma, aged 11, was playing a fast running game with her friends in the school playground. In her excitement, she failed to notice Baz, another pupil. Alma collided with Baz, who fell over and broke his arm.

Assuming that Alma owed a duty of care to Baz, suggest why a court may decide that she did not breach that duty of care. [3 marks]

[Turn over]

3



1 3

Colin invited friends to his house for a meal. The friends brought with them their 4-year-old daughter, Delia. Colin said that Delia could play in the back garden. Delia began to play a game of walking across the garden with her eyes closed. She did not notice the very uneven stones that made up Colin’s patio. Delia’s foot caught on the edge of one of the stones causing her to trip. As a result, Delia fell and suffered a badly broken leg. It has been estimated that, in the event of a successful claim, her damages for personal injury would be around £15 000.

- Advise Delia as to her rights against Colin under the Occupiers’ Liability Act 1957.
- Assess the different methods of dispute resolution open to Delia to resolve any claim she might have against Colin.

[12 marks]



[Turn over]





[Turn over]



1 4

Ed owned a barn that was in a very poor state of repair. Ed was aware that the barn was sometimes used by customers from a nearby nightclub as a ‘smoking shelter’. On one occasion, Flora, a customer of the nightclub, was walking across the first-floor loft in Ed’s barn when the wooden floor gave way. Flora fell to the ground and was injured. Flora had not noticed the poor state of the floor because the loft was badly lit.

- Assuming that Flora was a trespasser at the time of the accident, advise Flora whether Ed owes her a duty under the Occupiers Liability Act 1984.
- Assess the alternative methods of funding open to Flora to pay for any court case she might bring against Ed.

[12 marks]

[Turn over]



[Turn over]

12



In question 15 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1	5
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Gina worked as a technician in the chemistry laboratories of a secondary school. One day, after school had finished, she was checking the levels in different jars of chemicals. This involved removing and then replacing the lids on the jars. While she was doing this, she was also sending a series of texts on her mobile phone. As a result, she did not notice that she had not closed one of the jars properly.

The jar contained a chemical which would normally cause mild irritation to a person's eyes and throat if the fumes were allowed to escape into the air. Hamid, the school caretaker, visited the laboratories while completing his daily round. He inhaled some of the fumes from the open jar. As a result, Hamid suffered a serious internal injury to his lungs. He had to take some weeks off work, but he made a full recovery. Medical tests showed that Hamid suffered from a condition that made his lungs particularly vulnerable to inhaling chemicals.

Consider the rights and remedies of Hamid against Gina in relation to the injury he suffered to his lungs from inhaling the chemicals. [20 marks]



[Turn over]





[Turn over]



[Turn over]





[Turn over]

20



In question 16 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1	6
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Explain the literal rule in statutory interpretation, AND discuss the advantages AND disadvantages of the literal rule. [20 marks]

[Turn over]





[Turn over]





[Turn over]



END OF QUESTIONS

<hr/>
20



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For Examiner's Use	
Question	Mark
1–10	
11	
12	
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14	
15	
16	
TOTAL	

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