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	Candidate number	
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## AS **LAW**

Paper 2

Thursday 24 May 2018

Afternoon

Time allowed: 1 hour 30 minutes

## **Materials**

You will need no other materials.

## Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- 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.

For Exami	ner's Use
Question	Mark
1–10	
11	
12	
13	
14	
15	
16	
TOTAL	

## Information

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



7161/2

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   WRONG METHODS			Do not
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.  If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.  In relation to the tort of negligence, which one of the following does not owe a duty of care?  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  [1 mark]  In relation to the tort of negligence, which test is used to establish 'causation in fact'?  A Reasonable foreseeability  B The 'but for' test  C The 'thin skull' rule  D The three-part Caparo test	Only <b>one</b> answer per question is allowed.		bo
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A Reasonable foreseeability  B The 'but for' test  C The 'thin skull' rule  D The three-part Caparo test		[1 mark]	
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C The 'thin skull' rule  D The three-part Caparo test	A Reasonable foreseeability	0	
D The three-part Caparo test	B The 'but for' test	0	
	C The 'thin skull' rule	0	
[1 mark]	<b>D</b> The three-part Caparo test	0	
		[1 mark]	
			1



0 3	In a negligence case, the claimant is under a duty to mitigate loss.  Select <b>one</b> of the following that accurately describes that duty.			Do not write outside the box
	A To claim damages only for property losses	0		
	<b>B</b> To claim losses from any available insurance policy	0		
	C To declare all losses accurately	0		
	<b>D</b> To take reasonable steps to minimise losses	0		
			[1 mark]	
0 4	In relation to causation when making a claim in negligence, a claimar one of the following?	nt must prov	ve which	
	A Both factual causation and legal causation	0		
	<b>B</b> Factual causation only	0		
	C Legal causation only	0		
	D Neither factual causation nor legal causation	0		
			[1 mark]	
0 5	The Occupiers' Liability Act 1957 has special rules for particular cates.  Identify which <b>one</b> of the following is subject to special rules.	gories of vis	sitors.	
	A Hotel guests	0		
	<b>B</b> Police officers	0		
	C Specialist visitors in the exercise of their calling	0		
	<b>D</b> Spectators at a football match	0		
			[1 mark]	



0 6	For the purposes of statutory interpretation, which of the following is restrinsic/external aid?	not an	Do not write outside the box
	A A case authority in which an appeal court defined a particular word in a statute	0	
	<b>B</b> A dictionary	0	
	C A schedule at the end of an Act of Parliament	0	
	<b>D</b> Hansard	0	
		[1 mark]	
0 7	Which <b>one</b> of the following would you normally associate with the worthe Law Commission?	k of	
	A The enactment of new legislation	0	
	<b>B</b> The proposal of reforms to the law	0	
	C The publication of Green Papers	0	
	<b>D</b> The repeal of legislation which is no longer needed	0	
		[1 mark]	
0 8	Select the court that would normally hear the trial of a case allocated	to the fast track.	
	A County Court	0	
	B Crown Court	0	
	C Magistrates' Court	0	
	<b>D</b> Queen's Bench Division of the High Court	0	
		[1 mark]	



0 9	In the trial of a civil claim, which one of the following is not part of the	role of the	judge?	Do not write outside the
	A Deciding the amount of compensation, if any, to be awarded	0		box
	B Deciding whether any appeal should succeed	0		
	C Deciding whether the claimant or the defendant should pay legal costs	0		
	<b>D</b> Deciding whether the claimant should succeed in his or her claim	0	54	
			[1 mark]	
1 0	The Supreme Court is most likely to give permission for an appeal in the following?	olving whic	h <b>one</b> of	
	A A claim allocated to the small claims track	0		
	<b>B</b> A point of European Union law	0		
	C A point of law of general public importance	0		
	<b>D</b> An important person	0		
			[1 mark]	10
	Turn over for the next question			

0 5

	[3 marks]
Extra space	
Alma, aged 11, was playing a fast running game with her friends in the playground. In her excitement, she failed to notice Baz, another pupil with Baz, who fell over and broke his arm.	e school Alma collided
Assuming that Alma owed a duty of care to Baz, suggest why a court m	any deside that she
did not breach that duty of care	lay decide that she
did not breach that duty of care.	[3 marks]
did not breach that duty of care.	
did not breach that duty of care.	
did not breach that duty of care.	
did not breach that duty of care.	
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did not breach that duty of care.  Extra space	
did not breach that duty of care.	



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.

Do not write outside the box

•	Advise Delia as to her rights	against Colin under	the Occupiers'	Liability Act 1957.
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•	Assess the different methods of dispute resolution open to Delia to resolve any clair she might have against Colin.	n
	[12 mark	(s]

<del></del>	
	-



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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.

Do not write outside the box

- 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.

she might bring against Ed.	[12 marks]



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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.

Do not write outside the box

1 5

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 injur suffered to his lungs from inhaling the chemicals.	
	[20 marks



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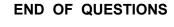
Explain the literal rule in statutory interpretation, <b>and</b> didinated disadvantages of the literal rule.	iscuss the advantages and
and tarmaged on the moral rule.	[20 marks]



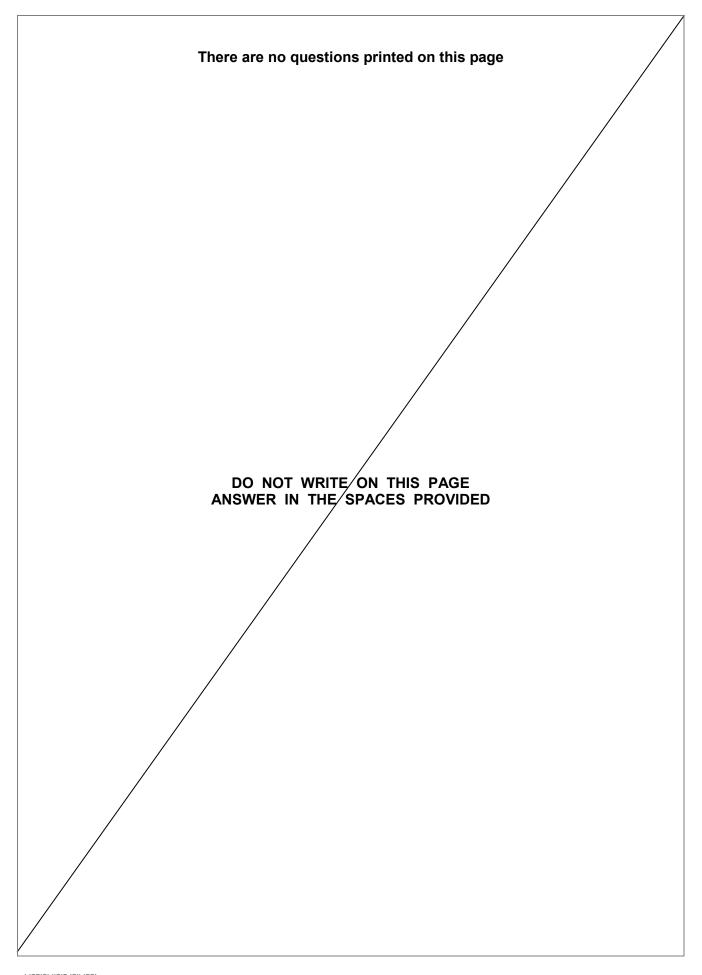
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