



Oxford Cambridge and RSA

**Friday 26 May 2023 – Morning**

**AS Level Law**

**H018/02** Law making and the law of tort

**Time allowed: 1 hour 30 minutes**



**You must have:**

- the OCR 12-page Answer Booklet

**INSTRUCTIONS**

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **all** the questions.

**INFORMATION**

- The total mark for this paper is **64**.
- The marks for each question are shown in brackets [ ].
- Quality of extended response will be assessed in questions marked with an asterisk (\*).
- This document has **4** pages.

**ADVICE**

- Read each question carefully before you start your answer.

**SECTION A**

**Law making**

- 1 Explain Treaty Articles, Regulations **and** Directives as sources of European Union Law. [8]
- 2 Explain the way the mischief rule is used to interpret statutes. [8]
- 3 Explain statutory instruments **and** bylaws as forms of delegated legislation. [8]
- 4 Discuss the advantages of delegated legislation. [8]

**SECTION B****Law of tort**

Read the scenario.

Alex is visiting the 'Birds & Nests' park. She pays an entrance fee and follows the authorised path around the park. At the end of the path is an enclosed area where visitors can purchase pots of nectar to feed the birds. The stall selling pots of nectar is unstaffed. Alex can see pots in the staff room behind the stall. The door to the staff room has a sign saying "No Entry". Alex goes in to get a pot. In the staff room she slips on some spilled nectar and breaks her back.

Doctors have told Alex she will need two operations on her back and will be unable to walk without crutches for at least 12 weeks. Alex has had to give up her job as a self-employed dog walker. She earned £500 per week. She is in constant pain and has become depressed as she can no longer play hockey. Alex needs physiotherapy and her name has been added to the NHS waiting list. The average waiting time for an appointment is six months. Rather than wait, Alex has decided to use a private physiotherapy clinic in the next town at a cost of £350 per appointment.

- 5 Explain the risk factors taken into account when determining if the standard of care has been breached in a negligence claim. [8]
- 6 Advise whether or not Alex will be able to make a successful claim under the Occupiers' Liability Act 1984. [8]
- 7 Advise Alex what remedies she may claim for if 'Birds & Nests' are found liable. [8]
- 8\* Discuss the extent to which the Occupiers' Liability Act 1957 successfully balances conflicting interests by providing justice for both occupiers and their visitors. [8]

**END OF QUESTION PAPER**

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