



Oxford Cambridge and RSA

Monday 13 June 2022 – Afternoon

A Level Law

H418/02 Law making and the law of tort

Time allowed: 2 hours



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 **five** questions in total:
Answer **one** question from Questions 1 and 2 and **one** question from Questions 3 and 4 in Section A.
Choose **one** Part in Section B. Answer the **three** questions for that part.

INFORMATION

- The total mark for this paper is **80**.
- 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

Answer **two** questions (**one** from questions **1–2** and **one** from questions **3–4**).

Answer **one** question from questions **1–2**.

1 Describe the controls over delegated legislation exercised by Parliament. [8]

2 Describe the use of the mischief rule to interpret statutes. [8]

Answer **one** question from questions **3–4**.

3 Discuss the disadvantages of delegated legislation. [12]

4 Discuss the advantages of the mischief rule. [12]

SECTION B**Law of tort**

Choose **Part 1** or **Part 2**.

Part 1

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Amir is a newly qualified driver. He has recently purchased a used car. It is bigger and older than the car he learned to drive in. Amir is approaching a pedestrian crossing where pedestrians have priority. He brakes too late and without sufficient force. The car fails to stop in time and he knocks Beth over. She breaks her arm in the fall and has to take eight weeks off work. She also develops a fear of going outdoors.

Jack owns 'The Dancing Rat' pub. He hires a team of specialist cleaners to give the kitchen a deep clean. One of the cleaners, Eve, suffers some burns from the strong cleaning chemicals she used to clean the oven. Jack also hires Kareem, an out-of-work electrical contractor to repair the faulty lighting in the women's toilet. Jack hires Kareem without checking his qualifications because he is cheap. The day after the repair, Layla, a customer, is injured when she falls over in the dark because the light was still faulty.

- 5 Advise Beth whether she will be successful in suing Amir in negligence and, if so, which remedies she would be most likely to be awarded. [20]
- 6 Advise **both** Eve **and** Layla whether they would be likely to succeed in a claim against Jack under the Occupiers' Liability Act 1957. [20]

Essay question on the law of tort

- 7* Discuss the extent to which the Occupiers' Liability Act 1984 is fair on occupiers. [20]

Part 2

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Wizzaround Go-Karts have owned and operated a children's go-kart track since 2010. It is located in the countryside and they have planning permission to operate the track during daylight hours at weekends. In 2018, Leo purchased a bungalow which is located about 1000 metres from the track. A year later in 2019, Wizzaround extended their operation to include floodlighting and bigger noisier adult go-karts. They are now open during the week and at night. The noise and lighting are making Leo's life a misery and he cannot sleep.

Tom and Zac are former pupils of Klear Path School. Once a week, monks from a local monastery came in to teach them Religious Education. The monks were part of a holy order and did not work directly for the school. The monastery no longer exists. Tom and Zac were regularly beaten by the monks to punish them for not paying attention or failing to memorise holy writings. The mistreatment has left Tom and Zac with mental health issues. They did not complain to the school at the time as they did not understand that what was happening was wrong.

- 8 Advise Leo whether he would be successful in suing Wizzaround in private nuisance and, if so, the likely remedies he would be awarded. [20]
- 9 Advise Tom and Zac whether they would be successful in suing Klear Path School as being vicariously liable for the actions of the monks. [20]

Essay question on the law of tort

- 10* Discuss the extent to which the Occupiers' Liability Act 1984 is fair on occupiers. [20]

END OF QUESTION PAPER

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