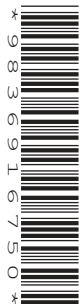




Cambridge International AS & A Level

LAW**9084/41**

Paper 4 Law of Tort

May/June 2025**1 hour 30 minutes**

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
Section A: answer **one** question.
Section B: answer **two** questions.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 75.
- The number of marks for each question or part question is shown in brackets [].

This document has **4** pages. Any blank pages are indicated.

2

Section A

Answer **one** question from this section.

EITHER

- 1 John lives in an apartment building. He works from home for a technology company. Olivia lives in the apartment above. Every morning, Olivia takes part in an online exercise class. When John starts work at 08:00, he can hear Olivia exercising and the voice of the instructor. He tells Olivia that the noise is very annoying, but she says that she has no intention of giving up her exercise class.

Olivia is an opera singer. She practises her singing every evening. The sound of her singing makes it impossible for John to relax after work. One evening, Olivia is still practising at 23:00. John knocks on her door and shouts that if the singing continues, he will break down the door and make her stop. Olivia ignores John, and she continues to sing.

Advise the parties of their rights, responsibilities and potential remedies. [25]

OR

- 2 Steve applies for a job with AB Ltd (ABL). He asks his employer, XY Ltd (XYL), to send a reference to ABL. Ann, a manager in XYL, is responsible for providing references. She supplies a reference which indicates that Steve had a poor employment performance record. Steve is informed by ABL that his application has not been successful. When he requests further information, he is informed that the reason was the negative reference provided by XYL.

Steve contacts XYL and points out that his work record was excellent. Ann checks the reference she provided and realises that she had looked at the employment record of a different employee with a very similar name to Steve. Ann admits that she should have provided a positive reference to ABL.

Steve left his job at XYL as he expected to secure employment with ABL. He is unable to pay his rent and is in severe financial difficulty.

Advise the parties of their rights, responsibilities and potential remedies. [25]

3

Section B

Answer **two** questions from this section.

- 3** It is never possible to accurately apportion blame in cases of contributory negligence.

Assess the validity of this statement. [25]

- 4** Allowing a claimant to succeed in an action for trespass to land without proof of damage is unnecessarily harsh for the defendant.

Assess the validity of this statement. [25]

- 5** Evaluate the rules governing liability for the acts of an independent contractor under the Occupiers' Liability Act 1957. [25]

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