



Cambridge International AS & A Level

LAW**9084/42**

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.

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Section A

Answer **one** question from this section.

EITHER

- 1 XY Ltd (XYL) owns a factory. During a severe storm, the floor of the factory is flooded. XYL's safety policy is to close the factory until the floor has dried out. However, George, the factory manager, instructs staff to continue working while the floor is still wet. Jim, one of the workers, slips and breaks his leg. He is unable to work for several weeks.

Jim reads an article about a serious and incurable illness caused by long-term contact with a harmful chemical. He realises that he has been exposed to this chemical in XYL's factory and he becomes very anxious and depressed. He fears that he might develop the illness as he has worked at the factory for many years.

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

OR

- 2 Liz and Kate are writing a book about local historical sites. Sean owns land on which there is an old castle. Liz and Kate obtain his permission to visit the castle and take photographs. To prepare for the visit, Liz flies a drone over Sean's land to film the castle. Sean does not give permission for the drone flight.

Kate and Liz visit the castle to take photographs. Kate tells Liz that she has heard stories of treasure buried in the grounds of the castle. Kate takes some tools from her bag and starts to dig. As she is digging, Sean arrives and tells them both to leave immediately. Liz leaves, but Kate refuses. Sean grabs Kate and pushes her off his land.

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

3**Section B**Answer **two** questions from this section.

- 3** In an action for negligence, the 'but for' test should be the only test applied when assessing whether causation is present.

Assess the validity of this statement. [25]

- 4** In an action in *Rylands v Fletcher*, the term 'non-natural use' is so vague that it restricts the use of the tort to a significant extent.

Assess the validity of this statement. [25]

- 5** Equitable remedies are of limited use in the law of tort.

Assess the validity of this statement. [25]

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