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Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/41**

Paper 4 Law of Tort **October/November 2025**

1 hour 30 minutes

7746057068

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 Amy is shopping in Barchester superstore. As she is leaving, she is stopped by Will, a security guard. He asks her if she has paid for the items in her bag. Amy refuses to answer him. She becomes angry and shouts at Will that if he asks her again, she will hit him. Will calls the store manager, Daniel, for assistance. While he is waiting, Will asks Amy again if she has paid for the items. She pushes past Will, causing him to fall to the ground and break his wrist.

Daniel arrives and stands in front of Amy to stop her leaving. He says he has called the police and they will arrive soon. Daniel takes Amy to the staff room and tells her to wait for the police. After an hour of waiting, Amy checks the door. She realises that it is not locked, so she leaves the staff room and exits the superstore.

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

OR

2 Matt travels abroad frequently for work meetings. When he is away, he rents out his house to guests on a short-term basis. Matt has built a large balcony that overlooks the garden of the adjoining property which is owned by Sally. Matt has installed outdoor cooking facilities on the balcony and a heater so that his guests can use it at all times.

After a few months, Sally complains to Matt that she is not comfortable using her garden anymore as the balcony is in constant use and the guests can see into her garden. She is also concerned by the noise they make and the strong smells of the outdoor cooking. Matt tells her that they are paying guests and they can do what they want in his house.

The next time the house is rented out, Matt is contacted by Tony, a guest. Tony complains that he was unable to sleep throughout the weekend as there was constant hammering on the walls at night. When Matt returns and speaks to Sally, she tells him that she can do what she wants in her house.

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

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Section B

Answer **two** questions from this section.

3 Evaluate the current approach to the calculation of damages in cases of personal injuries caused by negligence. [25]

4 The defence of *volenti non fit injuria* (consent) is no longer essential as the courts can use other ways to apportion blame between the parties.

Assess the validity of this statement. [25]

5 The special relationship required in cases of negligent misstatement has not been defined with sufficient precision to avoid unjust outcomes.

Assess the validity of this statement. [25]

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