GradeMax

CAMBRIDGE
International Education

Cambridge International AS & A Level

LAW **9084/42**

Paper 4 Law of Tort **May/June 2026**

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 John had been feeling unwell for some time. He attended the Barchester Hospital (BH) and was referred for several medical tests. The results of the tests were analysed by Doctor Green, a recently qualified specialist at BH. He informed John that he has cancer and must commence treatment immediately.

For the next year, John has intensive treatment and is given strong medication by Doctor Green, which causes him to feel very tired. John has to withdraw from his university course and give up his part time job.

When John's condition does not improve, he has additional tests. The results of the tests are analysed by a team of senior doctors, who find that he has never had cancer. However, he has now developed a serious heart condition as a result of a reaction to the unsuitable medication he was given by Doctor Green.

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

Or

2 Maya buys a large box of fireworks to use at her birthday party. She stores the fireworks in her garden shed.

A week before the party, Maya and her husband Bob, spend a day tidying the garden. Bob gathers some rubbish and decides to burn it in the garden. He starts a small fire and goes inside the house to have his dinner.

Some sparks from the small fire are blown by the wind on to the garden shed setting it alight. Smoke from the shed fire drifts through the open windows of Sabrina's house next door. Her curtains and furniture are covered in black soot from the shed fire and a strong smell of smoke is present in the house for weeks after the incident.

The shed fire ignites the fireworks, and one lands on the roof of Alex's house nearby, causing serious damage when it explodes.

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

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Section B

Answer **two** questions from this section.

3 Assess the importance of intention in the tort of trespass to the person. [25]

4 The defence of *volenti non fit injuria* should never succeed in cases involving an employee in the course of their employment.

Assess the validity of the statement above. [25]

5 It is not possible to accurately calculate the amount of non-pecuniary damages which should be awarded to a claimant.

Assess the validity of the statement above. [25]

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