

UNIVERSITY OF BOLTON

**SCHOOL OF BUSINESS AND CREATIVE
TECHNOLOGIES**

LAW PATHWAY

SEMESTER 1 EXAMINATIONS 2010/2011

THE LAW OF TORT

MODULE NO: LAW2500 / LAW2600

Date: 18 January 2011

Time: 10:00-12:00

INSTRUCTIONS TO CANDIDATES:

There are **FOUR** questions on this paper.

Answer **ANY THREE** questions.

Please note that this is an **unseen examination**. You are **NOT allowed** to bring any information or notes into the examination room.

All questions carry equal marks.

School of Business and Creative Technologies
Law Pathway
Semester 1 Examinations 2010/2011
The Law of Tort
Module No. LAW2500/LAW2600

Answer ANY THREE questions

1. Explain and discuss the circumstances in which a claimant may bring an action for breach of statutory duty.
2. Critically assess the main problems encountered by reliance on common law principles when dealing with defective products. Does Part 1 of the Consumer Protection Act 1987 improve this position?
3. Belinda goes into a sports field, owned by the council, to play football with her son Jason, aged six. After playing for a short while, Belinda needs to go to the toilet. The toilet at the playing field has been closed by the Council due to repeated vandalism.

In search of a quiet spot Belinda unbolts a gate in the fence surrounding the field and enters other land owned by the Council. On the gate is a notice stating: - 'DANGER - KEEP OUT'. Ten metres from the gate Belinda falls through some rotten wooden planks covering an old mine shaft. Belinda is seriously injured and her clothes are ruined.

Jason becomes bored and wanders off. He comes upon a bush bearing bright red berries. In front of the tree there is a notice which states that the berries are poisonous and should not be eaten. The notice carries a symbol of a skull to indicate poison. There is also a low fence around the bush. Jason steps over the fence and eats some of the berries and becomes very ill.

Consider the Council's potential liability, if any, under the Occupiers' Liability Acts.

School of Business and Creative Technologies
Law Pathway
Semester 1 Examinations 2010/2011
The Law of Tort
Module No. LAW2500/LAW2600

PLEASE TURN THE PAGE...

4. Susan leaves her car in a busy street with the engine running whilst she runs into a newsagent to buy a packet of cigarettes. Dick, aged 16, climbs into the car and drives it away. Angela, his young sister, aged 8, accepts his offer of a ride in the car.

Dick drives the car at a speed in excess of 60 mph. in a built up area where the limit is 30 mph. Clive is crossing the road at a pelican crossing where the green man is showing. Daydreaming, Clive fails to see the car driven by Dick. Clive is badly injured in the collision with the vehicle suffering very severe facial lacerations and the loss of an eye. Angela is crushed against the dashboard of the car and seriously hurt. Angela was not wearing a seat belt at the time of the accident. Dick is unhurt.

Some three hours after the accident Clive is visited in hospital by Jane his fiancée. She suffers a reactive depression on seeing the extent of his facial injuries, which will leave Clive permanently scarred.

Consider the extent, if any, of Susan or Dick's liability.

END OF QUESTIONS