

# OCR

Oxford Cambridge and RSA

## Friday 24 June 2016 – Morning

### A2 GCE LAW

#### G158/01 Law of Torts Special Study

Candidates answer on the Question Paper.

**OCR supplied materials:**

- Clean copy of the Pre-release Special Study Material

**Other materials required:**

None

**Duration:** 1 hour 30 minutes



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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#### INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- Write your answer to each question in the space provided. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.
- Do **not** write in the bar codes.

#### INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [ ] at the end of each question or part question.
- The total number of marks for this paper is **80**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions **1** and **2** you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (\*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely 'lift' information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- This document consists of **24** pages. Any blank pages are indicated.



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In answering questions use the source material **and** your knowledge of the subject.

**2\*** In Source 1 (page 2, Special Study Materials), Hepple and Matthews state that ‘the trespass action can be a particularly important weapon in safeguarding the freedom of the individual’.

Discuss the ways in which the courts have developed the tort of trespass to the person to make it an important weapon in safeguarding the freedom of the individual. **[34]**

Start writing your answer to question 2 below. Start writing your answer to question 3 on page 17.

**2\***

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In answering questions use the source material **and** your knowledge of the subject.

**3** Consider the possibility of successful claims in trespass to the person in each of the following situations:

**(a)** Derek suspects that Amanda has been stealing flowers from his garden. He catches her by his garden gate with a bunch of roses but Amanda claims that she bought them from the local shop. Derek does not believe her and locks her in his garden shed, telling her that he is going to call the police. Derek changes his mind about calling the police but leaves Amanda in the shed for five hours. When Derek lets Amanda out of the shed she produces a receipt from the shop where she bought the roses. **[10]**

**(b)** Rafiq has been stalking Shahida, his ex-girlfriend, for some time. He follows her around, emails her and writes letters to her asking her to go out with him again. However, today Shahida received a telephone call from Rafiq making a number of threats that ‘if he can’t have her, he will make sure nobody else can either’. Shahida is very frightened by this threat and has a mental breakdown. **[10]**

**(c)** Charlie has found out that Dave has been spreading false rumours about him at the rugby club. He decides to take revenge. Next time Charlie and Dave are playing in opposing teams, Charlie tackles Dave hard around the neck even though Dave does not have the ball, causing Dave a broken collar bone. **[10]**

**[30]**

Start writing your answer to question 3 below.

Write the number of the part question **(a)**, **(b)** or **(c)** in the margin.

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**END OF QUESTION PAPER**

**ADDITIONAL ANSWER SPACE**

If additional space is required, you should use the following lined page(s). The question number(s) must be clearly shown in the margins.

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