

UNIVERSITY OF BOLTON

OFF CAMPUS DIVISION

WESTERN INTERNATIONAL COLLEGE

LLB (HONS) LAW

SEMESTER TWO EXAMINATIONS 2021/2022

LAW OF TORT

MODULE NO: LAW5109

Date: Wednesday 27th April 2022

Time: 10:00am – 12:00pm

INSTRUCTIONS TO CANDIDATES

There are FOUR questions and you should answer any THREE questions.

Each question is worth equal marks.

Start each answer on a fresh page and make it clear which question you are answering by giving the question number at the beginning of your answer.

Both question paper and answer book must be handed in at the end of the examination.

All answers should be written in the answer book to be marked.

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Q1.

Wendy is shopping in her local branch of Bigl Supermarket. She has purchased a number of small items and is carrying them in a basket. She then decides to buy a kettle. She takes some of the smaller items out of her basket and puts them in her handbag, so that she can put the kettle into the basket. She carries on shopping and is approached by, John, the store detective. He taps Wendy on the shoulder to attract her attention. When Wendy turns round, John puts his hand on her arm and says to her:

"Please come with me to my office. I would like to ask you some questions." Wendy agrees to go with him. In his room John says to Wendy: "Show me what is in your handbag, or else." Wendy refuses.

John becomes abusive and walks towards Wendy. Wendy is frightened and runs out of the room but slips and bangs her head, losing consciousness. John drags her back into his room and leaves her on the floor. He goes out and locks the door. Meanwhile, the shop has closed and Zaman, a cleaner, employed by Bigl, is cleaning one of the toilets. He is contracted to work for two more hours but when he sees Ian, the manager of the shop, he tells him that he is not feeling well and asks Ian to unlock the main door, which had been locked for security reasons during cleaning. Ian refuses to open the door, telling Zaman he must stay until the two hours have expired.

Advise Wendy, John, Zaman and Ian of their potential claims or liabilities in trespass to the person

Total 30 marks

PLEASE TURN THE PAGE.....

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Q2.

A party of schoolchildren has been selected to form part of a massed choir at the opening of a large structure called "The Dome". Some parents are able to get tickets for the event, while the remainder watch the live television broadcast from home. During the performance one of the floodlights, which has been placed too close to the plastic material that coats the huge water tanks, melts the casings and a torrent of water floods into the Dome. Bill, whose son is on stage, is at the edge of the auditorium. He is able to escape but hears the screams of the children. His son perishes. Bill is experiencing post-traumatic stress disorder and is unable to sleep at night. Danielle was unable to obtain a ticket but is eagerly watching the performance on T.V. She catches a glimpse of her daughter on the screen as the flood hits the stage. The following day she identifies her daughter's body at the mortuary. Danielle is having recurrent nightmares and has been diagnosed as suffering from pathological grief. Kevin is an employee of Dome plc and is engaged on crowd control duties. He is an eye witness to the disaster. Kevin is shocked when he recognises one of the victims as being his twin sister Kim. Kevin stays with Kim until she dies from her injuries. Kevin has not worked since the tragedy and is suffering from clinical depression. Dome plc have accepted liability for the positioning of the floodlight and the flood that has followed.

Advise Dome plc of their potential liability for psychiatric harm to Bill, Danielle and Kevin.

Total 30 marks

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Q3.

Blast and Dig Ltd operates a granite quarry in Bedrock. The area had been a mixed residential and light industrial area until Blast and Dig Ltd recently obtained planning permission to mine granite there. The quarry provides needed employment for many local residents and has boosted the local economy. Janet has been living in Bedrock for 5 years -- long before Blast and Dig Ltd began operation.

Now, vibration caused by Blast and Dig's quarrying operations has caused a section of the fence of Janet's premises to collapse. The vibration has also caused Janet's house to subside leading to deep cracks on the outside walls. James frequently walks past Blast and Dig's premises on his way to and from work. One day as he walks past, large slates from the roof of one of Blast and Dig's buildings nearest to the road flew from the roof and one of them landed on James's head, severely injuring him.

The slates were dislodged by vibration from the quarrying Bedrock Primary School is about 500 meters from Blast and Dig's quarry. The school authorities complain that a noxious dust cloud from the quarry makes it very uncomfortable for staff and pupils to use their outdoor facilities, especially during playtime.

Advise Janet, James and Bedrock Primary School if they have a cause of action against Blast and Dig's Ltd under the torts of private and public nuisance.

Total 30 marks

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Q4.

Two years ago Cornwall County Leather Plc (CCL), opened a treatment plant as part of their real leather clothing business in Waterville. The treatment plant was opened on land that adjoined land owned by Wessex Water Plc. CCL's arrival led to a significant number of jobs being created in the area, as well as causing an upturn in the local economy through the extra employment.

However, the company's arrival also caused a lot of controversy with numerous animal rights protests staged in the town. In order to try and get the treatment plant closed down, Camilla, a leading protester who had been evicted from CCL's premises numerous times having broken in to the grounds, did so again and tampered with some of the plant's safety valves.

Consequently, some chemicals escaped by seeping through some minute cracks in the floor of the plant and ultimately entered Wessex Water's reservoir polluting their reserves of water.

Advise CCL on their potential liability for the damage under the rule in Rylands v Fletcher.

Total 30 marks

END OF QUESTIONS

END OF PAPER