



Topic Tests

for A Level OCR Law

Paper 2 Section B: The Law of Tort

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Teacher's Introduction

This resource creates opportunities for students of AS and A Level OCR Law Paper 2 to test their knowledge of **Section B: The Law of Tort**. It aims to cover the whole specification and to explore some of the nuances of the specification which students can sometimes struggle to fully comprehend.

Questions begin with relatively short knowledge-style challenges; these include some multiple-choice-style questions which reflect those from the exam papers. There are also some matching questions which are there to support different learning styles. There are also scenario-based questions which develop the students' ability to apply their knowledge to a situation as well as evaluative questions which challenge the students' understanding of varying perspectives on substantive law.

Remember!

Always check the exam board website for new information, including changes to the specification and sample assessment material.

Each topic test constitutes seven questions related to OCR Law AS / A Level specification H018 / H418. They test knowledge, application, analysis and evaluation. Note that although the Topic Test questions are not in exam format, the questions have been written with the intention of testing the range of assessment objectives and often borrow aspects that are similar to those in the exam.

These tests are intended to provide students with the opportunity to practise their knowledge of tort law and how it is applied, and assess the appropriateness and fairness of the law, considering different elements of the law on Tort.

- **PART A** includes shorter-answer questions and aims to test students' knowledge of the law on Tort.
- **PART B** includes longer-answer questions and tests knowledge of the law and its application in particular scenarios. These scenarios have been created to test students' knowledge of the law of Tort and are not necessarily typical of the type of question in the exam.
- **PART C** is an essay-based question and, while it will test students' knowledge of tort, it aims to challenge how they understand a particular element of tort in relation to the wider, non-substantive elements. These questions cover evaluation of a specified topic within the specification, which is testing students' knowledge and understanding of the topic, even though not all of the Part C question topics are subject to evaluation under the OCR specification.

While students might find this useful for their revision, it could also be used for in-class activities as an end-of-topic test, for homework, for revision, or simply as an additional resource to offer to students to plug any gaps in their knowledge and understanding.

The subjects covered in this resource include liability in negligence, occupiers' liability, torts connected to land, vicarious liability, defences and remedies.

The mark scheme provides an indication of marking criteria and allocation of marks according to the assessment objectives. Please note that for Part B, these are indicators, as the questions vary in length within each topic area. This resource will assist students to not only understand and challenge/question the law of tort, but also enhance their wider understanding of the concept of law; justice, fault, balancing conflicting interests and sources of law. These will test their ability to evaluate and make judgements on the impact and effectiveness of the law on our society and within our culture today. Please note that these questions are worth 10 marks and are not directly reflective of the 20-mark questions 7 and 10 from the exam. However, they do provide an opportunity for students to challenge and question elements of the substantive tort of law, while some questions are designed to enable students to apply their substantive knowledge and understanding to conceptual elements of law.

We hope both teachers and students find this resource a useful additional support in their preparations for the AS and A Level OCR Law Paper 2B exam.

June 2024

1. Liability in negligence

Topic Test 1.1: Liability in negligence for injury and damage to property and duty of care

PART A

1. Negligence can be caused by (act or omission).

a) ?
b) an omission
c) both an act and an omission
d) a lie

2. Define the reasonable person.

.....

.....

3. The case of *Robinson v Chief Constable for West Yorkshire 2018* has changed negligence for physical injury and damage to property.

a) What is the legal principle from this case which affects the Caparo test?

.....

.....

.....

b) When does the Caparo test still apply?

.....

.....

4. Define and explain the 'neighbour' principle, include a case reference.

.....

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5. How might the principle from *Robinson v West Yorkshire Police* apply to the police officers?

a) when carrying out their duty?

.....
.....

b) when preventing and protecting the public from harm?

.....
.....

PART B



Read the following scenario and answer the questions below. Use case references in your answers.

Scenario:

John needs some new chairs. He buys one blue chair from a local store, and another which he is going to put together himself. When his friend Bisham comes round, John shows him the blue chair. As Bisham sits down, the chair leg breaks and Bisham falls to the floor. Bisham is injured and damaged in the fall. John then invites Bisham to sit on the red chair, which John has bought from a local store. It is John's first attempt at flat-pack and he has struggled to understand and follow the instructions. Bisham sits on the red chair and it collapses, causing Bisham to drop to the floor, badly bruising his back.

6. a) Would Bisham be successful in applying the principle of reasonable foreseeability to the events in connection with:

- i) the blue chair and Bisham's phone
- ii) the red chair and Bisham's bruised spine?

.....
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.....
.....
.....

b) On what basis might Bisham be able to claim proximity between himself and the red chair?

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.....
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Preview of Questions Ends Here

This is a limited inspection copy. Sample of questions ends here to avoid students previewing questions before they are set. See contents page for details of the rest of the resource.

Mark Scheme

Section C: 10-mark essay questions

Application and analysis (10)		
<p>NOTE:* This mark scheme is ONLY for the purposes of this topic test and does not constitute a mark scheme for the exam paper. It is showing credit for relevant points which will add to the marks of a student.</p> <p>In addition, the assessment criteria for this question by the teacher/student would show how marks are presented. This allows the student to see what could be improved for their next assessment. This assessment cannot be a good AO3 essay without the knowledge of AO1 and AO2.</p>		
	0 marks	No relevant answer given.
Level 1	1–2	<ul style="list-style-type: none"> Limited analysis of legal concepts and/or issues. The response has limited focus on the question. Discussion of any key points is minimal.
Level 2	3–5	<ul style="list-style-type: none"> Basic analysis and evaluation of legal concepts and/or issues. The response is partially focused on the question. Some of the key points are discussed and partially developed.
Level 3	6–7	<ul style="list-style-type: none"> Good analysis and evaluation of a range of legal concepts and/or issues. The response has a mainly consistent focus on the question. Most of the key points are discussed well and developed.
Level 4	8–10	<ul style="list-style-type: none"> Excellent analysis and evaluation of a wide range of legal concepts and/or issues. The response is wide-ranging and has a well-sustained focus on the question. The key points are fully discussed and fully developed.

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Topic Test 1.2: Breach of duty

Part A

1. The ordinary person conducting themselves reasonably competently in the circumstances (*Waterworks 1856*)
2. For each of the following special characteristics, state how it changes the standard of care if at all.
 - a) A professional – higher standard of care, although they are not expected to be a skilled member of that profession (*Donoghue v Friern Hospital 1957*)
 - b) A learner – expected to operate at the standard of a competent person in that field
 - c) A young (young/old) – expected to operate at the standard of an ordinary person of the same age and very old (*Mullins v Richards 1998*)
3. The greater the risk, the greater the precautions required.
4. The standard of care is lowered when responding to an emergency (social utility fact (*Council 1954*)).
5.
 - a) Yes, because the teacher knows that Alf is deaf and is therefore more at risk of
 - b) Yes, because the workplace knows about Bindi's stress and her ability to cope with
 - c) No, because June's employers do not know about her poor eyesight.

Part B

6.
 - a) The size of the risk is high (1) as a hotel reception area is likely to have a lot of people, therefore, it should be expected that someone is likely to trip over a break in the carpet (*Bolton v Stone; Haley v London Electricity Board; Latimer v AEC* (1)).
 - b) Accept answers such as:
 - They could have put signs up warning people of the break in the carpet
 - They could have put a rug over the break
 - They could have called in a carpet fitter to repair the damaged carpetAccept answers such as *Bolton v Stone; Haley v London Electricity Board; Latimer v AEC*
 - c) It won't as they were not aware of the blindness in Susie's eye (1). Therefore, the standard of the reasonable hotel and make reasonable precautions to protect the blind (*Leach Brain & Co*) (1).

Part C

7. The objective standard of care refers to the average person and requires that a standard of care that the average person would be expected to deliver. This could be argued to be fair as it is reflective of what the average person might be able to do. In this way, it is hoped that it is between all parties to ensure no one is too cautious to act or for society to continue. *Stone* was hit by a cricket ball and suffered great pain. She made a claim for damages and the court had to take a holistic view of the case and apply the principle of size of the risk and probability. The court concluded that the cricket club had taken reasonable precautions and that because it was rarely the size of the risk was small. Consequently, to hold the cricket club liable would be regarded as excessive and too restrictive for our society and consequently Miss Stone's claim was unsuccessful. This could be argued to be unfair for Miss Stone, but the benefit to the greater public.

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Preview of Answers Ends Here

This is a limited inspection copy. Sample of answers ends here to stop students looking up answers to their assessments. See contents page for details of the rest of the resource.