

**Year 12 - 13 Summer Independent Learning (SIL) A level Law**

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|---------------------------|-------------------------------------------------|
| <b>Part 1 – Current</b>   | <b>Tort Law – Tasks 1-2</b>                     |
| <b>Part 2 – Preview</b>   | <b>Human Rights Law</b>                         |
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**Part 1 – Current – Tort Law**

**Task 1 – Tort Scenarios x 5 – (3 hours)**

Complete the following scenarios:

**Negligence**

In this scenario you only need to cover steps 2 & 3 of negligence:

Darcie is a qualified swimming instructor. She oversees a group of elderly clients who are taking a 'Water Aerobics for Senior Fitness' class. Some members of the group, like Emma, are vulnerable and have low levels of fitness. Darcie usually assists Emma in and out of the pool. Darcie is running late one day and is keen not to miss her last bus home. Towards the end of the session, she tells the class to do some cool down exercises and leave the pool when they finish. Darcie rushes off to catch the bus, leaving the class unattended in the pool. Emma struggles with the steps out of the pool, she loses her grip, falls over and suffers serious head injuries

Advise Emma whether she will be successful if she sues Darcie in negligence. **It is established that Darcie owes Emma a duty of care. Do NOT** consider any defences or remedies. [20]

**OLA 1957 & 84**

Jack owns 'The Dancing Rat' pub. He hires a team of specialist cleaners to give the kitchen a deep clean. One of the cleaners, Eve, suffers some burns from the strong cleaning chemicals she used to clean the oven. Jack also hires Kareem, an out-of-work electrical contractor to repair the faulty lighting in the women's toilet. Jack hires Kareem without checking his qualifications because he is cheap. The day after the repair, Layla, a customer, is injured when she falls over in the dark because the light was still faulty.

Advise **both** Eve **and** Layla whether they would be likely to succeed in a claim against Jack under the Occupiers Liability Act 1957 [20]

Hamish and Scarlet, aged 10 and 11 often play with their friends on some land owned by British Rail, near to the River Donley, there is a fence around the area, however it is very damaged and there are lots of areas where you can climb through.

British Rail has put some warning signs around the area, but they are quite high up and there is graffiti spray on them. British Rail Board Members have also been discussing how to make the area more secure. One day during the summer holidays Hamish, Scarlet and their friends go through the fence to play hide & seek. Hamish and Scarlet see an old train carriage and decide to go and hide under it. When they are under the carriage it collapses crushing them, causing serious life changing injuries.

Advise whether Hamish and Scarlet are likely to be successful with a claim under the Occupier's Liability Act 1984 **[20]**

### **Vicarious Liability**

Nadia works for Bright Future College as a teacher. As part of her job, she regularly supervises students on off-site educational trips using the college minibus. One day, Nadia is driving a group of students to a museum. Running slightly ahead of schedule, she decides to stop at a petrol station to buy refreshments. While pulling into the forecourt, Nadia becomes distracted and accidentally drives into a cyclist, Oliver, causing him serious injuries.

The college also uses a volunteer assistant, Mark, who helps drive the minibus as part of a rehabilitation programme following a minor criminal conviction. Although not paid, Mark is required to follow the college's instructions and timetable. Mark has been known to lose his temper with students. On a recent trip, after becoming frustrated with a student, Sophie, for repeatedly talking, Mark grabbed her aggressively and pushed her into a seat, causing bruising to her arm.

Advise Bright Future College whether they will be vicariously liable for the actions of Nadia against Oliver, and Mark against Sophie. **[20]**

### **Private Nuisance**

'The Eye of the City' is the world's largest observation wheel, situated on River Spade in the City of Hearts, and has been operating for over 20 years, attracting over 100,000 tourists each day. Jake, who is a famous actor, purchased a new apartment, next to the 'Eye' with floor to ceiling glass windows overlooking the river. Every day, tourists are taking photos of him in his home. Riaz has lived in the area for 10 years, Wizards Entertainment, who own the 'Eye' have purchased an old building in front of his home and intend to demolish it and build a hotel on the river front, which will block his view, when completed. During the demolition, debris lands on Riaz's roof, causing extensive damage.

Advise whether Jake and Riaz will be able to claim in private nuisance and if Wizards Entertainment could raise any defences. **[20]**

## Task 2 – Tort - Essay Questions & Transfer – (3 hours)

**Complete essay plans for the following Tort essay questions:**

1. Discuss the extent to which the rules for proving a **breach of duty** of care **are both consistent and just**. [20]
2. Discuss the extent to which the **Occupiers' Liability Act 1984** is **unfair on occupiers**. [20]
3. 'The tests for proving employee status in **vicarious liability** are both **confusing and inconsistent**' Discuss the extent to which you agree with this statement.  
[20] – *here in your introduction you would state that there are three areas to prove but you would just explain step 2 in AO1 knowledge – both traditional and modern tests (so you do not have to explain the Salmond or Lister Rules) – in evaluation you must focus on the employment tests only.*

**Then transfer your evaluation to the following questions – remember the AO1 will also need adjusting if the question has a wider or narrower focus – note – you will not be able to transfer evaluation in the vicarious liability essays as they cover different steps (however once you have completed these plans you could then transfer to a wide question covering all of VL):**

4. The rules for deciding **breach of duty** in negligence **are unfair on claimants**. Discuss the extent to which this statement is accurate. [20]
5. Discuss the extent to which the **Occupiers Liability Act 1984** is **fit for purpose or needs reform**. [20]
6. In vicarious liability the rules for deciding if the tort occurred whilst the tortfeasor was at work **are both confusing and inconsistent**. Discuss the extent to which this statement is accurate. [20] – *here in your introduction you would state that there are three areas to prove but you would just explain step 3 in AO1 knowledge – both the Salmond or Lister Rules traditional and modern tests (so you do not have to explain the employee tests) – in evaluation you must focus on the Salmond & Lister Rules only.*

## Part 2 – Preview – Human Rights Law

### Task 1 – Human Rights Research – 1.5 hours

Watch the following clip on an introduction to human rights:

<https://www.youtube.com/watch?v=VO7oS8PqkJY>

Research the key Articles from the European Convention of Human Rights and summarise what each right protects in the boxes below.

### **Article 5**

<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-5-right-liberty-and-security>

### **Article 6**

<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-6-right-fair-trial>

### **Article 8**

<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-8-respect-your-private-and-family-life>

### **Article 10**

<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-10-freedom-expression>

## **Article 11**

**<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-11-freedom-assembly-and-association>**

## **Part 3 - Retrieval on Paper 1**

### **Task 1 – Action following Progression Exam Feedback (2 hours)**

The resources that you will need to complete the following tasks will be uploaded in class materials Team – Cedars – Feedback and Mark Schemes Folder:

1. Rewrite your answers to the questions you completed in progression exam making corrections following Feedback.
2. Complete all the questions that you didn't answer in progression exam – **complete under timed conditions – give yourself 90 minutes** e.g. in Section B if you answered part 1 in the exam then complete part 2 for SIL – this means that you will not have to complete the essay question as this was the same on both sides of the paper. For section A legal system if you completed Q.1 and Q.4 in the exam then you would complete Q.2 and Q.3.
3. Self-mark and make corrections to your answers above using the progression exam feedback PP and mark scheme.

## Task 2 – Transfer – objective tests in criminal law topics (0.5 hour)

Here's a clear comparison table of **objective (reasonable person) tests** used across key criminal **offences and defences** in English law. This should help you spot similarities and avoid mixing them up (I have completed the first row for you):

| Criminal Law Booklets                | Offence/Defence                                                                             | Objective Test (Reasonable Person)                                                                               | Key Point/Focus                                                   |
|--------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>Booklet 1 - General Elements</b>  | MR – Oblique Intent – part-1 Woollin test<br><br>MR – Recklessness – part-1 Cunningham test | ORP would see D/SH as VC consequence of Ds desire/purpose<br><br>ORP would see that D has taken unjustified risk | No shared characteristics in either test – purely objective tests |
| <b>Booklet 2 – Property Offences</b> | Theft – dishonesty – part-2 Barton & Booth test                                             |                                                                                                                  |                                                                   |
| <b>Booklet 3 – defence to murder</b> | Diminished Responsibility – AMF – Byrne test                                                |                                                                                                                  |                                                                   |
| <b>Booklet 3 – defence to murder</b> | Loss of Control – step 3 – NPT (standard of control)                                        |                                                                                                                  |                                                                   |
| <b>Booklet 3 – fatal offence</b>     | UAM – dangerous – Church 2-part test                                                        |                                                                                                                  |                                                                   |
| <b>Booklet 3 – fatal offence</b>     | GNM – step 2 – Breach of Duty<br><br>Step 4 – reasonably foreseeable                        |                                                                                                                  |                                                                   |
| <b>Booklet 6 – General Defences</b>  | Duress by Threats/Circumstance – part-2 Graham test                                         |                                                                                                                  |                                                                   |
| <b>Booklet 6 – General Defences</b>  | Self Defence – part-2 s.76 CJ&IA 2008 test                                                  |                                                                                                                  |                                                                   |