SEMESTER TWO EXAMINATIONS, 2025/26

DEPARTMENT OF LAW AND CRIMINOLOGY

LC11120 TORT

Time allowed: **ONE and a HALF hours**

Answer ONE question only

This is an 'Open Book' exam. Candidates may bring any materials (notes and books) into the examination, with the exception of library books and any electronic devices. Please DO NOT place any materials on the floor.

You should be aware that the relevance of your answer to the SPECIFIC question asked is something to which the examiners will attach particular importance. Marks will not be awarded for irrelevant material.

Whichever question you choose to answer, you *must* refer to relevant legislation and/or case law, as appropriate, to support your answer.

Please state clearly which question(s) you are answering.

STUDENTS MAY SUBMIT ANSWERS TO THIS PAPER IN EITHER WELSH OR ENGLISH

Once seated, students may complete the front cover of the answer book(s) and the attendance slip ONLY.

DO NOT TURN THE EXAMINATION QUESTION PAPER OVER UNTIL INSTRUCTED TO DO SO.

1. **Is the current legal treatment of rescuers who suffer psychiatric harm fundamentally fair, or does it unjustifiably restrict compensation for individuals who expose themselves to danger to help others?**

   Discuss, with reference to relevant legal authority, the position of rescuers in claims for psychiatric injury. In your response you should:

   - explain how the law distinguishes between primary and secondary victims,
   - explain how rescuers have been treated in case law,
   - evaluate whether the current approach strikes an appropriate balance between policy concerns and fairness; and
   - provide a reasoned conclusion on whether the law's current treatment of rescuers is satisfactory.

2. **Discuss, with reference to relevant case law, the extent to which the law of private nuisance enables courts to appropriately balance the competing interests of neighbouring landowners when one party's use of their land interferes with the other's ability to enjoy theirs.**

   In your answer, you should:

   - identify the key elements of private nuisance,
   - explain the main factors courts consider when determining reasonableness,
   - use case law to illustrate how the courts balance competing interests,
   - discuss the court's attempt to strike a fair balance between these competing interests; and
   - reach a reasoned conclusion on whether the current approach achieves an appropriate balance.

3. Jacob, a widower, has suffered from a painful and debilitating back condition ever since Liam, a local university student, collided with him on the pavement six months ago. Liam had been weaving between pedestrians while looking at his phone when he struck Jacob, knocking him to the ground.

Because of his mobility problems, Jacob relies heavily on his neighbours, Callum and Ania, for cooking, cleaning, and household support. Jacob has given them both keys to his home.

While Jacob is in hospital receiving treatment for his back injury, Ania enters Jacob's house to make a telephone call to her Mum as she has no mobile signal at home. On her way out, she slips on the crumbling concrete step by the back door and breaks her leg.

On a later occasion, Callum is in Jacob's kitchen preparing Jacob's dinner when the central heating boiler suddenly explodes, injuring him. The boiler had recently been serviced by Jenny, a self-employed gas engineer. Jacob had found Jenny on the Gas Safe Register website but did not ask Jenny to show her Gas Safe ID card when she arrived to carry out the work.

Advise Jacob, Ania and Callum as to their potential claims in negligence and against whom. Consider the possible application of common law negligence and occupier's liability (including independent contractors) as appropriate.

In your answer, you should:

- Identify the duties potentially owed to each party and the legal basis for them.
- Apply the relevant legal principles to the facts, drawing on appropriate case law.
- Consider causation and remoteness of damage.
- Provide reasoned conclusions on the claims of each party.

END OF PAPER