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LAW

PRIVATE LAW

UNIT 2 – Paper 02

2 hours 30 minutes

READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

1. This paper consists of SIX questions, TWO questions based on EACH module.
2. Answer ONE question from EACH module.
3. Write your answers in the spaces provided in this booklet.
4. Do NOT write in the margins.
5. If you need to rewrite any answer and there is not enough space to do so on the original page, you must use the extra lined page(s) provided at the back of this booklet. Remember to draw a line through your original answer.
6. If you use the extra page(s) you MUST write the question number clearly in the box provided at the top of the extra page(s) and, where relevant, include the question part beside the answer.

SECTION A

MODULE 1: LAW OF TORT

Answer ONE question from this section.

EITHER

1. Jack, aged 24, and Johnny, aged 12, are playing football on the village playing field which is next to Mr Cirampie's fenced fruit orchard. The boys jump over the fence to retrieve the ball. Jack falls into a deep pit dug by Mr Cirampie as a trap for thieves who have been stealing his fruits. Jack breaks his foot and is bleeding from a lunge cut on his head. Johnny's foot is caught in a trap and he falls, breaking his hand and one of his toes. When confronted by Jack and Johnny's parents, Mr Cirampie remarks, "What were they doing in my yard? They looked for what I am tired of thieves and trespassers!"
 - (a) With reference to ONE decided case or statute, briefly explain EACH of the following terms:
 - (i) Occupier
 - (ii) Trespasser

[5 marks]
 - (b) Advise Mr Cirampie on his tortious liability, if any, to Johnny. Cite ONE case in support of your answer.

[5 marks]
 - (c) Using TWO decided cases to illustrate your answer, advise Mr Cirampie on his tortious liability to Jack.

[15 marks]

Total 25 marks

OR

2. Feng and Ojara attend a party at the end of June. Feng consumes several alcoholic drinks and offers to take Ojara home after the party. At first she refuses, but because the road is dark, wet and lonely, she accepts. On the way Feng drives at a high speed and, as the road is wet, the car skids and crashes into a bridge. Ojara, who is not wearing her seatbelt, is thrown through the windscreen and sustains major head injuries. Feng sustains minor injuries. Ojara's relatives accuse Feng of breach of duty of care.

Unit 2 Paper 2

Y Pai



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