ST MARY’S UNIVERSITY

TWICKENHAM, LONDON

LLB, CRIMINOLOGY & BUSINESS LAW Degree Examination students registered for Level **FIVE**

Title: **Tort Law**

Code: **LAW5020**

Semester: **One**

Date: **16th January, 2020**

Time: **9:30 am – 11:30 am**

TIME ALLOWED: **TWO** HOURS

Answer **TWO** questions. All questions carry equal marks.

**QUESTION 1**

Rock It Ltd owns an arena in South West London, at which it hosts major music events. On 1 August 2019, in particularly high winds, Medusa, a famous pop star, plays a concert to 20,000 fans at the arena. The concert was streamed live on the internet.

Axel is employed by Rock It Ltd to test the safety of the stage equipment and lighting towers prior to a concert. Unfortunately, on 1 August, the night of the Medusa concert, Axel is under considerable time pressure and does not have time to check the lighting towers before the concert starts.

Half-way through the concert, one of the 17ft lighting towers topples over on to the crowd of fans below because it is not properly secured into the ground.

The tower narrowly misses Elton, but falls on to Freddie, who is crushed and dies instantly. Elton, a person of unusually nervous disposition, suffers nervous shock and is subsequently diagnosed with Post Traumatic Stress Disorder [PTSD].

Brian, Freddie’s twin, had gone to buy a drink but upon hearing the screams, he rushes over to where Freddie had been standing and sees him crushed under the tower. He suffers a panic attack and subsequently an anxiety disorder requiring extensive therapy.

Kurt is standing by the front of the stage, well away from the crush area, when the tower falls. He is unharmed but immediately comes to assist and try and give first aid to those crushed under the tower. As a result, he suffers depression and flashbacks to the incident and is signed off from work at Rock It Ltd with stress.

Bob, Freddie and Brian’s father, is watching the live stream of the concert on his laptop and sees the tragedy unfold. He recognizes his sons in the crowd and sees them being given first aid. He rushes out of the room to tell his wife, Courtney, what has happened. Subsequently, Bob suffers a nervous breakdown.

Some time later, Courtney drives to the hospital to see Freddie. She is told that Freddie has died and is shown his body, which has not been cleaned or covered so that she can see the significant extent of his injuries. She now suffers from depression.

**Advise Elton, Brian, Kurt, Bob and Courtney on any claims they may have for psychiatric harm.**

**QUESTION 2**

Den works as Head Brewer at Queen Vic Brewery Limited. His duties include draining the metal ‘tuns’ on the factory floor which contain large quantities of hot water and malt grain. Queen Vic Brewery has just installed a brand new tun on the factory floor. The tun was manufactured by Beer Equipment Limited.

Angie works on the factory floor rinsing out the tanks, which contain a highly corrosive mixture of acid and water.

Ian is a cellar-man whose duty is to shift barrels of beer into and out of the cellar.

During the summer months, Queen Vic Brewery Ltd hires Grant, an 18-year old University student, as a temporary help in the office. Grant is the son of the CEO of Queen Vic Brewery Ltd, Phil. Phil knows that Grant is a practical joker and has been contacted by the University on more than one occasion with complaints from fellow students about the practical jokes Grant has played on them. Additionally, Ian has complained to Phil on several occasions that Grant keeps playing practical jokes on him and that, one of these days, it will end in tears. Phil brushes Ian’s complaints off by saying that Grant is just a high- spirited teenager letting off steam.

Queen Vic Brewery Ltd has a safety manual, which states that all employees must wear appropriate protective clothing when operating machinery.

With regards to Den, this requires that he must wear rubber boots to avoid being burnt by hot water and rubber boots are provided.

With regards to Angie, this requires that she wears safety goggles and goggles are provided.

On one particularly bad day at Queen Vic Brewery Ltd, several accidents occur as follows:-

1. Grant turns the light off in the cellar thinking it will be funny to scare Ian. Whilst Ian is coming down the ladder into the cellar, he loses his footing as it is too dark to see and falls down the ladder, severely breaking his arm and leg.
2. Den was preparing to drain the tun and opened the bottom drain. The hot water started to flow out slowly but the pressure gauge on the tun malfunctioned meaning that the water flowed out too quickly and he was suddenly splashed with 175-degree hot water mixed with malt grain. The mixture spilled into his right boot and, as his trousers were tucked in, rather than out of his boots, this caused the hot water to seal the boot to his leg, causing significant third degree burns to his leg.
3. Angie was rinsing out a tank and the hose she was using slipped from her hand into the tank causing highly corrosive acid to blast into her face. She was not wearing the safety goggles as they irritated her skin and she had never worn them before and not been reprimanded for not doing so.

Sharon works in the HR department at Queen Vic Brewery Ltd. She is the only member of staff in the HR department and, as such, finds her workload increasingly difficult to manage as Queen Vic Brewery Ltd rapidly expands. She has spoken to her line manager, Kathy, about having too much work to do but Kathy tells her it will get better and she will speak to Phil about hiring another HR person. Kathy promptly forgets this promise to Sharon. Dealing with the paperwork produced by the above accidents tips Sharon over the edge and she has a nervous breakdown and is now unable to work.

A recent article in the Brewery Weekly magazine, to which Phil subscribes, highlights the dangers of brewery workers wearing their trousers inside their rubber boots, particularly when splashed with hot water. As a result of the article, many breweries have amended their safety manuals advising all employees to wear their trousers outside of their boots to avoid injury.

**Advise Den, Angie, Ian and Sharon on any claims they may have against Queen Vic Brewery Limited for breach of its personal liability at common law to them as their employer.**

**END OF EXAMINATION**