ST MARY’S UNIVERSITY

TWICKENHAM, LONDON

LLB LAW, LLB WITH CRIMINOLOGY AND BUSINESS LAW Degree Examination students registered for

Level **FIVE**

Title: **Law of Tort**

Code: **LAW5020**

Semester: **ONE**

Date: **January 16th 2019**

Time: **9:30 – 11:30AM**

TIME ALLOWED: **TWO** HOURS

Answer **BOTH** questions.

Both questions carry equal marks.

**Question 1**

It is Christmas Eve, and a little boy named Ethan is very excited about his visit from Father Christmas. However, is he worried that despite his mother’s nagging his father hasn’t yet fixed the tiles on the roof, which have begun to slip and fall off in high winds. Fearing that more tiles might slip while Father Christmas’s sleigh is parked on the roof in the middle of the night, Ethan decides to mark out a safer parking spot for Father Christmas and his reindeer on the front lawn instead using reflective bicycle lights. He puts up a sign outside the house saying ‘Santa, please stop here!’, and lays out carrots for the reindeer and a healthy measure of strong brandy for Father Christmas next to his new parking spot.

However, Father Christmas is already rather drunk, having had several large brandies on his way to Ethan’s house. He sees the sign inviting him to stop at the house, but ignores the safe parking spot on the lawn, instead coming to a sharp halt on the roof, parking his sleigh very dangerously so it is half hanging off on the loose tiles. He then insists on sliding down the chimney in the traditional manner, rather than using the front door as Ethan had intended, and burns himself badly on the new wood-burning stove Ethan’s parents have installed at the bottom. In the meantime, the reindeer dislodge several roof tiles while hunting around for the carrots they can smell, and this causes the entire sleigh to fall off the roof and smash to pieces on the back patio.

**Advise Father Christmas, Ethan, and his parents on their likely rights and responsibilities in occupiers liability.**

**Exam Question 2**

Theresa lives next door to Boris, in a quiet suburb of Twickenham. Theresa gives piano lessons in her spare time, usually between the hours of 4pm – 8pm on Tuesdays and Thursdays. Unfortunately, these times clash with Boris’s weekly book club, and the noise of the piano lessons disrupts his book discussions. Boris is so infuriated with Theresa, having asked her several times to reduce the noise, that he takes to banging loudly on their adjoining wall during her piano lessons and shouting obscenities at the children through his window as they leave their lessons.

On the other side of Theresa’s house lives Jeremy. His property has a large adjoining field that runs along the back of Theresa’s back garden. Jeremy has recently won a popularity contest, and decides to run a pop-up festival in his field, for a week in July during a heatwave. He has several kebab vans, which generate an enormous amount of food waste and give off strong smells of burning meat. The piles of rubbish accumulate and begin to rot in the heat, leading to foul smells, clouds of mosquitoes affecting Theresa’s property, which she is particularly annoyed about as she is trying to entertain Donald for two days. Jeremy’s festival portaloos have also overflowed, being inadequate for the numbers of festival-goers, meaning raw sewage is running off and into the local river, killing off the population of protected swans.

**Advise Theresa, Boris, and Jeremy on their rights and liabilities in public and private nuisance.**