

CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 13 – Law of Tort

Question paper

January 2026

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book — **Blackstone's Statutes on Contract, Tort & Restitution 35th edition, Francis Rose, Oxford University Press, 2024.**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. (a) Describe the main principles applicable in a claim for psychiatric harm. **(15 marks)**

- (b) Critically assess the changes to the law as a result of the ruling of the Supreme Court in *Paul & Others v Royal Wolverhampton NHS Trust (2024)*. **(10 marks)**

2. Critically analyse the various factors relevant to a claim for private nuisance. **(25 marks)**

3. Critically evaluate whether the factors relevant to the standard of care expected of a defendant in a claim for negligence are capable of achieving a just and fair outcome. **(25 marks)**

4. Critically analyse the impact of the Defamation Act 2013 on the law of defamation. **(25 marks)**

SECTION B

Answer at least one question from this section.

Question 1

The Kempston Arms is owned and managed by Kempston Brewery. Every Friday and Saturday evening they hire door security staff sent to them under an agreement with an employment agency. The Kempston Arms has a full-time security manager, Andrew, who co-ordinates the agency staff when they are on duty at the pub.

Ben was sent to the Kempston Arms by the employment agency on a three-month contract. On the first Friday night on duty, Ben was told by Andrew that Carl, who had been barred, was trying to get in and Ben was told to send him away. Ben, at first, verbally instructed Carl to leave but when Carl refused and tried to enter the premises, Ben twisted Carl's arm behind his back and pushed him backwards. Carl fell and injured his shoulder. His phone was also broken in the fall.

Later that evening, Ben had to intervene as two customers began to fight. Both customers were made to leave the premises but one of them, Daryl, as they were in the doorway, began to struggle with Ben and a fight between them broke out. Daryl knocked Ben to the floor and kicked him several times. When Ben got to his feet he was so angered that he went to his car, parked just outside the premises, retrieved his tyre iron from the boot, went back to the doorway and hit Daryl over the head with it, causing a fractured skull.

At this time Andrew was at the back of the premises and saw a customer, Eric, trying to enter the storeroom. Andrew forcibly removed Eric by pushing him out of the back door. Due to the force of the push, Eric fell to the floor and suffered an injured knee.

Advise Kempston Brewery as to the potential success of claims for vicarious liability by Carl, Daryl and Eric.

(25 marks)

Turn over

Question 2

Fiona and Gary, and their seven-year-old son Harry, were having a meal at Kempston Carvery to celebrate Fiona's birthday.

While waiting for their food to arrive, Fiona went to the lavatory. The corridor to the lavatory was dimly lit and Fiona did not see a tear in the carpet. She tripped over and injured her back, and cracked the screen on her phone.

Wondering why Fiona was taking so long to return to their table, Gary went to look for her. On his way to the lavatory area he took a wrong turn, going through a door bearing a sign 'Staff only beyond this point. No admittance to the public.' Gary did not read the sign. He found himself in the kitchen area. Realising his mistake, he turned to go back but tripped over a box that had been left by the doorway. Gary tripped over and sprained his wrist, and broke his watch.

Harry, unaccompanied at the table, began to look for his parents. He wandered behind the cashier desk but fell over a wire that had been stretched across the floor, charging a device that takes card payments.

Advise Kempston Carvery as to the potential success of claims by Fiona, Gary and Harry.

(25 marks)

Question 3

Kempston police received a call that there was a gang of youths being unruly in the town centre. As two officers arrived at the scene, one of the gang, Jake, was recognised by the officers as someone with an outstanding warrant for their arrest. Jake spotted the officers approaching and began to run away. Despite there being a crowd of people in the centre, one of the officers decided to chase after Jake. As they wove their way through the crowd an elderly lady, Mrs Lake, stepped out of a shop. As she did so, the officer chasing Jake collided with Mrs Lake, causing her to fall to the ground and sustain a leg injury.

Later that day, police received an emergency call from Matilda, claiming that her ex-partner, Neil, had threatened to come to her home to kill her. The phone operator taking the call misheard Matilda and told officers that the caller had claimed her ex-partner was going to hit her. Officers had received another call relating to a more serious offence so downgraded the importance of Matilda's call. By the time officers arrived at Matilda's home, Neil had committed such a violent attack on Matilda that she was pronounced dead at the scene. It was later discovered that one of Matilda's neighbours had contacted the police to inform them of Neil loitering outside Matilda's home but this information had not been passed on to Matilda.

Advise:

- a) the Kempston Police Force as to the potential success of a claim by Mrs Lake;

(10 marks)

- b) the Kempston Police Force as to the potential success of a claim by the family of Matilda.

(15 marks)

(Total: 25 marks)

Turn over

Question 4

Juno and Hussain used to be in relationship, but it ended due to domestic abuse by Hussain.

One afternoon, Hussain messaged Juno stating that he needed to speak with her. Juno looked out of her window and saw Hussain sitting at the bus stop, which was just outside her garden gate. Hussain stood up and started to walk towards her house.

A second message came through that if she did not open the door in the next minute, he would kick the door open and slap her. Juno decided to try and escape by the back door but before she could do so, Hussain kicked open the front door and grabbed hold of Juno by her hair.

Hussain dragged Juno into the living room and threw her onto the sofa. He told her that they would both stay there in that room until she agreed to resume their relationship. Hussain forced Juno to stay in the room for several hours. Hussain stayed by the door and window, and made it clear he would attack her if she tried to leave.

A friend of Juno's who came to visit saw Juno and Hussain through the window and rang the police. She shouted to Hussain, saying that the police were on their way and as a result, Hussain ran away.

Advise Juno as to the potential success of a claim against Hussain for trespass to the person and any potential remedies available to her.

(25 marks)

End of the examination