



**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**

**June 2025**

**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 35<sup>th</sup> 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. Critically discuss how the law of trespass to the person protects individuals against the infringement of personal or bodily integrity.  
**(25 marks)**
2. Critically assess the principles applied by the courts in cases in which the '*but for*' test of causation is unworkable.  
**(25 marks)**
3. (a) Explain the primary provisions applicable in a claim for defamation since the Defamation Act 2013.  
**(7 marks)**  
  
(b) In an era of increasing means of communication, critically evaluate the courts approach to providing a balance for those involved in claims for defamation.  
**(18 marks)**  
**(Total: 25 marks)**
4. Critically analyse the approach of the courts when applying the general defences available in a claim for a tort.  
**(25 marks)**

## SECTION B

**Answer at least one question from this section.**

### Question 1

Amy was driving to work. Boris was driving in the opposite direction but was speeding as he was late for work. Boris had received a text message from his employer and was trying to reply as he drove. Boris swerved into the other lane, crashing into Amy's car. The collision caused the surrounding cars in both lanes to swerve and many of them crashed. Amy's car overturned and she became trapped inside the vehicle. Amy was unconscious with a serious head injury. Spilt petrol from one of the crashed cars caught fire and the fire started to spread towards Amy's car.

Carol was in a nearby shop and ran over to help Amy, as she saw the fire begin to spread towards Amy's car. Carol managed to pull Amy out of the car before the fire reached her car but has been suffering from shock ever since and does not feel able to leave her home.

The emergency services took Amy to the hospital and nurses called her mother, Danielle. After receiving the news, Danielle rushed to the hospital. Due to witnessing her daughter so seriously injured, Danielle suffered from PTSD.

Amy suffered serious brain damage and had to be taken care of around the clock by her husband Eric, who had to give up his job as a lawyer to take care of her. Amy lived for a further six months, at which point Eric was suffering from severe anxiety because of watching the deterioration of this wife.

Advise Carol, Danielle and Eric as to whether they could bring a claim for psychiatric harm.

**Do not discuss duty of care.**

**(25 marks)**

**Turn over**

## Question 2

Francine had suffered from back pain for many years. Her consultant, Doctor Gilbert, had recommended surgery. The procedure was described to her as being common and with a high success rate.

The back pain had caused Francine to suffer from severe depression because of the impact the pain had on her mobility. Doctor Gilbert feared that if he revealed that there was a 1-2% chance of her never being able to walk again, that there would be a detrimental impact on her mental health. Francine consented to the operation with no knowledge of this and signed the consent form, believing the surgery to be the only option.

There was, however, alternative and less intrusive treatment available. Less research was available relating to this treatment and Doctor Gilbert did not believe Francine to be sufficiently coherent to compare the two options.

The operation did, in fact, result in the risk of paralysis materialising and Francine was left wheelchair bound for the rest of her life.

Francine had been a college lecturer and was unable to return to work owing to her severe depression that had only worsened due to the outcome of the surgery. Adaptations were required to Francine's home to allow for wheelchair access. Doctors advised Francine that she would feel high levels of pain for the rest of her life and would require regular visits to the hospital for pain management.

Advise on whether Francine could have a successful claim against the hospital and any potential damages she could be awarded.

**(25 marks)**

### Question 3

Harriett and Ivan, along with their eight-year-old son Jonathon, were guests at Kempston Hotel.

On their first evening, Harriett was in the restaurant gathering food from the buffet. A few minutes earlier a child had spilled a drink. The area was dimly lit and Harriett did not see the spill. She slipped over, injuring her hip and breaking her designer sunglasses in the bag over her shoulder.

Later that evening, Ivan went to the hotel's gym but it had been closed for maintenance. There was a sign on the door stating, "Closed for maintenance, do not enter!" Ivan ignored the sign and began to use one of the exercise bikes. Unfortunately, it was faulty and Ivan fell to the floor, hitting his head on the floor and breaking his mobile phone in his pocket. The hotel had hired a local company, Gym Repairs, and had instructed them to always lock the gym when their workers left site.

While his parents were distracted, Jonathon left the restaurant to go to the children's area outside. However, the area was closed from 8 p.m. and was to be used only with staff in attendance. Jonathon did not read the sign and was easily able to climb over the gate to the play area. He began to play in the paddling pool and while stamping his feet to splash the water he slipped, hit his head and suffered a minor concussion.

Advise Kempston Hotel as to their potential liability in claims by Harriett, Ivan and Jonathon.

**(25 marks)**

**Turn over**

#### Question 4

Kevin had lived in Kempston for 30 years and ran a business from a workshop at the back of his house fixing motorbikes.

Martha moved next door to Kevin and began to complain about noise coming from his workshop. Kevin normally worked between 8 a.m. and 5 p.m. but because of the increasing cost of living he had begun to work until late into the evening.

During a particular busy period for Kevin, he also received complaints from Martha about the parking spaces that were being taken up by motorbikes outside his home.

None of the other neighbours had ever complained and they lived in a busy part of town.

Kevin received a leaflet in the post notifying him of plans to build new homes on an empty lot behind his home. Kevin is concerned that he will lose the view of empty fields from his home and that he could be overlooked by those who move in. He is also concerned that his internet signal will be affected.

Feeling that her complaints were being ignored, Martha began to deliberately bang against the wall and make loud noises in the middle of the night.

- (a) Advise Kevin on the potential for success in a claim brought by Martha against him for private nuisance.

**(18 marks)**

- (b) Advise Kevin if could have a potential claim for private nuisance against the development of the new homes.

**(7 marks)**

**(Total: 25 marks)**

**End of the examination**