



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 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 36th edition, Francis Rose, Oxford University Press, 2025.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

SECTION A

Answer at least one question from this section.

1. In 2012, the law of vicarious liability was described as “on the move” (Various Claimants v Catholic Child Welfare Society).

Critically evaluate the present state of the law in relation to:

- (a) the nature of the relationship which must exist between the tortfeasor and the vicarious defendant;

(10 marks)

- (b) the required connection between the tort and the relationship.

(15 marks)

2. The tort of trespass to the person has evolved through judicial decisions and adapted to societal needs and values.

Critically examine the key principles applied when dealing with these types of cases.

(25 marks)

3. Critically assess the extent to which the law of occupiers' liability has evolved consistently and protects the interests of all visitors and entrants.

(25 marks)

4. Critically discuss the current circumstances under which a police force can be held liable in a claim for negligence.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Amaan and Bilal, two friends, were travelling on a train to Kempston Village. Rather than stopping at their station, the train sped past and continued to gain speed. Due to the speed at which the train was travelling, the train derailed and overturned. Amaan became trapped in the wreckage and sustained several injuries, causing severe bleeding. As Bilal approached Amaan in an attempt to help him, a fire broke out near him on the train. Bilal could not reach Amaan due to the flames. Bilal managed to climb free from the wreckage but has since been diagnosed with chronic depression due to the scenes he witnessed.

Nearby, Carl, a farmer, saw the wreckage and ran over to help. He managed to pull a few people from the wreckage but has since been diagnosed with chronic anxiety following the level of injuries he witnessed.

Bilal telephoned the emergency services and then contacted, Dia, Amaan's mum, to inform her of the incident. Bilal was sure that Amaan could not be alive due to the strength of the flames and told Dia that he had been killed in the crash.

Dia arrived at the scene as the ambulance service were placing Amaan on a stretcher. He had, in fact, survived but had sustained third-degree burns alongside the injuries he sustained at the point of derailment. Dia went into shock and has since been suffering from nightmares in which she keeps reliving the moment she saw Amaan on the stretcher.

Advise Bilal, Carl and Dia as to the potential success of claims by them for psychiatric harm.

(25 marks)

Question 2

Erik, a famous actor, had been accused of inappropriate behaviour towards women and was being investigated by the police. Before the completion of the investigation, *Kempston News* published a story detailing the recent accusations, including statements from various people in the industry who claimed to have witnessed the alleged behaviour.

Following the newspaper publication, Francesca, an MP, made a statement in Parliament about Erik that validated the allegations by stating Erik was a diabolical hypocrite who should not be on the screen. Later that evening, Francesca appeared on a TV show. During the interview, Francesca described Erik as being a criminal who should no longer be seen as a role model and should be imprisoned for his behaviour against women.

Erik was involved in numerous charities, including one that campaigned against abuse against women and girls. During an event hosted by the charity, another famous actor, Harry, was heard by the head of the charity discussing how he was sure the allegations were true, based on behaviours he had witnessed on set.

Advise Erik as to the potential success of a claim for defamation against *Kempston News*, Francesca, and Harry.

(25 marks)

Question 3

Iris was driving her two friends, Jenny and Kyle, to lunch. During the lunch, Iris went to the bar and consumed a few alcoholic drinks. Jenny and Kyle were aware that Iris was having alcoholic drinks but were unaware of how many she had.

Iris had agreed to drive Kyle to an appointment he had across town later that afternoon. Jenny took a seat in the front of the car, while Kyle sat in the back. Jenny had recently sustained a shoulder injury so did not wear her seatbelt to avoid it aggravating the injury.

Traffic was rather heavy and Kyle was worried that he would be late for the appointment. Kyle began to insist that Iris drove faster and demanded that she overtook vehicles. Iris began to speed, overtook several cars and eventually lost control of the car as they went round a bend. The car went up onto the pavement and came to a stop by crashing into a post.

Jenny sustained bruising to her ribs and a neck injury. Kyle suffered a head injury when he was thrown into the front of the car from the back seat.

Advise Iris:

- (a) of any potential defences she could use in a claim made against her by Jenny;

(10 marks)

- (b) of any potential defences she could use in a claim made against her by Kyle.

(15 marks)

(Total: 25 marks)

Question 4

Leighton lives next door to Kempston Primary School, which had received planning permission to redevelop its playground. Children played football during school hours and many balls came over the fence into Leighton's garden.

The school then allowed others to hire the playground outside school hours and at the weekend to raise funds to help towards the cost of the redevelopment of the playground. This resulted in balls landing in Leighton's garden on a constant basis, rendering him unable to use the garden.

After many complaints made by Leighton, the school erected an overhead net and limited the use of the playground to school hours only to mitigate the impact on Leighton.

Despite these changes, Leighton still wants to bring a claim for an injunction to prevent any use of the playground and compensation for the time he was unable to use his garden.

Advise Leighton as to the potential success of a claim for private nuisance against Kempston Primary School and any potential remedies available to him.

(25 marks)

End of the examination

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