



**CARIBBEAN EXAMINATIONS COUNCIL**  
**CARIBBEAN ADVANCED PROFICIENCY EXAMINATION\***

**LAW**  
**PRIVATE LAW**

**UNIT 2 – Paper 02**

**2 hours 30 minutes**

**READ THE FOLLOWING INSTRUCTIONS CAREFULLY.**

1. This paper consists of SIX questions, TWO questions based on EACH module.
2. Answer ONE question from EACH module.
3. Write your answers in the spaces provided in this booklet.
4. Do NOT write in the margins.
5. If you need to rewrite an answer and there is not enough space to do so on the original page, you must use the extra lined page(s) provided at the back of this booklet. Remember to draw a line through your original answer.
6. If you use the extra page(s) you MUST write the question number clearly in the box provided at the top of the extra page(s) and, where relevant, include the question part beside the answer.

**SECTION A**

**MODULE 1: LAW OF TORT**

**Answer ONE question from this section.**

**EITHER**

1. The ABC Nursing Home is a private hospital that temporarily employs Dr Carriway to be the anaesthetist for emergency surgeries on weekends. Dr Carriway has his own private practice.

Mrs Gingkool, who is asthmatic and seven months pregnant, is rushed to the ABC Nursing Home with labour pains and has to be given emergency surgery. Dr Carriway does not enquire about her medical history and as a result gives her the wrong dose of anaesthetic which causes her to bleed excessively during the surgery. She becomes paralysed as a result. Mrs Gingkool is very angry and wants to be compensated for her resulting disability.

With reference to TWO decided cases, advise Mrs Gingkool on whether or not she can succeed in an action against

- (a) Dr Carriway [10 marks]
- (b) the ABC Nursing Home. [15 marks]

**Total 25 marks**

**OR**

2. (a) Outline THREE differences between 'public nuisance' and 'private nuisance', using TWO cases or examples to illustrate your answer. [10 marks]

(b) Showna is living in the vicinity of Cleanco Ltd, which usually parks its sanitation trucks on the public roadway. This causes obstruction to persons using the public roadway. While driving home one night Showna is hit by the back of an unmarked vehicle. She

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