



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester II, 2021/2022 Academic Session

Final Examination Question Paper

Course Code : LB 2302
Course Name : Law of Tort II
Course Level : Bachelor's Degree
Time : 3 hours

Notes:

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

Rahman and Rahim are best friends. They invite over Rashid, a classmate, to watch the live telecast of Brunei Football Cup Final between Maura Eleven and Tutong United. Rahman was the only supporter of Maura Eleven. When Maura Eleven won the match, Rahman jumped and hugged Rahim. Rahim, while not liking the behavior of Rahman, shouted “Don’t come close to me otherwise I will hit you”. Rahman kept jumping around with joy which annoyed Rashid. Rashid threw empty can of Pepsi drink towards Rahman but Rahman managed to avoid it. The can hit Rahim on his forehead.

What torts, if any, have been committed? Are there any defences available to Rahman, Rahim and Rashid?

QUESTION 2 (15 Marks)

“The tort of false imprisonment is a useful protection for individual liberty, but there are many uncertainties about its scope”. Discuss.

QUESTION 3 (15 Marks)

“A person who has possession over the land may institute an action for trespass”.
Discuss the above statement in relation to the tort of trespass to land.

QUESTION 4 (15 Marks)

Mr. Livingstone and his family checked in at Radisson Hotel during the Christmas holidays. While Mr. and Mrs. Livingstone were talking to the receptionist about holiday packages, their son, Terry, a 9-year old, wandered into the hotel lobby as he was fascinated by the colourful chocolate decorations. Thinking it could be eaten; he pulled off some chocolates and ate them. All the chocolates were however made of toxic material and could not be eaten. That night, Terry was restless. Mr.

Livingstone called the housekeeper to furnish them with another bed but there was no response. So, Mr. Livingstone decided to go to the storeroom himself to get the bed. Although there was a sign that said “No Entry– Staff only”, Mr. Livingstone went in. As there was no one there, Mr. Livingstone helped himself to one of the beds. Unknown to him, that the particular bed was faulty; he suffered injury to his right eye when a spring from the bed snapped. Both Mr. Livingstone and Terry were warded in a serious condition at a local hospital.

Advise Mr. Livingstone and Terry in relation to a claim under the law relating to occupier’s liability.

QUESTION 5 (15 Marks)

- (a) Explain **THREE (3)** types of ‘possession’ in the context of a person who may claim or file a suit for trespass to land. Support your answer with relevant case law. (7.5 Marks)
- (b) Explain **THREE (3)** types of ‘interference’ in the context of trespass to land. Support your answer with relevant case law. (7.5 Marks)

QUESTION 6 (15 Marks)

Celia is a student at Laksamana College of Business. She believes that she is being harassed by Tim, one of the lecturers at the College. She writes a letter to the principal of the College which includes the statement: “Tim harasses female students”. Celia takes the letter to the public library to make photocopies of it. By mistake, she left the original letter in the photocopier where it was found by Timothy who read it and posted it to Tim’s wife. Celia sends copies of her letter to every lecturer at the College. Tim denies the allegation of the harassment.

Advise Tim as to his cause of action, if any, in defamation.