# **Tort Law**

Frances Quinn











# **Tort Law**

'This is a comprehensive text which very much meets the employability agenda for potential lawyers. The text really lives up to the series title, Living Law, and examines Tort Law in the real world with everyday scenarios leading to a strong understanding of its function and purpose.

I also particularly like the use of practitioner interviews within the book; they provide valuable comments on their particular area of expertise.'

Lesley Lomax, Sheffield Hallam University

'An excellent book. It is comprehensive, very accessible and Frances Quinn brings a welcome new approach to the subject, making it ideal for any undergraduate course. This book must be considered by anyone teaching tort.'

Sean Curley, Principle Lecturer, University of Huddersfield.

# **Tort Law e book**

# **Table of Contents**

Cover

**Tort Law** 

**Brief contents** 

Contents

Guided tour

**Preface** 

Acknowledgements

Table of cases

Table of statutes

Table of statutory instruments

Table of European legislation

What is tort law?

Defining what a tort is

Practical issues in tort law

Making tort law

Tort and the requirement of fault

Tort and the Human Rights Act 1998

The tort system and personal injuries

Studying tort law: some advice

Negligence: general principles

How negligence began

The basics of negligence

**Duties of care** 

When will a duty of care exist?

Liability for omissions

Duties of care for other peoples actions



Breach of a duty

Proving negligence

Damage

Negligence: causation, defences and time limits

Causation

Remoteness of damage

**Defences** 

Time limits

Negligence: psychiatric injury

What is psychiatric injury?

Liability for psychiatric injury

The duty of care

Psychiatric injury not caused by shocking events

Tackling psychiatric injury questions

Problems with the law on psychiatric injury

Reform of the law

Negligence: economic loss

What is pure economic loss?

Liability for economic loss

Liability for economic loss: the law today

Liability for economic loss today

Problems with the law on economic loss

Negligence: public bodies

Police liability for negligence

The implications of Osman

The Human Rights Act 1998: an alternative to negligence?

Liability of local councils and public authorities

**Employers liability** 

Liability for harm to employees

The employers duty

Types of harm



Breach of the employers duty

Delegating the duty

**Defences** 

#### Vicarious liability

Why does vicarious liability exist?

Elements of vicarious liability

Was the tortfeasor an employee?

In the course of their employment

The employees liability

Liability for independent contractors

Should vicarious liability be widened?

Other types of multiple liability

#### Occupiers liability

Occupiers liability

Liability to visitors: the Occupiers Liability Act 1957

The duty of care to visitors

Warnings

Excluding the common duty of care

Defences under the 1957 Act

Liability to non-visitors: the Occupiers Liability Act 1984

The duty of care to non-visitors

Warnings

**Excluding liability** 

Defences under the 1984 Act

Cases not covered by the Occupiers Liability Acts

## Product liability

Product liability in negligence

**Defences** 

Evaluating product liability in negligence

The Consumer Protection Act 1987

**Defences** 



Evaluating the Consumer Protection Act 1987

#### Breach of statutory duty

Claims for breach of statutory duty

**Defences** 

Breach of EU legislation

#### Trespass to the person

Types of trespass to the person

**Defences** 

Limitation periods

Other torts that protect against physical harm

### Trespass to land

Liability for trespass to land

Trespass on highways

Trespass by relation

Trespass ab initio

The mental element

**Defences** 

Remedies

Trespass and the criminal law

#### Nuisance

Liability for nuisance

Nuisance and fault

Who can be sued?

Who can sue?

**Defences** 

Remedies

Nuisance and the Human Rights Act 1998

A critique of nuisance law

Other forms of nuisance

### The tort in Rylands v. Fletcher

Liability under Rylands v. Fletcher



**Defences** 

The role of Rylands v. Fletcher

Other protections against hazardous activities

Defamation: general principles

Some background to defamation

Liability for defamation

Defamation and damage

Who can sue for defamation?

Who can be sued?

Defamation: defences, remedies and problems

Defences to a defamation claim

Remedies for defamation

Time limits

Problems with the law on defamation

Proposals for reform

Privacy and confidentiality

Privacy protection: the background

The current law on privacy

Liability for misuse of private information

Remedies

Alternative protection against invasion of privacy

#### Deceit

Elements of the tort

Calculating damages for deceit

Deceit and negligent misstatement

Liability for animals

Liability for animals at common law

The Animals Act 1971

**Defences** 

Trespassing livestock

Remedies



Animals on the highway Special liability for dogs Remoteness of damage

Remedies

Damages

Injunctions

Glossary

Index