

# Suggested Scheme of work

## Law of Torts (G147)

This is merely a suggestion as to the order of topics to be covered and also includes a more detailed explanation of the content.

### Week 1

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**Introduction** – The Nature of the exam; overview of specification and an introduction to tortious liability.

### Weeks 2-3

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Introduction to Negligence

**Duty of care** -The neighbour principle, the development of the neighbour principle through the key cases, areas that a duty is and is not owed, issues of public policy involved with duty e.g. floodgates.

### Weeks 4-6

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**Breach of duty** -The reasonable man test and its development; the factors influencing breach; the different classes of defendant e.g. children and professionals, AO2 issues involving breach.

### Weeks 7-8

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**Causation and remoteness** – The 'but for' test including multiple, concurrent and consecutive causes, breaking the chain the effects of intervening acts; issues surrounding remoteness; AO2 issues e.g. fairness and consistency.

### Week 9

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**Negligent misstatement** – Relation to negligence; how it applies, the Hedley Byrne principles, development and the extension of the law on negligent misstatement.

## Week 10

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**Omissions** – A definition of an omission and the distinction between an omission and an act. The situations when a duty to act can give rise to liability for an omission e.g. control exercised by the defendants, assumption of responsibility and creation of a risk, special relationship between the parties.

## Weeks 11-12

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**Nervous shock** – Explanation and historical development of nervous shock, explanation of the concepts of primary and secondary victims; analysis and discussion of rescuers and bystanders; AO2 issues e.g. policy factors affecting the shaping of nervous shock. An introduction to the synoptic unit.

## Week 13-14

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**Occupiers Liability** – Key features of the 1957 Act e.g. types of visitor, independent contractors; key features of the 1984 Act and its impact and the adequacies of OLA from the perspective of the visitor and owner.

## Week 15

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**Defences** – An introduction to contributory negligence and its historical development; AO2 issues with contributory negligence e.g. the fairness of 100% contributory negligence; an outline of the key principles of voluntary assumption of risk.

## Weeks 16-17

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**Trespass to Land** – The meaning of land, an appreciation of unlawful entry and the act of trespass; the different classes of defendant and claimant, an overview of the defences.

## Week 18

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**Nuisance** – An explanation of the different categories of nuisance (public, private and statutory); who and when an individual can sue ; who can be sued; unreasonable use of land; duration; locality; seriousness and malice; defences and remedies.

## Week 19

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***Rylands v Fletcher*** – the purpose of the tort and a definition; an overview of the five key elements (non-natural use of land, likely to do mischief, if it escapes and bringing onto land, foreseeable harm); the different types of claimant and defendant, defences and remedies.

## **Weeks 20-21**

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**Trespass to the person** – definitions and key features of assault and battery, false imprisonment and harassment; AO2 issues e.g. medical issues; key features of the defences (consent and lawful authority) and examples of lawful and non-lawful detention.

## **Week 22**

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**Liability for animals** – The key elements of the Animals Act 1971 (who is liable, dangerous and non dangerous animals); the characteristics of the animal; the issues surrounding straying livestock; defences.

## **Weeks 23-24**

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**Vicarious liability** – An introduction to the concept of vicarious liability; the arguments for and against vicarious liability, the tests of employment e.g. control test; authorised and unauthorised act and the position of independent contractors.