

Sample Classroom Exercise: GCE Law (H524): Law of Torts Special Study (G148)

Exercise 1 – Identifying the key points in cases for question 1

Read Source 10 lines 12 to 31 on *White v Chief Constable of South Yorkshire* and the case or other text materials on the case and identify the critical points from the judgment of the case. Use the completed list as a revision aid.

Suggested list of critical points that can be found in the case:

- The Court of Appeal in *Frost v Chief Constable of South Yorkshire Police* recognised that rescuers had traditionally been accepted as primary victims;
- The case was also brought and succeeded on basic employers' liability;
- The House of Lords in *White* reversed the Court of Appeal because it held that the officers were not genuine primary victims, as they were not at risk of any personal danger
- The House of Lords also held that they would fail the *Alcock* criteria for secondary victims because they had no close ties with the victims;
- So to recover rescuers either have to be genuine primary victims or genuine secondary victims;
- The House of Lords recognised that it would be unjust to give damages to the police officers when all of the claims by relatives in *Alcock* had failed;
- This last point is just a disguised policy consideration.

Exercise 2 – Identifying critical comment in Sources in the Special Study Materials booklet for AO2 in question 2

Read Source 8 and identify critical points as a series of bullet points citing the lines in which the critical comment can be found. Use the completed list as a revision aid.

Suggested list of critical comment that can be found in source 8:

- ‘Historically the courts have been extremely cautious about admitting claims for psychiatric harm’ (lines 1 to 2);
- ‘this was partly due to judicial scepticism about the authenticity of psychiatric harm’ (lines 2 to 3)
- [this was] ‘based to some extent upon doubts about the validity of psychiatry as a medical discipline’ (lines 3 to 4);
- ‘initial fear of a flood of fraudulent claims’ (line 4);
- ‘replaced with the fear of a multiplicity of genuine claims if the neighbour principle was applied in an unqualified manner to this type of harm’ (lines 5 to 6);
- ‘Scepticism about the nature of psychiatric damage and concerns about a possible flood of claims led to more or less strict limits as to who could recover and in what circumstances’ (lines 19 to 20).