

Module : **Law of Torts II**

Theme : **Private Law**

Aims:

- To provide students with the ability to examine specific areas of negligence law
- To enable students to identify some of the personal interests protected by the law of torts and the defences thereto.

Syllabus

- Trespass to the person
- Trespass to land and goods;
- Rule in *Rylands v Fletcher*;
- Defamation
- Liability for defective products
- Occupier's liability for dangerous premises
- Passing Off
- Liability of vendors and Lessors, Builders and Public Authorities for quality and fitness of premises
- Professional negligence
- Employer's liability
- Defences and remedies
- Limitations of actions

Workload

Contact	60 hours
Directed Learning Time	50 hours
Independent Learning Time	25 hours
Assessment Time	15 hours
Total	150 hours

Teaching and Learning Methods

Students will primarily be taught via formal lectures. Students will be encouraged to partake in-group discussions of various issues. Tutorials will form an integral part of the teaching and learning of this module. Students will be provided with reading materials and will be required to prepare in advance. Tutorials will be used to develop and deepen understanding of principles dealt with in lectures. Students will also practice examination techniques in tutorials.

Integration and Linkage

Students will build on the knowledge acquired in semester one. Having learned general negligence principles, students will study specific examples of these principles at work, for example in the area of negligent misstatement. Knowledge of the Law of Torts is essential to students entering the legal professions.

Learning Outcomes

On successful completion of the module, students will be able to:

- Assess and evaluate the characteristics of specific torts
- Distinguish between the different types of torts
- Appraise the key elements of these torts
- Evaluate the remedies available in tort
- Assess the interrelationship between the tort of negligence and more specific areas such as professional negligence
- Analyse factual scenarios and apply their understanding of Irish Tort Law to them
- Identify key areas for reform

Assessment

Students will be set one essay type assignment as part of the module. The assignment will require a high level of research and will involve students reading extensively from case law. This assignment will account for 30% of the assessment marks and will assess students' ability to undertake analysis of a particular area of negligence. Students will be required to demonstrate their understanding of the particular area by applying the principles learned to solve the problem. A written examination involving practical problem questions coupled with theory questions will be undertaken on module completion. The final examination will account for 70% of the assessment marks. The theory questions will assess the students' skills of critical evaluation. The hypothetical problem questions will further assess the students' ability to apply tortious principles. Greater critical evaluation will be expected of students at this stage.

Reading List

Essential

McMahon & Binchy (2000) *Irish Law of Torts (2nd Edition)*, Butterworths.

Burke & Corbett (2002) *The Law of Torts*, Roundhall.

Corbett (2004) *Nutcases – Tort Law*, Roundhall.

Recommended

Rogers (2002) *Winfield & Jolowicz on Tort (16th ed.)*, Sweet & Maxwell.

Lunney & Oliphant (2004) *Tort Law: Text and Materials (2nd ed.)*, Oxford University Press.

Quill (1999) *Torts in Ireland*, Gill and Macmillan.

Fleming (1998) *The Law of Torts (9th Edition)*, LBC Information Services.

Conaghan & Mansell (1993) *The Wrongs of Tort*, Pluto Press.

Cane (1993) *Atiyah's Accidents, Compensation and the Law*, Butterworths.
Heuston & Buckley (1999) *The Law of Torts*, Sweet & Maxwell.
Kerr (1993) *Civil Liability Acts 1961-64*, Round Hall Press.
Whyte (1993) *Remedies for Personal Injuries & Death*, Butterworths.