

LAW OF TORT



TORT

- **A TORT IS AN ACT OR OMISSION THAT GIVES RISE TO INJURY OR HARM TO ANOTHER AND AMOUNTS TO A CIVIL WRONG FOR WHICH COURTS IMPOSE LIABILITY**

3 TYPES OF TORT LAW

- **INTENTIONAL TORT**
- **STRICT LIABILITY TORT**
- **NEGLIGENCE TORT**

HISTORY

- **FORM OF ACTION**
- **ACTION OF TRESPASS (CRIMINAL ACTION)**
 - 1. TO LAND**
 - 2. TO CHATTELS**
 - 3. TO PERSON**



TRESPASS ON THE CASE

- **IT IS A MATTER OF CIVIL LAW: COMPENSATION**
- **IT IS NECESSARY TO PROVE THE DAMAGE**
- **IT IS NOT NECESSARY THAT THE OFFENDER HARMS DIRECTLY THE OFFENDED PERSON**
- **THE OFFENDED PERSON SHOULD PROVE AT LEAST THE FAULT OF THE OFFENDER; IT IS NOT REQUIRED THAT THE DEFENDANT HAS ACTED MALICIOUSLY**

UNINTENTIONAL TORTS: TORT OF NEGLIGENCE

1) THE DEFENDANT OWED A DUTY OF CARE

2) THE DEFENDANT DID NOT BEHAVE IN A REASONABLE MANNER TO DEMONSTRATE CARE

3) THE PLAINTIFF SUFFERED AN INJURY AS A RESULT OF THE DEFENDANT'S ACTIONS OR INACTIONS AND THE INJURY CAUSED ACTUAL DAMAGES

4) THE PLAINTIFF IS NOT INVOLVED IN THE CAUSATION OF THE DAMAGE

5) PROXIMATE CAUSE: THE DEFENDANT'S ACTIONS OR INACTIONS WERE THE CAUSE OF INJURY

WHEN THE DEFENDANT HAS A DUTY OF CARE?

- **WHEN IT IS FORESEEABLE THAT THE DEFENDANT'S BEHAVIOUR COULD CAUSE THE DAMAGE**

WHEN THERE IS A BREACH OF DUTY OF CARE?

- **WHEN THE DEFENDANT VIOLATES THE STANDARD OF CARE HE/SHE HAD TO HONOUR.**
- **REASONABLE MAN**

TO DECIDE IF THERE IS A BREACH OF DUTY OF CARE...

- **UK: ENGLISH JUDGES DECIDE INDEPENDENTLY**
- **US: AMERICAN JUDGES BASE THEIR DECISIONS ON THE CURRENT LEGISLATION**
- **EXEMPLARY DAMAGES**

THANK YOU VERY MUCH!

