

THE LAW OF TORT

WHAT IS THE LAW OF TORT?

Exercise 1

Read this information about the law of tort. The most important words are in the key vocabulary below. Decide if the statements that follow are true or false.

Key vocabulary

- wrong
- damage
- harm lia

- compensate
- negligence

- liablei
- intentionconduct

The law of tort deals with civil wrongs. A **wrong** is something that causes **harm** or **damage** to another person. The words 'harm' and 'damage' have the same meaning. A person who suffers harm or damage is hurt in some way. This hurt might be physical in nature, but it might be some other type of hurt, such as causing someone to lose money. This area of law is based on the following principle. In situations where I cause harm to another person, I may be **liable** to **compensate** him or her for that harm, even in situations when:

- I do not have a contract with that person and
- I did not commit a criminal act against that person.

Let's say that I am shopping in a large supermarket and an employee of the supermarket washed the floor five minutes ago. The floor is not completely dry. I do not know this. There is no sign to warn me that the floor is wet. I slip on the floor and hurt my back. I have to go to hospital and I cannot go to work for a month. This is a situation where I need to make a claim based on the principles of the law

of tort. I am hurt physically and I have perhaps lost money, all because of someone else's conduct. **Conduct** is a more formal word that means behaviour.

The law of tort says that I must not harm another person either because I *choose* to harm him or her, or because I was *not careful* enough. In other words, I am liable for any harm that I cause to another person either from having **intention** to cause harm, or from **negligence**.

How is this area of law different from criminal law or contract law? The answer to this question is that there is a lot of overlap between the law of tort, contract law and criminal law. Overlap means that these areas of law include some things that are the same. However, an important difference between the law of tort and criminal law is that the main purpose of the law of tort is to compensate people who suffer harm and not to punish the people who caused this harm. An important difference between the law of tort and contract law is that the law of tort makes us liable to people with whom we have no previous relationship.

а	The law of tort aims to compensate people for different types of harm and not just physical harm.	True	False
b	I must have a contract with someone to make a claim against that person under the law of tort.	True	False
C	I can only make a claim against someone under the law of tort if that person hurt me intentionally.	True	False
d	The main purpose of the law of tort is to punish people who cause harm to others.	True	False
е	I can be liable for my actions under the law of tort to someone who was a complete stranger to me before my conduct hurt that person.	True	False

Help desk

What do these words mean?

a principle of law – an established idea that is used as the basis for a particular area of law.

to slip – to fall because of stepping in something that is wet or icy.

Use the correct words from the key vocabulary in Exercise 1 to complete the following sentences.

a The main idea of the law of tort is not to punish people who do something wrong but to people who suffer because of someone else's conduct.

for the harm that I cause to other people, which means that I have legal **b** lam responsibility for causing that harm.

to harm that person. c In situations when I deliberately harm another person, I have ____

d In situations when I harm another person because I was not careful enough, the law says that the person can make a claim against me based upon my _

_' means the same as the word 'harm'. The word 'damages', however, is not the plural of this word. Damages means financial compensation for harm or damage suffered.

Read this short text that gives you more information about the law of tort. Answer the questions that follow

Conduct that causes harm to another person is referred to as a tort. We can describe a person's conduct by saying that he or she is guilty of a civil wrong. We can also say that he or she has committed a tort. Several different types of tort exist in English law. Lawyers refer to the different types of tort as categories of tort or as the heads of tort. If someone harms me I can bring an action in tort. This means that I can sue that person on the grounds that I have suffered harm. If I am successful in this action, I will receive a remedy from him or her. A remedy is something that compensates me for my loss or that stops the harm from happening again. The usual remedy for a tort is damages. The person who is guilty of harming another person is referred to as a tortfeasor.

а	What is a tort?
	Answer:
b	What are the heads of tort?
	Answer:
С	What does to 'bring an action in tort' mean?
	Answer:
C	What is a remedy?
	Answer:
	e What is the usual remedy for a tort?
	f What name do lawyers give to the person who commits a tort?

TYPES OF TORT

Exercise 1

Read this information about the different types of tort that exist in English law. In each case, decide which is the correct preposition from the two possibilities. Write your answers in the spaces below.

There are several heads (*) of/to tort in English law. The most important heads are:

- Negligence
- Trespass to land
- Nuisance
- Trespass to the person
- Defamation

We will look at the nature of these torts in Exercises 3 and 4 below. To 'trespass' is a general word that means to interfere (a) to/with something or someone, or to do something that causes harm.

If I want to bring an action (b) against/to a tortfeasor, that person's conduct must usually fit (c) on/into one of the heads. However, some areas of tort are constantly developing. As society changes, the conduct that we regard (d) to/as unacceptable or harmful changes too.

Lawyers usually divide the heads (e) into/to two categories. These are torts that cause harm to people and torts that cause harm to land.

		Answers					
Ex	ample (*) <u>of</u>	a	b	c	d	e	
	t ercise 2 ead Exercise 1 aga	ain and answe	r the following	questions usi	ng a full sentend	ce.	
а	What does the v						
b	What are the two	o types of tresp	pass?				
С	Does the law of a						**
	What two catego	ories do lawyers	s usually divide	the heads of	tort into?		
	ercise 3 ad this informatio					nle The most im	

words are in the key vocabulary below. Complete the sentences that follow with the correct word from the

Key vocabulary

key vocabulary.

battery

- assault
- negligence duty of care
- trespass to the person

- defamation
- slander

false imprisonment

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Answer:

- Trespass to the person means to harm someone in a physical way. To make someone afraid that I will physically hurt them is the tort of assault. To actually hurt someone in a physical way is the tort of battery. To keep someone in a certain place without that person's permission is the tort of false imprisonment. All of these torts are known as trespass to the person.
- Defamation occurs when someone makes a negative statement about another person which harms that person's reputation. In other words, it means saying or writing something negative about someone, so that other people think in a more negative way about that person.

Defamation comes in two forms. The tort of **libel** is publishing the statement in a permanent form, for example, writing it in a book. The tort of **slander** refers to a statement in a form that is not permanent, for example, saying something in ordinary conversation.

• Negligence occurs when you cause harm to another person because you were not careful enough. The law of tort says that in situations where you can anticipate that your conduct is likely to cause harm to another person then you have a duty to be careful. Lawyers refer to this duty as the duty of care. Negligence is the most common ground for claimants bringing an action in tort.

a	ulia runs a café in the town centre. Last week one of Julia's customers burnt his hand when he ouched a very hot plate. Julia did not warn the customer that the plate was hot. He claims that Julia was not careful enough and that he will sue Julia on the grounds of
b	Julia's solicitor explained to her that as the owner of a café she has a of her customers. This means that she has a duty to make sure that her customers do not suffer any
C	Mary was shopping in a large department store last week. A shop assistant says that she early take a necklace from the shop without paying. The manager of the shop kept Mary in an office for 45 minutes until the police arrived. The manager did not allow Mary to leave. The police discovered that minutes until the police arrived the store on the grounds of
	Gary was playing football on Saturday. Gary shouted at his friend named bill on the shouted. He shouted, 'I am going to kill you!' This is not the tort of, as Bill did not really believe that Gary intended to cause him physical harm in this situation.
	Last year Paul was successful when he sued the police on the grounds of
	no reason. The head of tort that includes false imprisonment, assault and battery is
	g The head of tort that includes libel and slander is The head of tort that includes libel and slander is
	 The head of tort that includes liber and states
	i The actress Crystal Benn is suing a major newspaper on the grounds of The newspaper published a story that said Crystal takes illegal drugs and the story was not true.

Exercise 4

Read this information about torts that cause harm to land. Fill the gaps in the text with the correct words from the box below.

objects	committed	permission	grounds
Claimants	enjoy	• factory	walking

There are two main torts that cause harm to land.

mean (b)	on the land or it might mean	vithout that person's (a) staying there permanently. Tres 's land without that person's per	spass to land also
individual has a right to (in without anyone spoiling to for trespass to land often my garden. Near my hous strong chemicals. These kill the trees in my garder	being in his hat experience. (e) being in his hat experience. (e) use this tort as a basis for lesse is a small (f) chemicals smell very bad, but in. The factory owner has not (nt of his or her own land. This ness or her own home or on his or who might not be successgal action. Let's say I have som involved in a manufacturing at in addition to this, the fumes for manufacturing at the tort of truction against him on the (h)	her own land seful in an action to be beautiful trees in activity that uses from the chemicals espass to land

THE DUTY OF CARE

Exercise 1

Read this information about the duty of care in the tort of negligence. The most important words are in the key vocabulary below. Complete the sentences that follow by matching the first half of each sentence with the correct ending.

Key vocabulary			
negligence	acts	omit	objective
duty of care	omissions	foreseeable	subjective

In the UK and the USA most cases in tort are based upon the tort of **negligence**. In order to bring a successful claim against someone for negligence, the claimant must prove that the defendant was in breach of his or her **duty of care**. The duty of care is the duty to make sure that my conduct does not harm anyone.

However, the law is a little more complicated than this. The law of tort says, for example, that I am liable for

- the things that I do, and also
- the things that I don't do.

In other words, I can be liable for harming another person because of my actions and I can also be liable because I fail to do something that a

reasonable person would do under the circumstances. A lawyer will say that I am liable for my **acts** and also for my **omissions**. Omissions are the things that I do not do. For example, when doctors give patients medicine to treat an illness, and that medicine is dangerous if people drink alcohol at the same time, the doctors must warn their patients. If the doctors do not warn the patients, then the doctors **omit** to tell the patients something important and that omission can cause harm to the patients. Both statute and the common law contain rules about the situations in which people are liable for their acts and their omissions.

Do I have a duty of care to everyone under all circumstances? The answer to this is 'no'. It is an established common law principle that I am only liable in certain situations. The main limit upon my

continued

liability to others is that the harm that I cause to another person must be 'reasonably foreseeable'. Foreseeable means that the results of my conduct are predictable. For example, a gas company is doing some work in the street. The men doing the work dig a deep hole. The men then go home at the end of the day. They do not put a sign anywhere to warn people that the hole is there and they do not provide a light. A man falls into the hole at nighttime and breaks his leg. Was the result of the gas company's omission reasonably foreseeable? The answer to this is 'yes'. A reasonable person can anticipate the results of conduct such as this.

- Negligence is...
- The duty of care is...
- Acts are...
- Omissions are...

How do we know if something is reasonably foreseeable? The test is objective and not subjective. It does not really matter what the defendant says that he or she was thinking at the time of the harmful conduct. The common law provides many principles that come from hundreds of cases about what is foreseeable and what is not foreseeable.

All of these factors must be considered when we ask the question 'Is the defendant in breach of the duty of care?'

- To omit to do something means ...
- Reasonably Foreseeable means...
- Objective means...
- Subjective means...

not to do that particular thing. (1) predictable. Something that I anticipate might happen as a result of my conduct. (2) things that I actively do. (3) influenced by your own, personal feelings and opinions when you have to decide

something. (4) not being careful enough. It is similar in meaning to 'carelessness'. (5)

the duty not to harm other people. However, this duty is limited depending upon the situation in which the harm is caused. (6)

not influenced by your own feelings when you have to decide something. (7)

things that I do not do. (8)

Read the information in Exercise 1 again and decide if the following statements are true or false.

reau t	The information	True	False
a	Negligence is the tort that most legal action under the law of tort is		
	based upon.	True	False
b	I am not liable for omissions under the law of tort.	True	False
ngn	All of the rules about liability under the law of tort come from the	Iluc	
C	common law.	00 7 000 C 1910	False
	I do not owe a duty of care to everyone under all circumstances.	True	PARTY TOTAL
d	I do not owe a duty of care to every	True	False
e	A defendant can always escape liability by saying that he did not personally foresee the harm that the claimant suffered.		

	rercise 3 complete the following sentences with the correct prepositions.
a	In the UK the majority of cases are based the tort of negligence.
b	I am bringing a claim against my doctor negligence.
С	An omission is a failure to do what a reasonable person would do the same circumstances.
t	I am only liable for breaching my duty of care to people certain situations.
9	The test to decide if something is reasonably foreseeable or not is an objective test, which means it does not matter what the defendant was thinking the time when he or she caused the harm.

MORE ABOUT NEGLIGENCE

Read this information about some of the general principles of the tort of negligence. The most important words are in the key vocabulary below. Match the questions that follow this information with the answers that are provided.

Key vocabulary deterrent remote damage actionable per se compensation redress proof of damage negligent conduct damages

The rules in the law of tort concerning negligence aim to compensate anyone who suffers harm. However, these rules have another purpose. They aim to act as a deterrent against negligent conduct. A deterrent is something that persuades a person not to behave in a particular way. For example, the idea of prison may act as a deterrent to a person who considers committing a criminal act. The principles of the tort of negligence are designed to act as a deterrent against **negligent** conduct. Negligent conduct is behaviour that might lead to harm.

However, when a person is guilty of negligent conduct then it may be necessary to make a claim against that person. A court will look at the evidence and decide if the claimant is entitled to redress. The verb 'to redress' means to correct something that is unfair, usually by putting the claimant back in the position that he or she was in before the negligent conduct happened. The noun 'redress' has a very similar meaning to **compensation**. Redress usually takes the form of **damages**. Lawyers often talk about being 'entitled to redress'. This means

being entitled to receive compensation or damages. Lawyers do not say 'entitled to a redress'.

As we already know, a court first of all considers whether or not the defendant owed a duty of care to the claimant. If there is no duty of care, then there is no claim. Then the court considers whether or not that duty of care was breached. If there was a breach, was the harm that the claimant suffered reasonably foreseeable? If the harm was not reasonably foreseeable then a lawyer will describe it as remote damage. The claimant is not usually entitled to redress for remote damage.

Some torts require **proof of damage**. In other words, the claimant must prove that the defendant's conduct caused harm. However, some torts, such as libel, are actionable per se. If conduct is actionable per se, it means that the claimant does not need to provide proof of damage. The phrase 'per se' is Latin. In English, per se means 'by itself'. The fact that the defendant committed the tort is enough for the claimant to be entitled to redress.

- What is a deterrent?
- What is negligent conduct?
- c What does redress mean?

- What is remote damage?
- What is proof of damage?
- What does it mean if something is actionable per se?
- It means the same as compensation. (1)
- It means that the claimant can make a claim for the thing that happened without any evidence of actual harm. (2)
- It is evidence that the claimant actually suffered real harm, such as physical harm or loss of money. (3)
- It is something that is designed to make people not do a particular thing or not behave in a particular way. (4)
- It is careless behaviour that is likely to cause harm to another person. (5)
- It is damage that the defendant could not reasonably foresee. (6)

A FAMOUS CASE IN ENGLISH LAW

Read this information about a famous case from the law of tort in England. Answer the questions that follow using a full sentence.

The 'McLibel' case

On 15 February 2005, the longest case in English legal history came to an end. The case lasted for an amazing nine years and six months, the longest case in either criminal or civil legal history. There were 313 days of legal argument in court and 20,000 pages of court transcripts, which are the documents that record what happened in court. 130 witnesses gave oral evidence to the court. This case was based upon the law of tort.

The case was famous all over the world because of the nickname that people gave to it. This nickname was 'the McLibel case'. The claimant in the McLibel case was, of course, McDonald's, the chain of fast food restaurants. The case was so famous that the word 'McLibel' now appears in some respected English dictionaries.

The facts of the case are as follows. The defendants in this case, Helen Steel and David Morris, belonged to a group of people who were worried about the environment and about the way that certain large corporations were behaving in relation to the environment. The group decided that the best way to tell the public about this was to give out leaflets containing information about the problem. In 1990, Helen and David stood outside several McDonald's restaurants in London. They gave leaflets to people

who were in the area. The title of the leaflets was 'What's wrong with McDonald's: Everything they didn't want you to know'.

The problem was that the leaflets contained some very controversial claims. For example, the leaflet said that McDonald's was partly to blame for the destruction of the rainforests. It also claimed that McDonald's' food was unhealthy and eating too much of this food could give people health problems later in life.

In 1990 McDonald's issued a claim against Helen and David on the grounds of libel. The company did not need proof of damage, as libel is actionable per se. The libel trial started in 1994. There was no judgment until three years later. Helen and David were found to be guilty of libel. In 1999 Helen and David appealed, but again they were ordered to pay damages to McDonald's.

Helen and David refused to pay the damages. They decided instead to appeal to the European Court of Human Rights in Strasbourg. Two barristers from England represented Helen and David in Strasbourg. The Strasbourg court made a decision that changed English law. The court decided that the English courts followed the correct procedure but that, nevertheless, the trial in England was unfair. This was mainly because Helen and David were poor compared to a big corporation such as McDonald's, which meant that they could not pay for an expensive legal team. As a result of this, Helen and David's defence was not

so well prepared. The court also ruled that Helen and David's right to free expression was violated.

The court awarded Helen and David damages of nearly £47,000.

A FAMOUS CASE IN ENGLISH LAW

Exercise 1

Read this information about a famous case from the law of tort in England. Answer the questions that follow using a full sentence.

The 'McLibel' case

How long did the 'McLibel' case last?
Answer:
Who was the claimant in this case?
Answer:
Who were the two defendants in this case?
Answer:
What global issue were Helen and David worried about?
Answer:
How did Helen and David tell the public about their worries?
Answer:
What claim did Helen and David make concerning McDonald's and the environment?
Answer:
Why did McDonald's not need proof of damage?
Answer:
What was the decision of the court of first instance?
Answer:
Why did the European Court decide that Helen and David's defence was not so well prepared as McDonald's' claim?
Answer:
What other ruling did the European Court of Human Rights give in this case?
Answer:

UNIT 5A VOCABULARY CHECK

These are the important words that you have studied in Unit 5A. You should make sure that you know these words before you go on to Unit 5B.

a ct
actionable
assault
battery
compensate
compensation
conduct
d amage
damages
defamation
deterrent
duty of care
false imprisonment
foreseeable
harm
heads of tort
intention
liable
libel
n egligence
negligent
nuisance
objective
omission
omit
overlap
p er se
principle of law
proof
redress
remedy
remote
slander
subjective
tort
tortfeasor
trespass
wrong

TOLES FOUNDATION EXAM PRACTICE

Exercise 1

Here is a conversation between a lawyer and his client. The conversation is mixed up. Put the conversation in the correct order. Write your answers in the boxes numbered 2–9 below. There is an example at the beginning (*), which is the start of the conversation.

- (*) Good morning Mr Decker. Thank you for coming to see me today. I understand that you have a complaint about a newspaper story concerning you and your family published on 5 September.
- **a** That's good news. I'm glad that I'm entitled to do something about this. And I'm certainly sure that this story damaged my reputation. But what does sue mean? Will the person who wrote this story go to prison?
- **b** Is that the same as compensation?
- **c** That would be the grounds if the untrue story about you was spoken and not written. In this situation however, we have good grounds for a defamation claim based upon libel.
- **d** No. In England this type of thing is not a criminal matter. It is what we call a tort. It's a type of civil wrong. The punishment for the person who published the story will almost certainly be that he or she has to pay you damages.
- e Really? I thought the grounds would be slander.
- f Yes, that's correct. The story was in a London newspaper on 5 September and again in a magazine called 'Celebrity Gossip' on 7 September. My wife is very upset about it. We're trying to make sure that our children do not see the story, but it is difficult. Because I'm a professional footballer, my family are often in the newspapers and millions of people seem to be interested in our personal lives.
- **g** Yes, it is. Both are a payment of money that the court considers will compensate you for the harm that the story did to your reputation. In this case the story was in written form, so we will sue them on the grounds of libel.
- h I see. I understand that protecting your family is very important to you. As a professional sportsman, people are naturally interested in what you do. However, no one is allowed to say or write anything untrue about you that causes damage to your reputation. When this happens, you have the right to sue.

(1) (*) (2) (3) (4) (5) (6) (7) (8)	(9)
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Read the text below. There are ten words missing from the text. In the spaces below, write the missing words. The first letter of each word has been provided for you. There is an example at the beginning (*).

The law of tort compensates people who suffer a civil wrong. The formal name for a civil wrong is a ____. Several different categories of tort exist under English law. Lawyers refer to these categories of tort'. These divide easily into two main types. They are torts relating to people and as 'the (1)

The tort that deals with being on another person's land without his or her permission is known as the tort of to land. This tort also includes placing objects on another person's land without that person's permission. The second tort relating to land is the tort of (3) ______. This is the tort of interfering with someone's enjoyment of his or her own land. The usual complaints from claimants in this area are noise, pollution or bad smells. All of these are unacceptable when they last for a long period of time.

_ that causes harm to another person. Most The second category of tort deals with a person's (4) ___ cases in this area are on the grounds that the defendant was negligent. The unacceptable behaviour can to do something that a normal, reasonable person would do under the same circumstances. However, the law places a limitation upon liability for negligent acts or omissions. The law says that a person only owes a duty of (6) ___ situations where it was reasonably (7) _____ that the act or omission would cause harm.

The law of tort is concerned with the idea of redress more than with the idea of punishment. The main aim of the law of tort is to (8) _____ the injured party. In cases where the defendant has liability for causing harm, the law offers the claimant a (9) _____. This means the claimant receives a solution for the wrong that he or she suffered.

In a case involving tort, the defendant, who is referred to by the formal name of a (10) _____, will usually have to pay damages to the claimant if he or she is guilty of causing harm.

*)	tort			
		(6)	C	
(1)	h			
		(7)	f	
(2)	t			
		(8)	C	
(3)	n			
		(9)	r	
(4)	C			
		(10)	t	
(5)	f			

Exercise 3

Read the following article and decide if the statements under it are true or false. Write your answers in the box below. There is an example at the beginning (*).

Colleen Corr is Irish. At the moment she lives in London. Colleen is a lawyer. She works in a bank. She works in the bank's legal department as a case manager. The bank that Colleen works for has a contract with a large catering firm to provide a restaurant service for all members of bank staff. Anyone who works for the bank can either eat in the restaurant or buy a meal from the restaurant to take away and eat at his or her desk.

In December of last year, Colleen bought a salad in a plastic container from the restaurant and, because she was busy, she took the salad to her desk to eat while she continued to work. As she was eating, Colleen bit a hard object that was in the salad. The object was a small stone. Colleen broke a tooth as a result of biting the stone. Colleen had to visit the dentist and the bill was £630. Colleen complained to the catering company but the manager of the catering company says that it accepts no liability for Colleen's injury. Colleen is now suing the catering company on the grounds of negligence. She is claiming the cost of visiting the dentist and an additional amount of £100 for her pain and suffering.

Example

- (*) Colleen Corr is not English.
- 1 Colleen Corr works as the general manager of a bank.
- 2 The bank has a contract with a catering company to provide food for bank employees.
- 3 Colleen was eating in the bank's restaurant when she damaged her tooth.
- 4 Colleen is not suing her employer for negligence.
- **5** The total amount that Colleen is claiming is £730.

(*) TRUE	(1)	(2)	(3)	(4)	(5)

Read the text below. There are ten words missing from the text. In the spaces below, write the missing words. The first letter of each word has been provided for you. There is an example at the beginning (*).

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torts relating to land.	or her permission is known as the tort of

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permission. The second tort relating to land is the tort of (3) This is the tort of interfering with permission. The second tort relating to land is the tort of (3)	se,
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cases in this area are on the grounds that the document to do something that a	normal, reasonable perso
be an act or an omission. An omission is a (5) to do something that a	upon liability for negligent
be an act or an omission. An omission is a (5) to do something states would do under the same circumstances. However, the law places a limitation would do under the same circumstances and the same circumstances and the same circumstances.	to another person in
acts or omissions. The law says that a person only owes a day of the same are emission would	
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The law of tort is concerned with the idea of redress more than with the idea of punishment. The norm of the law of tort is to (8) the injured party. In cases where the defendant has liability for the law offers the claimant a (9) This means the claimant receives a solution for the law offers the claimant a (9)	
that he or she suffered.	

In a case involving tort, the defendant, who is referred to by the formal name of a (10) _____, will usually have to pay damages to the claimant if he or she is guilty of causing harm.

			4
(*)	t ort		
(1)	h	(6)	С
(2)	t	(7)	f
(3)	n	(8)	С
	C	(9)	r
(5)	f	(10)	t

Exercise 3

Read the following article and decide if the statements under it are true or false. Write your answers in the box below. There is an example at the beginning (*).

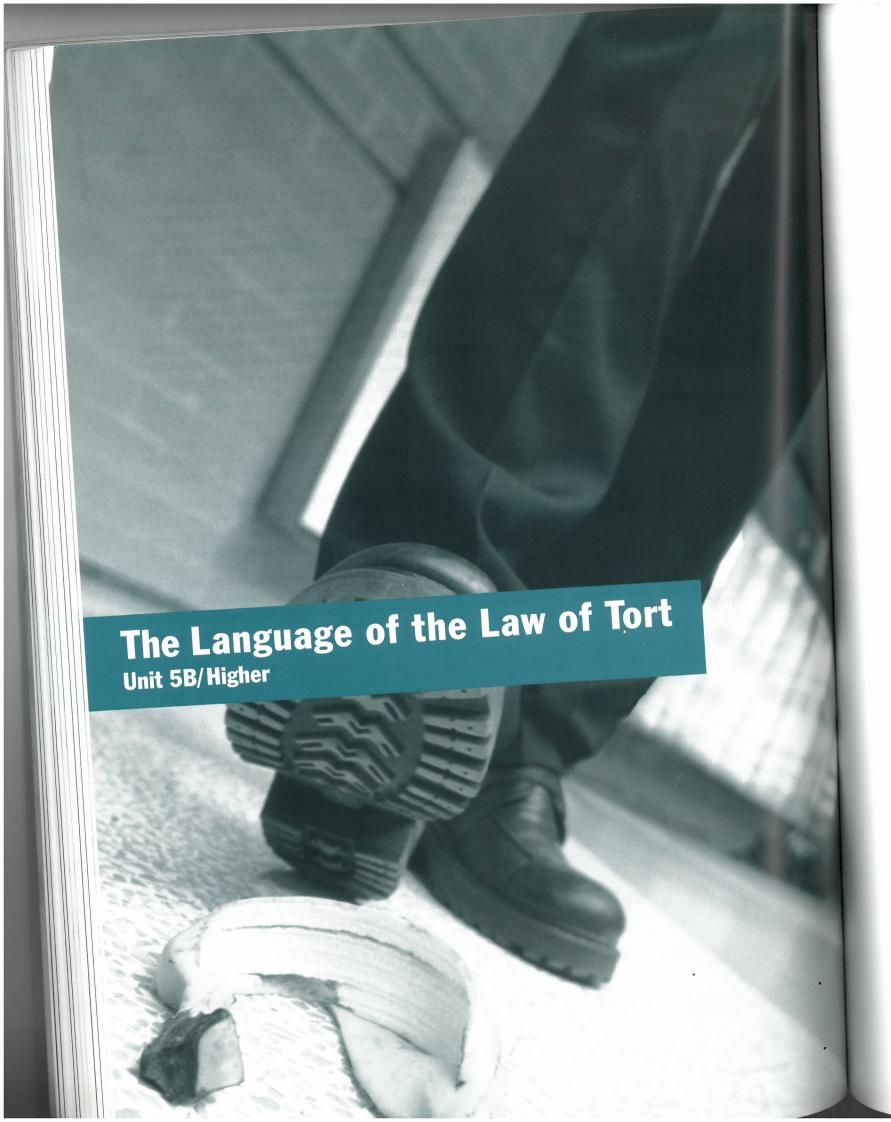
Colleen Corr is Irish. At the moment she lives in London. Colleen is a lawyer. She works in a bank. She works in the bank's legal department as a case manager. The bank that Colleen works for has a contract with a large catering firm to provide a restaurant service for all members of bank staff. Anyone who works for the bank can either eat in the restaurant or buy a meal from the restaurant to take away and eat at his or her desk.

In December of last year, Colleen bought a salad in a plastic container from the restaurant and, because she was busy, she took the salad to her desk to eat while she continued to work. As she was eating, Colleen bit a hard object that was in the salad. The object was a small stone. Colleen broke a tooth as a result of biting the stone. Colleen had to visit the dentist and the bill was £630. Colleen complained to the catering company but the manager of the catering company says that it accepts no liability for Colleen's injury. Colleen is now suing the catering company on the grounds of negligence. She is claiming the cost of visiting the dentist and an additional amount of £100 for her pain and suffering.

Example

- (*) Colleen Corr is not English.
- 1 Colleen Corr works as the general manager of a bank.
- 2 The bank has a contract with a catering company to provide food for bank employees.
- 3 Colleen was eating in the bank's restaurant when she damaged her tooth.
- 4 Colleen is not suing her employer for negligence.
- 5 The total amount that Colleen is claiming is £730.

(.) TOUE						
(*) TRUE	(1)	(2)	(2)	(4)		
	(-)	(2)	(3)	(4)	(5)	
				, · /	(5)	



THE LAW OF TORT

AN INTRODUCTION TO THE LAW OF TORT

Exercise 1

Ann Edington is a professor in the law department at the University of Chatsworth. She is giving a lecture to the first-year law students on the subject of the law of tort. Here are Ann's notes for her lecture. Fill in the gaps in the text with a word from the box below.

remedy	damages	distress	• care	wronged
deterrent	• redress	incurred	proof	breached

Lecture notes - an introduction to tort

The word 'tort' comes from the latin term 'tortus', which means 'twisted'. From there it came to mean 'wrong', as the word continues to be used in French. In English, the word 'tort' is only used as a technical term by lawyers. The law of tort is the law that deals with civil wrongs. Some law textbooks describe the law of tort as 'the law of wrongs'.

What is the purpose of this area of law? Many lawyers describe this as the most disorganised area of law. It has even been described as 'the dustbin of law', meaning that it is the place where all of the problems that other areas of law cannot deal with will eventually arrive. However, the principal purpose of the law of tort is to provide a (a) ______ to those who have been (b) ______ by others. Some of these wrongs might be covered by criminal law or by contract law as well as by the law of tort, but some might not be.

However, people are not liable for wrongs to others in every situation in life. Let's say that person A harms person B in some way. Is person B entitled to what lawyers call '(c) _______'? It is certainly not automatic that person B can make a claim against person A according to the law of tort. It depends on the type of harm that has been caused and under what circumstances. The law of tort is based upon principles that have developed over many years. These principles explain what lawyers refer to as 'tortious liability'. This is where one person or organisation has a duty in the eyes of the law not to harm another in any way. This duty is called a duty of (d) ______. To make a successful claim against someone according to the law of tort, you must first of all establish that:

the duty of early was (c)	
In some cases you also need to provide the court with (f)	of harm, but in
other cases just proving that the duty of care was breached is enough.	
The marks of the Control of the Cont	

• the person who has harmed you owed a duty of care to you, and

The main objective of the law of tort is not to punish the wrongdoer, but to compensate the injured party. This compensation usually takes the form of a payment of money that is referred to as (g) ______. Let's say that person A is driving dangerously and causes harm to person B by crashing into his car. In this example, person A has an automatic duty of care not to harm anyone in this way and that duty has been breached. A court might award damages to cover the cost of buying a new car. It might also award damages for any

continued

• the duty of care was (a)

Collocation bank

- to provide a remedy
- to award damages
- loss of earnings

- to be entitled to damages
- to incur expenses
- to act as a deterrent

Preposition bank

- to be liable for something 'You are liable for the results of your breach of duty of care.'
- to depend on something 'The amount of damages awarded will depend on the amount of earnings you have lost.'
- under certain circumstances 'Under the circumstances your client is at fault.

- to be entitled to something 'My client is entitled to redress.'
- to have a duty to another person 'You have an automatic duty to every other citizen not to cause them harm because of your conduct.'
- to cause harm to someone. 'Your client's negligent conduct was the cause of the harm to my client.'

Complete the sentences below with the correct words from the box in Exercise 1.

as 'pain and suffering' or 'emotional (i)

Some lawyers think that the law of tort also acts as a (j) twice before behaving in a way that could lead to harm.

_ by the story that you printed about her in your magazine and a My client was seriously _ she is considering legal action against you.

b According to English law you have a duty of ______ to every citizen not to harm them in any way.

other expenses that person B has (h) ______, such as loss of earnings if he is unable

to go to work. The court also might add a certain amount of damages to the sum awarded

for things that are difficult to measure, such as person B's pain and suffering. The phrase

moral damage is *not* used in English to describe this kind of suffering. We usually describe it

in that people think

c The grounds of our claim against you are that you have _____ your duty of care to my client.

d The court awarded my client _____ in the amount of £15,000 in her libel case against Gossip magazine.

to any journalists e The judge said that he hoped the amount awarded would act as a ___ in future who are thinking about publishing a story that might not be true.

_ that any damage has occurred as a result of the tort. It is f Libel does not require _ actionable in court per se.

g My client admits that his conduct was a breach of the duty of care that he owes to your client. He also acknowledges that your client is entitled to some kind of _____, probably in the form of damages, to compensate her for her loss.

This amount includes my client's loss of earnings for the period in question.

i We will be claiming damages totalling £12,000, which includes an amount to cover the emotional that my client has suffered as a result of your breach of duty.

j Your client was at fault in this situation and the law will provide my client with a ______ if you do not settle the matter out of court.

WHAT IS TORTIOUS LIABILITY?

Exercise 1

Ann Edington's second lecture on the law of tort is about tortious liability. Here are the notes that Ann has prepared for her lecture. Read what Ann is planning to say to her students about tortious liability and decide whether the statements that follow are true or false.

Lecture notes - tortious liability

It is very difficult to give an exact definition of what tortious liability is. Lawyers and academic writers do not seem to be able to find a clear definition upon which they agree completely. In general, it is liability for harm that is caused to another person due to a breach of a duty of care. Let us now look at some important aspects of tortious liability.

- Some tortious liability arises from the common law and some from statute.
- All citizens within a particular jurisdiction have a duty of care automatically imposed upon them by the law of tort. In this way, it is very different from contract law, in which the parties to a contract assume their obligations voluntarily. For example, the law of tort in England imposes an automatic duty upon every citizen not to go onto anyone else's land without his or her permission. There is no need for any two individuals to agree privately upon this. The parties concerned may not have had any contact with each other at all before the tort of trespass to land is committed. In this respect, it is much the same as in
- The law of tort will impose liability where a person has acted in a certain way, or failed to act in a certain way if the law requires it. This means that liability in the law of tort can arise as a result of either an act or an omission.

continued

- It is also possible according to the law of tort to be liable for the acts or omissions of another person with whom you have a certain relationship. An employer, for example, can sometimes be held liable for the acts or omissions of his or her employees. This type of liability is called vicarious liability.
- Most of the tort claims that are brought are based on fault. This means that the defendant has done something wrong. This fault can consist of having an intention to commit a wrong, but negligence is often enough to establish fault.
- Some torts are based on what lawyers call 'strict liability'. This means that there is liability in certain situations independent of any fault. The defendant in any situation, known as the tortfeasor, will be liable even though harm to the claimant happened without intention or negligence. For example, let's say a defendant keeps something on his or her land that is dangerous, such as a harmful chemical. The chemical escapes, due to no fault of the defendant, and causes harm to neighbours. This is called a breach of a strict duty. The defendant is liable even though he or she is not at fault.
- Most torts require proof of damage suffered. In addition, that damage must not be too remote as a consequence of the defendant's behaviour. However, some torts do not require proof of actual damage. Libel is an example of this. If I write something about someone that is not true, that person does not need proof of damage to bring an action against me under the law of tort.

	the law of tort comes	True	False
a	According to English law the liability that arises in the law of tort comes from both statute and the common law.		
	and under the law of tort	True	False
b	without having any kind of private agree	True	False
С	It is impossible to be liable under the law of tort because you haven't	eston sa	
	done something. It is impossible to be liable for the actions of another person under the	True	False
d	law of tort.	True	False
e	It is not always necessary to be guilty of some fault to be liable for a tort.		

Look at Ann Edington's lecture notes on tortious liability again. Find the words or phrases in the notes that match each of the following meanings.

ma	atch each of the following	
а	The duty that every citizen owes to every other citizen, according to the law of tort.	
	The word or phrase is The name for the general responsibility for harm caused to other people according t	·
b	The name for the general roops	

С	The tort of entering onto someone else's land or property without that person's permission.			
	The word or phrase is			
d				
е				
	The word or phrase is			
f	A lack of proper care or not fulfilling a duty that it is your obligation to fulfil which results in harm to another.			
	The word or phrase is			
g	The name of the particular responsibility that every citizen owes to every other citizen regardless of whether he or she is guilty of any intention or negligence when causing harm.			
	The word or phrase is			
h	A person who has breached the duty of care and has caused harm to another person as a result of that breach.			
	The word or phrase is			
i	A word meaning 'distant' or 'far away'.			
	The word or phrase is			
j	A published statement that is not true and which damages someone's reputation as a result of being published.			
	The word or phrase is			
	Collocation bank			
	 to impose a duty of care upon someone to assume an obligation voluntarily to be held liable for something 			
	 to commit a tort remote damage to owe someone a duty 			
	Preposition bank			
	 to arise from the common law or statute the tort of trespass to land 			

- 'Many of the principles of the law of tort arise from the common law.'
- a duty imposed upon someone 'Statute imposes a duty upon you concerning your liability for any products that you sell to the public.'

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- 'Going onto someone's land without their permission is known as trespass to land.'
- to have proof of something 'Some torts are actionable without proof of damage.'

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The word or phrase is _

SOME CATEGORIES OF TORT

Several different types of tort exist in the UK and the USA. Some of these categories of tort are listed in the box below, together with areas of liability arising under the law of tort. Match each type of tort or area of liability with the situations that follow.

occupier's liability (1)	defamation (5)
	employer's liability (6)
vicarious liability (2)	trespass to land (7)
product liability (3)	false imprisonment (8)
nuisance (4)	Taise imprisonment (

- a 'I own a factory where bread and cakes are manufactured. I did not provide my workers with the special gloves that they need when they are taking things out of the ovens. One of my workers has suffered very serious burns to his hands and arms as a result.'
- b 'My neighbour has started to keep animals in her garden. She has some hens and a small pig. The noise and the smell are terrible.'
- 'I own a company that transports goods by lorry. Last week one of my drivers was in a petrol station during his working hours. He lit a cigarette and threw away a lighted match, which caused an explosion.'
- d 'I bought my son a toy from a company on the Internet. The toy is a battery-operated train. When the train was switched on the batteries became extremely hot and my son burnt his hand when he was playing with it.'
- 'I own a magazine that contains a lot of gossip about celebrities. Last month my magazine printed a story that said a local footballer here in Chatsworth had kept some money raised at a charity event for homeless people. I now know that the story was completely untrue.'
- f 'I study geography at the University of Chatsworth. Last week the whole class had very bad results on a test. The professor was furious. He locked the door of the lecture room and he refused to let anyone out of the room until he had finished speaking to us. He kept us there for one hour after our usual time.'
- 'I went into a bar last week with some friends and I slipped on some beer that was on the floor.

 When I fell I cut my hand on some broken glass. Another customer in the bar told me that a man had dropped a bottle of beer there about 20 minutes earlier. The bar staff had been told that there was beer and broken glass on the floor, but they had been too busy to clean it up.'
- h 'My neighbour walks across my land as a shortcut to the shops. I have been asking him to stop doing this for months now, but he doesn't listen to me.'



Exercise 1

Listen to this professor who is giving her students a lecture. It is an introduction to the law of tort. Listen to the lecture and answer the following questions.

a	The professor says that some people give the law of tort a different name. What is it?
	Answer:
b	What is the meaning of the word 'redress'?
	Answer:
С	What do the majority of claimants want when they bring an action to court under the law of tort?
d	Answer: The professor says that damages are one form of redress that the courts can offer to an injured party What is the other remedy that she mentions?
	Answer:
е	How does the professor define the tort of nuisance?
	Answer:
f	What does the professor say is the correct term for a person's liability in the law of tort? Answer:
g	The professor mentions an automatic duty that the law imposes upon everyone. What is the name of this duty?
	Answer:
h	The professor mentions two ways in which a person has a duty under the law of tort not to harm another. One duty is not to harm a person physically. What is the other duty that she mentions?
	Answer:
i	The professor mentions that the law of tort and the law of contract overlap in some ways. She gives a example of a company supplying something to a group of consumers that will lead to concurrent liabil in tort and criminal law. In the professor's example, what did the company supply to the consumers?
	Answer:
j	How does the professor say that some legal commentators have described the law of tort? Answer:

THE TORT OF NEGLIGENCE

Most tort cases in England and the USA are based upon the tort of negligence. Read the following text about the tort of negligence. Fill the gaps in the text with a verb from the blue box.

about the tort of negr	Bolloon		agree	
expect owe	docontribute	askargue	• establish	

Under what circumstances is a person or organisation guilty of the tort of negligence? Unfortunately, the definition of the legal term 'negligence' varies according to which book or legal dictionary you are reading. The legal term 'negligence' has a much more complex meaning than the general English meaning of the word. upon the However, most lawyers (a) idea that in order to establish negligence in a particular situation we must (b) three fundamental questions. These are: Did the defendant (c) claimant a duty of care? • Was that duty of care breached? Did the defendant's breach cause, or materially _ to, the damage suffered by

the claimant? If the answer to all three questions is 'yes', then the defendant has been negligent in the legal sense of the word.

To whom do I owe a duty of care? The case law in this area is complicated. However, there is a principle of English law that says that I owe a duty of care to anyone in situations where it is reasonably foreseeable that my act or omission might cause harm to another person. In other words, it is a defence to an allegation of negligence that no reasonable person would have anticipated that my act or omission would cause harm.

Assuming that I can reasonably anticipate the result of my act or omission, what standard of care does

to establish negligence

to suffer damage

from me? How do I know when I have breached my duty of care? To answer this question, most English law students are asked to remember the general principle of negligence provided by a judge named Alderson in the case of Blyth v Birmingham Waterworks (1856). The judge said:

'Negligence is the omission to (g) something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do.'

Again, the question of whether or not I have breached my duty of care has been decided by an objective test. What would an ordinary, reasonable person do under the same circumstances?

Finally, in order to firmly (h) _ negligence, the claimant must demonstrate that the negligent act of the defendant was the main cause of the damage complained of. A court will often ask:

- Was the chain of causation broken at any time?
- Would the harm that the claimant suffered have happened anyway, even if the defendant had not acted in a particular way?
- Even where there is a clear chain of causation, was the damage too remote, in other words, not reasonably foreseeable by the defendant?

In conclusion, establishing that someone has been negligent is not as straightforward as the general public might imagine.

Collocation bank

the cause of damage reasonably foreseeable a chain of causation

to allege negligence

Preposition bank

to act in a way 'Your client acted in a particular way that caused harm to my client.'

in order to do something 'In order to establish negligence we must show that the defendant breached his duty of care to you.'

- foreseeable by someone 'The damage was reasonably foreseeable by your client.'
- to be guilty of something 'The defendant was guilty of committing this tort.'

Exercise 2

Read the text in Exercise 1 again and decide if the following statements are true or false.

а	The legal meaning of the word 'negligence' is more complicated than the general, dictionary meaning as the public would understand it.	True	False
b	According to English law, I owe a duty of care to all other citizens in all situations.	True	False
C	The test of whether or not one person owes another person a duty of care is an objective one.	True	False
d	The definition of negligence in this text from the year 1856 comes from the common law.	True	False
e	In cases where there is a clear chain of causation between the defendant's conduct and the claimant's harm, the defendant will always be guilty of negligence.	True	False

Exercise 3

Complete the following sentences on the subject of negligence with a preposition from the box below

	• by	under	• At	upon	• of
а	Do we agree	the fact tha	t your client owe	d my client a duty of c	are?
b	We must ask ourse	lves what a reasona	able person would	d have done	those circumstances
C		not take reasonable ving negligently.	e care when using	g dangerous chemicals	s and so he is guilty
d	The damage cause	d to the claimant w	as not reasonabl <u>y</u>	y foreseeable	the defendant.
е	what	point do you think t	hat the chain of	causation was broken'	?

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 (\mathbf{d})

THE MOST FAMOUS TORT CASE

Read this text about a very famous case in the law of tort and answer the questions that follow using a full sentence.

There is a particular case that almost every lawyer in every common law system in the world is familiar with. This is the famous case of *Donoghue v* Stevenson. The facts of the case are as follows:

On 26 August 1928, Mrs May Donoghue of Glasgow left her home to make the short journey into Paisley, a neighbouring town. Upon arriving in Paisley, Mrs Donoghue met a friend at Minchella's café at 1 Wellmeadow Street. Her friend ordered and paid for a pear, an ice-cream and a bottle of ginger beer, which is a drink that was very popular at that time. In doing so they began the events that would change legal history forever.

The ginger beer was manufactured by Mr David Stevenson of Paisley. It came in what was described as an 'opaque' bottle, so unfortunately no one was able to see what was in the bottle until the contents were poured out. The café's proprietor, Mr Francis Minchella, poured part of the ginger beer onto Mrs Donoghue's ice-cream to make what is known as 'an ice-cream float'. Mrs Donoghue apparently began to eat with enthusiasm.

What happened next was the basis for the entire case. It is said that when Mrs Donoghue's friend was pouring out the rest of the contents of the bottle into a glass, he or she saw floating out of the bottle what seemed to be the partly decomposed remains of a snail. Mrs Donoghue claimed she was made ill by what she had seen. Certainly, she had medical treatment from her doctor three days later for gastro-enteritis, and again three weeks later, on 16 September 1928, at the Glasgow Royal

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Infirmary. She also claimed that she had suffered from 'nervous shock'.

If it had been Mrs Donoghue's mysterious friend, (he or she was never named), rather than Mrs Donoghue herself who had suffered the effects of the ginger beer, then the legal world would probably have heard nothing about it. The friend could have sued Mr Minchella because there was a contract of sale between them, of which Mr Minchella was clearly in breach. However, there was no contractual relationship between Mr Minchella and Mrs Donoghue. The only person she could possibly sue was David Stevenson, the manufacturer of the ginger beer. The question was, on what grounds?

Mrs Donoghue was advised by a remarkable solicitor, Walter Leechman, of Leechman and Co, Glasgow. Mr Leechman decided to proceed with Mrs Donoghue's case, even though there was no legal precedent for such an action. The basis of the claim was simple. It was that any manufacturer of a product intended for human consumption must be liable to the consumer for any damage resulting from a lack of reasonable care to ensure that the product is fit for consumption.

The case proceeded through various appeals to the highest court in the land, the House of Lords. The Lords decided in favour of Mrs Donoghue, and so it happened that a new precedent was established and a lady who said she was 'not worth five pounds in all the world' became the reason why, these days, millions of pounds and dollars have been won by claimants based on the tort of negligence.

a	Where was Mrs Donoghue from?
	Answer:
b	What was the address of the café where the incident happened?
	Answer: Answer:
С	Answer: Why was no one able to see the contents of the bottle of ginger beer before it was poured out?
c	Answer: What did Mrs Donoghue's friend claim to have found in the bottle of ginger beer?
	Answer:
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е	What physical illness was Mrs Donoghue treated for soon after her visit to the café?
	Answer:
f	What was the name of the hospital where Mrs Donoghue was treated? Answer:
g	What second serious effect did Mrs Donoghue claim the incident had caused? Answer:
h	Why could Mrs Donoghue's friend have sued Mr Minchella if he or she had drunk the ginger beer? Answer:
i	Why was it so surprising that Mr Leechman decided to take this case to court? Answer:
j	This case established that a duty of care exists in English and Scottish law between manufacturers and which other general group of people?
	Answer:

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USING YOUR KNOWLEDGE

SING Y	OUR KNOWIE STATE	
ollocatio	on review these sentences with a collocation that you have seen	n.
ompiete t	these something of £12	,000.
The jud	dge the claimant damages of £12	of
-	viclient has been unable to work, she will be making a	claim based on her
As my	client has been unable to work, one	
earning	ngs. This amounts to 2010	Leterrant in that it makes
	functionals think that the law of tort	as a deterior in a serior doing
Some	e legal professionals think that the law of tort le think very hard about the consequences of their act	ions and may stop some post
people	le fullik very mana an	
poten	ntially damaging things.	auro that their employees work in a
	ntially damaging things. law a duty of care on all employers	s to make sure that their own
d The la	aw a addy 5	
safe 6	environment.	to the claimant and that the
	the ideal that the defendant	a duty of care to the dismand
e Thej	judge decided that the defendant	
defe	endant had breached that duty.	the times voluntarily but in the law of tort
	ch party to a contract his or her obl	igations voluntarily, bas in the
f Each	ch party to a contract the party to a contract the party to have them or no igations exist whether people want to have them or no	ot.
oblig	order to that there has been neglig	the plaimant must first satisfy the court
	that there has been neglig	gence, the claimant mass
g Ino	order toat the duty of care has been breached.	
that	at the duty of care has been seen	was vour client's negligence.
	y client damage to her health as a	result of your chart's risgue
h My	y client	hast and we deny that the harm that she
	y client uamage by	induct and we dony are
i My	aused was reasonably	
cai	aused was reasonably	reage to your client's financial loss, as the
j My	aused was reasonably Iy client's conduct was not the direct cause of the dar of causation was broken by several	other events.
Voca	cabulary review Inplete these sentences with a word that you have see. English speakers do not use the phrase 'moral damag	n.
	to not use the phrase 'moral damag	ge' to describe a claimant's same a
a E	English speakers do not use the philader this type of suffering as emotional	<i>:</i>
t	The name of the general liability that people have acc	the law of tort is
	stan goneral liability that people have acc	cording to the law of tort is
b	The name of the general liability drawn	
	liability.	and emissions of another person is
	The name of the liability that one person might have	for the acts and ornissions or save
	called liability.	tianable per se is known as
	The name of the liability that requires no proof of ha	irm but is actionable per 30 to tare
d	The name of the liability that is a same of the liability	
	liability.	
	The person or organisation that has committed a to	ort is formally known as a
е	The person or organisation distribution	hand by for example, making a lot of
	The person or organisation that has a second of the tort of interfering with someone's enjoyment of	his or her land by, for example, many
f	The tort of interiening with some	
	noise is known as	
		© Global Legal E

g	g Libel and slander are collectively known as the tort of		
h	The tort of going onto someone's land without his or her permission is known as to land.		
i	The usual that is available to the claimant in tort cases is an award of damages, which must be paid by the defendant.		
j	If the damage caused to the claimant by the defendant's conduct was not reasonably foreseeable then a court might describe this as damage.		
	reposition review complete these sentences with the correct preposition.		
а	Each citizen within a particular jurisdiction is liable any breach of his or her duty of care.		
b	If you cause harm someone as a result of a breach of the duty of care then you will probably be ordered to pay damages to that person.		
С	The amount of damages that you have to pay will be dependent the circumstances of the case.		
d	My client is entitled redress for the harm that she has suffered.		
е	Many of the principles of the modern law of tort arose the facts of the case of <i>Donoghue v</i> Stevenson.		
f	Many of the obligations that we have under the law of tort are imposed upon us statute.		
g	Do we agree the fact that your client was liable for this accident?		
h	There was no break in the chain causation and your client was directly responsible for my client's loss.		
i	Mrs Donoghue met her friend at a café the town of Paisley.		
j	When Mrs Donoghue's case went to court there was no legal precedent such an action.		

nit 5B/Hig

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TOLES HIGHER EXAM PRACTICE

There is a word or phrase missing from the following sentences. For each sentence circle the word which best fits into the space from the options provided. Do not mark more than one answer for each sentence. There is an example at the beginning (*).

Example As well as compensating people who have suffered a loss, the law of tort is intended to act as a (*) _____ to harmful conduct.

(*)	to naminal conducts	to other citizens under certain
1	According to English law, each citizen has a duty of (1) _	
	circumstances.	are of damage is rec

	circumstances.	it rations where no proof	of damage is required, is
2	The liability that people h	ave under the law of tort in situations where no proof	
_	known as (2) lia		or the harm that he or sh

	known as (2) flability.	$_$ party for the harm that he or she
3	The main objective of the law of tort is to compensate the (3)	
	has suffered	tal main an

	has suffered. The phrase 'emotional (4)'	' is used by lawyers in England to describe a client's men		tal pain an	
4	suffering.		as the law (5)	th	

- 5 People have no choice as to whether to accept liability under the law of tort, as the law (5) _____ this liability upon them.
- 6 In negligence cases, a claimant will only be compensated for harm that is reasonably (6) ______ by
- 7 In some negligence cases the claimant is refused a remedy on the grounds that the harm he or she has suffered is too (7) _____.
- 8 The liability that people have in the law of tort in situations where one person can be liable for the acts and (8) _____ of another is known as vicarious liability.
- **9** The act of going onto someone's land without their permission is known as the tort of (9) _____.
- 10 The tort of defamation has two forms, which are slander and (10) _____.

	yen	B (deterrent)	c warning	D caution
(*)	A prevention	hagana later on PRV Pres	C care	D watchfulness
(1)	A carefulness	B caution	c definite	D strict
(2)	A absolute	B total	c defective	D hurt
(3)	A injured	B damaged		D distress
(4)	A damage	B misery	C torture	D compels
	A puts	B imposes	C forces	
(5)	A anticipated	B foreseeable	c probable	D predictable
(6)		B isolated	C far	D remote
(7)	A distant	B failures	c omissions	D oversights
(8)	A errors		c invasion	D disturbance
(9)	A intrusion	B trespass	c libel	D fiction
(10)	A criticism	B falsehood	U IIDOI	

Exercise 2

Read the following sentences that have a preposition missing from them. For each sentence circle the preposition that best fits into the space from the options provided below. Do not mark more than one answer for each sentence. There is an example at the beginning (*).

	Example My client was seriously harmed by your conduct and he is entitled to sue you (*) the grounds of negligence.			
	1 The court awarded damages to the hotel (1) the amount of £10,000 after the magazine published a defamatory story about events that happened in its kitchen.			
:	The grounds of our claim (2) your client are that your client's story in the Daily Journal amounted to defamation.			
,	3 My client will be claiming for his loss (3) earnings for the entire period that he could not work.			
	In some cases an employer is liable (4) his employees' acts and omissions.			
į	A manufacturer of goods is liable (5) the consumer for the safety of those goods.			
6	My client has suffered emotional distress (6) a result of your client's conduct.			
7	7 The amount of damages that you are awarded will depend (7) the amount of harm that you have suffered.			
8	An omission is a failure to act (8) a certain way.			
ç	The law of tort says that you have a duty (9) other people.			

(*)	A on	B for	C with	D to
(1)	A for	B on	C in	D into
(2)	A with	B against	C of	D to
(3)	A from	B to	C in	D of
(4)	A to	B with	C by	D for
(5)	A to	B with	C by	D for
(6)	A with	B for	C as	D for
(7)	A by	B on	C into	D to
(8)	A in	B for	C to	D on
(9)	A for	B with	C to	D by
(10)	A across	B to	C in	D against

10 Several of my neighbours walk (10) _____ my land as a shortcut and I would like them to stop.

Listen to this conversation between a lawyer and her client. Decide if the following statements are true or false.

- 1 A friend of Mr Kelly recommended Miss Reay because she has a good reputation in defamation cases.
- 2 Mr Kelly and his wife have moved to France to escape from the terrible rumours about his life.
- 3 FriendsAgain.com is a website where old school friends can chat.
- 4 Most of Mr Kelly's pupils were French and German.
- 5 Gary Hetherington's father was angry with Mr Kelly when Gary was expelled from the school.
- 6 Mr Kelly has emailed the untrue comments from the website to Miss Reay.
- 7 Mr Kelly was dismissed from his job at St Bernadette's school.
- 8 Jim Murray was libelled on the same website as Mr Kelly.
- 9 The defendant in the case that Jim Murray brought in 2002 is now also a teacher.
- 10 If Mr Kelly wins damages from Gary Hetherington he is going to use the money to pay for a holiday.

True or false?			(4)	(5)	
(1)	(2)	(3)	(4)		
(2)		(8)	(9)	(10)	ĺ
(6)	(7)	(0)			