

Tort Law 2023

Revision for Summative MCQ

1- Introduction to Tort

- What is the purpose of liability in Tort
- What interest are protected by tort law?
- What is the burden of proof in tort?
- Explain the following liability:
 - o **Fault liability**
 - o **Strict liability**
 - o **Actionable per se**

2- Negligence

- What is the definition of negligence?
- What are the facts of *Donoghue v Stevenson*? what was the decision in this case? What is the 'neighbour principle' established by Lord Atkin in this case?
- What are the 3 elements to establish negligence?
- Do you need to prove damage or injury for a claim in negligence?

Duty of care

- What were the facts and decision in *Caparo Industries v Dickman*?
- When there is new or novel situation, what are the 3 requirements for establishing duty of care under *Caparo*?
- Why was the 'fair, just and reasonable' requirement introduced?

Omissions

- Under common law, is there a general duty to act?
- What are the exceptions when there is duty to act?
- What were the facts and decision in *Smith v Littlewoods Organisation* [1987]?
- What does a 'relationship of control' mean? Explain with reference to *Home Office v Dorset Yacht Club* [1970].

Breach

- What is the test for establishing breach?
- Explain the *Bolam v Friern Hospital Management Committee* [1957] test.
- What is the standard of care expected of children and skilled workers?
- What is the standard of care expected of a new doctor or a new driver?

Causation

- What is meant by the 'chain of causation'?
- Which case established the 'but for' test? Explain this test.
- What is old test and the new test for 'causation in law'?
- What does the 'thin skull rule' mean? explain how it applies.

Mcq On Law Of Negligence

Sebastian Brünink



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