CONTENTS

Preface ix
Table of Cases xix
Table of Statutes cccci
Table of Statutory Instruments cccxxxiii
Table of Civil Procedure Rules cccxxxix
Table of Rules of the Supreme Court cccxli
Table of European Secondary Legislation cccxlili
Table of International Treaties and Conventions cccxlvii

1. PRINCIPLES OF LIABILITY IN TORT

M. A. Jones

1. The nature of tort liability 1–02
2. The functions and development of tort liability 1–11
3. The framework of tort liability 1–23

2. CAUSATION IN TORT: GENERAL PRINCIPLES

M. A. Jones

1. Introduction 2–01
2. Factual causation 2–09
3. Loss of a chance 2–69
4. Causation in law 2–91
5. Remoteness of damage 2–133

3. GENERAL DEFENCES

M. A. Jones

1. Introduction 3–01
2. Claimant’s wrongdoing (ex turpi causa) 3–02
3. Contributory negligence 3–44
4. Consent and assumption of risk 3–87
5. Exclusion of liability 3–118
6. Miscellaneous defences 3–128

[xi]
CONTENTS

4. JOINT LIABILITY AND CONTRIBUTION 
   J. Murphy
   1. Introduction
   2. Joint and several torts
   3. Contribution
   4. Apportionment
   5. Indemnity

5. CAPACITY AND PARTIES
   J. Murphy
   1. Introduction
   2. The Crown
   3. Postal services
   4. Foreign states and ambassadors
   5. Visiting forces
   6. Bankrupts
   7. Children
   8. Persons of unsound mind
   9. Husband and wife
   10. Assignees
   11. Corporations
   12. Unincorporated associations and trade unions
   13. Partners
   14. Joint claimants
   15. Judicial acts
   16. Statutory protection of justices
   17. Ministerial acts
   18. Constables

6. VICARIOUS LIABILITY
   J. Murphy
   1. Introduction
   2. Liability for employees
   3. Liability of the employer
   4. Independent contractors
   5. Loan of chattel
   6. Principal and agent
   7. Ratification of torts
   8. Limitations on liability

7. FOREIGN TORTS
   J. Murphy
   1. Introduction
   2. Jurisdiction
   3. Choice of law
CONTENTS

4. Particular types of tort 7–18
5. Limitation 7–22

8. NEGLIGENCE  
   M. A. Jones
   1. The tort of negligence 8–01
   2. Duty of care 8–05
   3. Breach of duty 8–136

9. BREACH OF STATUTORY DUTY  
   R. Buckley
   1. Introduction 9–01
   2. Categorising breaches of statutory duty 9–05
   3. Is the breach actionable? 9–11
   4. Damage within the ambit of the statute 9–50
   5. The standard of liability 9–54
   6. Causation 9–60
   7. Defences 9–63

10. PROFESSIONAL LIABILITY  
    A. Tettenborn
    1. General considerations 10–01
    2. Medicine and allied professions 10–44
    3. Law 10–105
    4. Surveyors and valuers 10–154
    5. Architects and consulting engineers 10–182
    6. Finance 10–195
    7. Insurance brokers 10–212

11. PRODUCT LIABILITY AND CONSUMER PROTECTION  
    A. Tettenborn
    1. Product liability in general 11–01
    2. Liability in contract 11–03
    3. Negligence 11–08

12. OCCUPIERS’ LIABILITY AND DEFECTIVE PREMISES  
    A. Tettenborn
    1. Liability of occupiers to visitors for condition of premises 12–01
    2. The Occupiers’ Liability Act 1957 12–02
    3. Liability to trespassers 12–61
    4. Liability to other non-visitors on the defendant’s premises 12–78
    5. Liability of landlord 12–82
    6. Liability to persons not on the premises 12–87
13. **Employers' Liability**

   *J. Steele*

   1. Introduction 13-01
   2. Liability for breach of personal duty of care 13-03
   3. Breach of statutory duty 13-30
   4. Defences 13-61

14. **Public Service Liability**

   *J. Steele*

   1. Introduction 14-01
   2. Negligence liability 14-02
   3. Liability under the Human Rights Act 1998 14-64
   4. Misfeasance in public office 14-102
   5. Conclusion 14-118

15. **Trespass to the Person**

   *J. Murphy*

   1. Introduction 15-01
   2. Battery 15-09
   3. Assault 15-12
   4. Intentional infliction of injury 15-14
   5. False imprisonment 15-23
   6. Defences to trespass to the person 15-49
   7. Damages 15-137

16. **Malicious Prosecution**

   *J. Steele*

   1. Introduction 16-01
   2. Kinds of damage caused 16-04
   3. Malicious prosecution 16-09
   4. Malicious proceedings in bankruptcy and liquidation 16-60
   5. Abuse of civil process 16-62
   6. Vexatious use of process 16-69

17. **Wrongful Interference with Goods**

   *A. Tettenborn*

   1. Introduction 17-01
   2. Conversion 17-06
   3. Remedies for conversion 17-87
   4. Trespass to goods 17-128
   5. Negligence resulting in damage to goods 17-141
   6. Reversionary injury 17-144
   7. Wrongful interference by other torts 17-146
18. DECEIT

A. Tettenborn

1. Introduction 18–01
2. Requirements 18–05
3. Damages 18–39
4. Defences 18–49
5. Misrepresentations as to credit of third persons 18–52
6. Statutory liability for misstatements in a prospectus 18–54
7. The action for fraud arising out of bribery 18–55

19. TRESPASS TO LAND AND DISPOSSESSION

J. Murphy

1. The nature of trespass 19–01
2. Who may sue for trespass 19–10
3. Trespass by relation 19–26
4. Justification of trespass 19–29
5. Measure of damages 19–63
6. Action for the recovery of land 19–70
7. Statutes of limitation 19–75
8. Waste 19–91

20. NUISANCE AND RYLANDS v FLETCHER

R. Buckley

1. The nature of nuisance 20–01
2. Nuisance and the standard of duty 20–31
3. The rule in Rylands v Fletcher 20–44
4. Who can sue for nuisance? 20–63
5. Who can be sued for nuisance? 20–70
6. Defences to an action for nuisance 20–85
7. Particular types of nuisance 20–113
8. Obstruction of the highway 20–180

21. ANIMALS

J. Steele

1. Liability for animals 21–01
2. The Animals Act 1971 21–03
3. Liability for animals on the highway 21–22
4. Common law liabilities 21–24

22. DEFAMATION

K. Duodu

1. Generally 22–01
2. Basis of liability 22–16
CONTENTS

3. What is defamatory? 22-23
4. Slander 22-53
5. Publication 22-61
6. Defences 22-72
7. Malice 22-202
8. Repetition 22-216
9. Damages 22-223
10. Injunction 22-256

23. MALICIOUS FALSEHOOD  
H. Carty
1. Malicious falsehood 23-01
2. Essentials of the action 23-10
3. Rival traders 23-18

24. ECONOMIC TORTS  
R. Simpson
1. General 24-01
2. Procuring a breach of contract 24-14
3. Intimidation 24-57
4. Unlawful interference 24-70
5. Conspiracy 24-90
6. Trade disputes 24-112

25. STATUTORY INTELLECTUAL PROPERTY RIGHTS  
G. Davies
1. Introduction 25-01
2. Copyright and related rights 25-04
4. Competition and control of licensing 25-46
5. Performers’ rights 25-47
6. Design rights 25-53
7. Registered designs 25-63
8. Registered trade marks 25-73
9. Patents 25-87

26. PASSING OFF  
H. Carty
1. General principles 26-01
2. Requirements 26-05
3. Remedies 26-19
4. Defences 26-21
## CONTENTS

5. Relationship to other rights 26–23

27. **Breach of Confidence and Privacy**
   *H. Carty*
   1. General principles 27–01
   2. Action for breach of confidence (involving other than personal information) 27–05
   3. The action for breach of personal confidence/privacy 27–36

28. **Damages**
   *A. Burrows*
   1. Introduction 28–01
   2. General principles 28–02
   3. Damages for personal injuries 28–20
   4. Death: survival of causes of action 28–77
   5. Death as a cause of action 28–85
   6. Destruction of or damage to goods 28–121
   7. Recovery of costs of action 28–130
   8. Equitable damages 28–132
   9. Exemplary damages 28–137
   10. Restitutionary damages 28–152
   11. Appeals on quantum of damages 28–154

29. **Injunctions**
   *A. Burrows*
   1. Introduction 29–01
   2. Prohibitory injunctions 29–05
   3. Mandatory injunctions 29–10
   4. Action *quia timet* 29–14
   5. Interim injunctions 29–17
   6. Injunctions and declarations against the Crown 29–52

30. **Self-Help**
   *A. Burrows*
   1. Introduction 30–01
   2. Defence of the person 30–02
   3. Defence of property 30–06
   4. Protection of property against damage by domestic animals 30–16
   5. Justifiable advance means of protection 30–19
   6. Protection of property against the forces of nature 30–22
   7. Abatement of nuisances 30–26
   8. Distress damage feasant 30–34
   9. Distress for rent 30–44

[xvii]
31. **DISCHARGE OF TORTS**

1. Introduction 31-01
2. Waiver: election 31-02
3. Accord and satisfaction 31-07
4. Release 31-13
5. Judgment recovered 31-14
6. Res judicata 31-24
7. Joint wrongdoers 31-36
8. Joint claimants 31-38

32. **LIMITATION**

1. General 32-01
2. New claims in pending actions 32-19
3. Persons under a disability 32-21
4. Fraud, mistake and deliberate concealment 32-23
5. Extinction of title on conversion and detinue 32-30
6. Limitation and dismissal for want of prosecution 32-34
7. Actions for personal injuries and death 32-37
8. Negligence actions for latent damage (other than personal injury) 32-71
9. Other special periods of limitation 32-78