

GDL008 TORT

Module Number: GDL 008

Module Title: Law of Torts

Number of Aston Credits: 20

Total Number of ECTS Credits: 10
(European Credit Transfer)

Staff Member Responsible for the Module:

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Pre-Requisite(s) for the Module: None

Module Learning Outcomes:

On completion of this module students will be able to:

- (a) Understand the theoretical foundations and central principles of the English law of torts, particularly negligence.
- (b) Understand the nature and basis for the law of torts and its impact on individuals, corporations and other businesses.
- (c) Understand the basis and policy considerations determining the availability and nature of remedies for torts, particularly the fault principle and the compensation culture.
- (d) Suggest the most appropriate remedy for the tortious liability in question and be able to evaluate and apply any applicable defences.
- (e) Be able to explain the relationship between contractual and tortious remedies and concurrent liability.
- (f) Evaluate and explain the basis for the award of compensatory damages and factors influencing the award that go beyond compensation.
- (g) Develop that basic understanding further and apply it to practical situations and issues, through analysing problem-based scenarios and policy issues.
- (h) Analyse critically the policies and rationale underlying the law of torts.
- (i) Engage in doctrinal discourse; providing their own responses to unresolved legal problems and providing imaginative solutions to difficult issues.
- (j) Understand the nature and basis for tortious remedies and their impact on individuals, corporations and other businesses.



- (k) Carry out research independently and in groups, demonstrating the ability to engage with primary and secondary legal sources use correct form of legal citation (OSCOLA)

- (l) Communicate effectively and accurately the content of legal principles and advice based upon the application of those principles in an appropriate written and oral format.

Module Content:

The organisation, content and teaching methods for this GDL module reflect QAA Benchmark standards for Law and are designed to meet the learning outcomes specified above. The module is designed to ensure that outcomes meet the professional standards (Joint Announcement) required for this foundation subject at the academic stage.

- (a) The scope and function of the law of tort; the bases of liability; the interests protected by the law of tort; sources of development of law including the Human Rights Act and the European Convention on Human Rights. General examples and different accounts of the law of torts including corrective justice, distributive justice and economic analysis of tort law.
- (b) Negligence: the concepts of duty, breach, causation and remoteness of damage. Negligent infliction of personal injuries; the assessment of damages. Problem areas.
- (c) Pure Economic Loss; Reliance-based claims, Services cases.
- (d) Psychiatric Injury; Primary and secondary victims,
- (e) Land and Chattels Torts: Trespass to land; Nuisance and Rylands v Fletcher; Interference with chattels; Conversion; Trespass to goods.
- (f) Intentional Torts: Interference with the person; Assault: Battery; False imprisonment. The economic torts; Causing Loss by



Unlawful Means; Inducing Breach of Contract; Conspiracy and Malicious Falsehood.

- (g) Protection of Human Dignity: Defamation and Privacy.
- (h) Defences and Remedies: Defences; Damages; Other remedies and multiple liabilities.

International Dimensions:

This module is primarily concerned with English Law. However, at various points reference is also made to precedents from other common law countries including Australia and the United States. It is also important to compare the efficiency and effectiveness of the English tort system with those of other countries such as New Zealand, where there is a system of no-fault liability.

Corporate Connections:

Actual case examples and practical illustrations are used throughout. Questions are based on hypothetical evidential documents and statements. Workshops and Seminars rely heavily on the case law technique to ensure understanding of legal principle through a process of self-learning of principle.

Where feasible, guest speakers from the legal profession will be invited to address students. In addition the module will encompass discussion group activities with medical practitioners and company directors.

Links to Research :

Dr Salmons' Doctoral thesis was concerned with the classification of private law. In particular, the classification of tort law forms a central part of my thesis. The thesis attempts to provide a realist exposition of the law of torts, arguing against an abstract and doctrinal approach to the subject. In his research he explored the distinction between negligence which results in material damage and claims that are based on pure economic loss. Negligence becomes a much smaller



and easier to understand subject once it is recognised that claims for pure economic loss should be treated as distinct area of tort. Thus, in this module claims for pure economic loss are treated separately from other claims in negligence.

Method of Learning and Teaching:

Recorded Lectures are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

Workshops have two aims: (i) To direct students to their own identification of the applicable legal principles through analysis of primary source materials and (ii) To develop understanding of the application and operation of legal principles in particular contexts. Workshops can take a variety of forms with a range of both individual and group tasks being undertaken.

Seminars are designed to focus on application and analysis of specific legal principles already identified in lectures and workshops. The focus is on student contributions and on detailed, tight, analysis and discussion in order to prepare students for the examination assessment and the development of skills required for workshop assessments. Students will be required to apply their knowledge to practical case studies, identify relevant issues, sources and legal principles and present the results of their research and study either independently or in groups. In addition, seminars will assist students to develop skills of critical evaluation of a selection of secondary sources of tort law and to consider comparative solutions to particular legal problems.

Self-test questions and **multiple choice questions** for each topic are made available on the VLE, together with guidance on answering problem questions in tort and some worked answers (with reasoning processes).

Online/Class Discussion Activities At various points in the course, students will be introduced to areas where further reading and independent research will be necessary. The VLE will provide students with the opportunity to raise questions, discuss subject areas and



approaches to set questions. This area of study is challenging, dynamic and diverse, and students will be encouraged and supported to take responsibility for their own learning experience.

Duration

Recorded Lectures	30 hours
Seminars	18 hours
Private study (incl. seminar preparation and revision)	125 hours
Coursework preparation	24 hours
Examination	3 hours
----- Total	200 hours

Ethical Approval:

This module does not require any primary research and no ethical approval will be necessary.

Method of Assessment and Feedback:

The assessment package for this module comprises of a 3,000-word summative coursework essay, which accounts for 30% of the total mark available for this module.

The second element of the assessment strategy comprises of a three-hour closed book examination, which accounts for the remaining 70% of the marks available for this module. Students will however, be permitted to use their own copy of an **unannotated** approved statute book in the examination.

Feedback will be provided orally in workshops and seminars as responses to student answers to tasks set for these classes and any questions raised.





Individual, detailed, written feedback for summative and formative assessments is provided with follow-up online or face-to-face appointments to discuss performance and progression.

Generic examiners feedback is posted on the VLE in relation to coursework and examinations.

Programme Outcomes:

The table below shows how this module contributes towards the achievement of the overall programme outcomes

Module Code	Module Name	A1	A2	A3	A4	B1	B2	B3	C1	C2	C3	D1	D2	D3	D4	D5	D6
GDL008	LAW of Torts [foundation]	√		√	√	√	√	√	√	√	√	√	√	√			

Indicative Reading

- P. Giliker and S. Beckwith, *Tort*, (Thomson, Sweet & Maxwell, 3rd ed., 2008)

OR

- M. Lunney and K.Oliphant, *Tort Law: Text and Materials* (OUP, 4th ed, 2010)

Students will also need an up-to date, and unannotated, statute book for the exam such as:

- *F. Rose, Blackstone’s Statutes on Contract, Tort and Restitution 2010-2011* (OUP, 21st ed, 2010)

Background Reading:





- P. Cane, *Atiyah's Accidents, Compensation and the Law*, (Cambridge, CUP, 2006)
- T. Weir, *An Introduction to Tort Law*, (Oxford, OUP, 2006)
- D. Owen (ed.), *The Philosophical Foundations of Tort Law*, (Oxford, OUP, 1997)
- P. Cane and J. Stapleton, *The Law of Obligations: Essays in Celebration of John Fleming*, (Oxford, OUP, 1998)

Finding Cases

Since Tort Law is a common law subject, students will be expected to have read the relevant authorities.

Modern cases can be found on Westlaw UK, Lexis Nexis, and BAILII. Students can access these through Aston Elibrary: (<http://library.aston.ac.uk/>.)

Statutes

The other important source of law in this topic is found in UK Legislation. Again, these can be found on Westlaw and Lexis-Nexis. Alternatively, copies can also be found at the Official Government website: <http://www.opsi.gov.uk/legislation/>

Journals

Please use the 'Find EJournal' function at Aston Elibrary to locate journals online (<http://library.aston.ac.uk/>.)

Students are also advise to make use of Aston's Library. For example, you will not find any Law Quarterly Review journals from 1935-1986





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online. It will, therefore, sometimes be necessary to find the hardcopies located in the library.



For further information on any of the opportunities that Aston Business School offers, please contact:

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