BL2280: LAW OF TORTS

Module Number: BL2280

Module Title: Law of Torts

Number of Aston Credits: 30

Total Number of ECTS Credits: 15

(European Credit Transfer)

Staff Member Responsible for the Module:

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Availability: Online booking

https://wass.aston.ac.uk/wass/pages/login.page.php or please see group administrator, Basia Nowakowska, ABS Building

Room 428, Extension 3185

Other Staff Contributing to the Module: None

Pre-Requisite(s) for the Module:

BL1168 Introduction to Legal Research;

BL1161 English Legal System.

BL1173 Contract Law

Module Learning Outcomes:

The Tort module provides a comprehensive overview of the English law of Torts, including the principle of negligence, the property torts, torts of intentional harm and defamation. The module will also take a wider look at the role of tort within the legal system, and particularly the economic and social impact of this area of law. The course also forms one of the Law Society's core foundational subjects.

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.

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- (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) Understand the nature and basis for tortious remedies and their impact on individuals, corporations and other businesses.
- (j) Carry out research independently and in groups, demonstrating the ability to engage with primary and secondary legal sources.
- (k) 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:

- (a) Introduction
- (b) Negligence
 - (i) Duty of Care
 - (ii) Breach of Duty
 - (iii) Causation
- (c) Pure Economic Loss
- (d) Psychiatric Injury
- (e) Property Torts
 - (i) Land (e.g. Nuisance and the rule in *Rylands v Fletcher*)
 - (ii) Goods (e.g. the tort of conversion of goods)
- (f) Defamation and Privacy

International Dimensions:

The Law of Torts module primarily draws upon material from England. 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:

The module places the Law of Torts within a corporate context, particularly with the emphasis on the economic analysis of tort law. Another important part of the course is the role of vicarious liability in relation to the activities of corporations.

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Links to Research:

My 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 my research I have explored the distinction between negligence which results in material damage and claims that are based on pure economic 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.

Learning and Teaching Rational and Methods:

a) Method of Teaching – Lectures are designed to provide students with an overview of the Law of Torts. At various points in the lectures, students will be introduced to areas where further reading will be desirable. The lectures will be interactive, providing students with the opportunity to raise questions and promote discussion. This area of study is challenging, dynamic and diverse, and students will be encouraged to take responsibility for their own learning experience. Seminars are designed to encourage students to develop an ability to apply their knowledge in practical situations so as to identify issues, carry out appropriate research and work together in teams.

b) Duration

Lectures	66 hours
Seminars	12 hours
Private study (incl. seminar preparation and revision)	180 hours
Coursework preparation	39 hours
Examination	3 hours
Total	300 hours

Ethical Approval:

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

Method of Assessment Rational and Methods:

The assessment package for this module comprises of a 3,000-word coursework essay, which accounts for 30% of the total mark available for this module. The second element of assessment is by way of a three hour closed book examination. Students will however, be permitted to use their own copy of an **un-annotated** approved statute book.