

Unveiling the Intricacies of Tort Law: An A-Z Guide for AQA AS Students

Welcome to the comprehensive world of tort law, a fascinating and dynamic field that governs civil wrongs and the remedies available to those who suffer harm. This article serves as an in-depth guide to Tort Law for AQA AS students, providing a thorough exploration of its key concepts, principles, and real-world applications.

Chapter 1: Foundations of Tort Law

1.1 Definition and Purpose of Tort Law





Tort Law for AQA AS: with an introduction to the nature of law

★★★★★ 5 out of 5

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Tort law is a branch of civil law that imposes liability on individuals or entities for causing harm to others through wrongful acts or omissions. Its primary purpose is to:

- Provide compensation to victims of wrongful conduct.
- Deter future wrongdoing by imposing legal consequences.
- Maintain social order and protect societal values.

1.2 Elements of a Tort

To establish liability in a tort action, the plaintiff must prove the following elements:

- **Wrongful Act or Omission:** The defendant's conduct must breach a legal duty owed to the plaintiff.
- **Causation:** The defendant's conduct must have caused the plaintiff's injury or loss.

- **Loss or Damage:** The plaintiff must have suffered compensable harm or loss as a result of the defendant's actions.

Chapter 2: Types of Torts

Tort law encompasses a wide range of wrongful acts, each with its own set of elements and defenses. Some common types of torts include:

2.1 Negligence

CH. 8 NEGLIGENCE

NEGLIGENCE: Failure to exercise reasonable care under the circumstances.

Elements (These are worded slightly different from book)

- Duty to exercise reasonable care
- Breach of Duty of Care
- Proximate Cause (book now calls Factual cause + Scope of liability)
- Harm or injury.

DUTY OF CARE and BREACH:

"Reasonable person standard" – duty of care required to avoid being negligent. To avoid being negligent, you must always be careful, diligent and prudent.

However, reasonable person standard is modified:

- If a **child** is negligent – consider age, intelligence and experience of child. What would a reasonable child do under the circumstances?
- If a person has a **physical disability** – must conform to conduct of a reasonable person with a similar disability.
- If a person has a **mental deficiency** – NOT the same as physical disability; must conform to conduct of a reasonable person without considering mental deficiency.
- If a person has **superior skill and/or knowledge** – results in increased duty. Not issue of what would a reasonable person do, but what should that doctor, pilot/architect, do.
- Emergency situation** – may modify reasonable person standard. What would a reasonable person do in that emergency?
- Violation of statute** – Reasonable people follow the law, so you might be *negligent per se* if you fail to follow the law, an injury occurs, and the type of harm caused is the type of harm the statute was trying to prevent. Proof of law is to enter at trial. Plaintiff doesn't have to prove what a reasonable person would do and how the defendant breached that duty. Just shows the existence of the statute and that it was violated, and so is conclusive re issue of negligence. (See figure 8-1)

Duty to Act – generally NONE except in certain circumstances:

- **Special relationships** – by agreement (baby sitter; parent/child; trustee), and other situations such as common carrier, innkeeper, employer to employees, school to students, landlord to tenants for common areas, business open to public, custodian to those in custody.
- **If you create the danger,**

Negligence: The Failure to Exercise Reasonable Care

Negligence occurs when a person fails to exercise the level of care that a reasonably prudent person would have under similar circumstances, resulting in harm to another.

2.2 Intentional Infliction of Emotional Distress

This tort arises when a person intentionally or recklessly causes extreme emotional distress to another, such as through harassment, stalking, or defamation.

2.3 Assault and Battery

Assault involves causing imminent apprehension of harmful contact, while battery is the actual touching or striking of another person without their consent.

2.4 Defamation

Defamation is the publication of untrue statements that harm a person's reputation, such as libel (written) or slander (spoken).

Chapter 3: Defenses to Tort Liability

In certain situations, defendants may raise defenses to avoid or mitigate liability in tort actions. These defenses include:

3.1 Contributory Negligence

If the plaintiff's own negligence contributed to their injury or loss, their right to recover damages may be reduced.

3.2 Assumption of Risk

If the plaintiff voluntarily assumes the risk of harm by engaging in a dangerous activity, they may not be able to recover damages.

3.3 Statute of Limitations

There are time limits within which tort actions must be brought, and claims that exceed these limits may be barred.

Chapter 4: Remedies for Tortious Wrongs

The primary remedy for tortious wrongs is monetary damages, which compensate the plaintiff for their losses. Other remedies include:

4.1 Injunctions

Injunctions are court orders that prohibit or require specific actions, such as preventing a nuisance or compelling the performance of a duty.

4.2 Restitution

Restitution aims to restore the plaintiff to the position they were in before the wrongful conduct occurred, such as by compelling the defendant to return property or pay restitution.

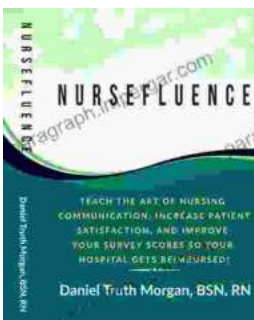
Tort Law for AQA AS students is a comprehensive and engaging guide to the intricate world of civil wrongs and remedies. By understanding the principles, elements, and defenses of tort law, students will be well-equipped to analyze tort cases and apply their knowledge to real-world situations, empowering them to protect their legal rights and navigate the complexities of this fascinating area of the law.



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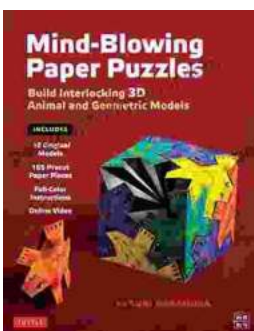
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