

# CONTENTS

<i>Preface to Fourteenth Edition</i>	v
<i>Table of Cases</i>	xvii
<i>Table of Statutes</i>	lx
<i>Table of Statutory Instruments</i>	lxxi
<i>Rules of the Supreme Court</i>	lxxii
<i>EC Treaties and Conventions</i>	lxxii
<i>EC Regulations</i>	lxxiii
<i>EC Directives</i>	lxxiii
<i>Draft Legislation</i>	lxxiii
<i>National Legislation</i>	lxxiv
1. MEANING AND FUNCTIONS OF THE LAW OF TORT	1
Meaning of the Law of Tort	1
Foundation of Tortious Liability	16
Tort and Other Compensation Systems	18
Report of the Pearson Commission	40
2. GENERAL CHARACTERISTICS OF TORTIOUS LIABILITY	46
Trespass and Case	46
Intention or Negligence or the Breach of Strict Duty	47
Motive and Malice	52
3. NOMINATE TORTS	54
4. TRESPASS TO THE PERSON	57
Assault and Battery	58
False Imprisonment	63
Intentional Physical Harm other than Trespasses to the Person	74
Trespass to the Person and Negligence	75
5. NEGLIGENCE	78
Duty to Take Care	78
Breach of Duty	125
The Draft Services Directive	145
Consequent Damage	146
6. CAUSATION, REMOTENESS OF DAMAGE AND CONTRIBUTORY NEGLIGENCE	147
Causation in Fact	148
Remoteness	154
Contributory Negligence	175

7. BREACH OF STATUTORY DUTY	189
Existence of Liability	189
Elements of the Tort	199
Defences	203
8. EMPLOYERS' LIABILITY	205
Introductory	205
Statute Law	209
Common Law	213
9. LIABILITY FOR LAND AND STRUCTURES	224
Introduction	224
Modern Law: The Occupier's Liability Act 1957	225
Liability to Trespassers	243
Liability of Vendors and Lessors	246
10. LIABILITY FOR DEFECTIVE PRODUCTS	256
Liability at Common Law	257
Liability under the Consumer Protection Act 1987	267
Conclusion	279
11. LIABILITY FOR STATEMENTS	280
Essentials of Deceit	281
Liability of Negligent Misstatement	290
Injury to Persons not Relying on the Statement	306
12. DEFAMATION	312
Definition	312
Essentials of Defamation Generally	321
Defences	340
The Rehabilitation of Offenders Act 1974	374
The Reform of Defamation Law	374
13. TRESPASS TO LAND	383
Trespass Defined	383
Possession	384
Interference	387
Defences	390
Remedies	394
14. NUISANCE	400
Introduction	400
Public and Private Nuisance	402
Basic Differences between Public and Private Nuisance	405
Reasonableness	405
Standard of Liability in Nuisance	414
Source of the Interference	418
Who Can Sue	419

Who Can be Sued	421
Damage	428
Defences	429
Highways	433
15. STRICT LIABILITY: RULE IN RYLANDS v. FLETCHER	443
The Rule in <i>Rylands v. Fletcher</i>	443
The Present Law	448
Defences to the Rule	454
Remoteness of Damage	462
Fire	463
Strict Liability under Modern Legislation	466
16. ANIMALS	473
Ordinary Liability in Tort	473
Liability for Dangerous Animals	475
Liability for Straying Livestock	480
Remoteness of Damage and Strict Liability under the Act	483
Protection of Livestock against Dogs	483
17. INTERFERENCE WITH GOODS	485
Trespass to Goods	487
Conversion	490
Defences to Conversion	505
Measure of Damages for Interference with Goods	512
Other Causes of Action for Wrongful Interference with Goods	515
18. INTERFERENCE WITH CONTRACT OR BUSINESS	517
Interference with a Subsisting Contract	520
Intimidation	532
Conspiracy	538
Interference with Trade by Unlawful Means	546
Trade Disputes	550
Passing Off	562
19. ABUSE OF LEGAL PROCEDURE	572
Malicious Prosecution	572
Malicious Process	580
Malicious Civil Proceedings	581
Maintenance and Champerty	584
20. MISCELLANEOUS AND DOUBTFUL TORTS	585
Miscellaneous Torts	585
Doubtful Torts and Doubtful Wrongs	586
21. VICARIOUS LIABILITY	592
Master and Servant	592
Master's Indemnity	611



Liability for Agents: Vehicle Drivers	612
Employer and Independent Contractor	615
Basis of Vicarious Liability	620
Reasons for Vicarious Liability	622
 22. JOINT AND SEVERAL TORTFEASORS	 624
Distinction between Joint and Several Liability	625
Contribution between Tortfeasors	627
 23. REMEDIES	 632
PART I. DAMAGES	632
Damages Recoverable Once Only	632
Kinds of Damages	634
Measure of Damages	643
Actions for Personal Injury	646
Loss of or Damage to Property	669
PART II. OTHER REMEDIES	675
Self-help	675
Injunction	676
Specific Restitution of Property	682
 24. DEATH IN RELATION TO TORT	 683
Death as Extinguishing Liability	683
Death as Creating Liability	687
Relationship of the Fatal Accidents Act and Law Reform Act	697
Miscellaneous Statutes	697
 25. CAPACITY	 699
The State and its Subordinates	699
Judicial Acts	705
Minors	708
Spouses	714
Corporations	715
Partners	718
Clubs	718
Persons of Unsound Mind	719
Aliens	720
Persons having Parental or Quasi-parental Authority	721
 26. DEFENCES	 723
Consent. Volenti non fit injuria	723
Public Policy. Illegality	740
Mistake	745
Inevitable Accident	746

Act of God	747
Private Defence	747
Necessity	750
Statutory Authority	755
27. EXTINCTION OF LIABILITY IN TORT	756
Waiver	756
Accord and Satisfaction	759
Judgment	760
Limitation	761
Assignment of Right of Action in Tort	776
Insolvency	778
<i>Index</i>	781