| The Author | 3 |
|---|--|
| List of Abbreviations | 9 |
| General Introduction | 11 |
| Chapter 1. General Introduction | 11 |
| §1. General Background of the Country I. Geography II. History III. Political System IV. Economic and Social Values | 11 12 12 13 |
| §2. Legal System Primacy of Legislation and Codification/Emergence of the Irish Position of the Judiciary A. Jurisdiction of the Courts B. The Supreme Court Tort Law Jurisdiction C. The High Court Tort Law Jurisdiction D. The Circuit Court Tort Law Jurisdiction E. The District Court Tort Law Jurisdiction F. Appeals and Transfer of Proceedings G. Hearing of Tort Proceedings H. Statutory Compensation Schemes Distinction between Public and Private Law A. Relationship between Tort and Criminal Law B. Relationship between Tort, Restitution, and Breach of Trust IV. Sources of Private Law in General and Tort in Particular A. Elements of the Law of Torts B. Aims/Functions of the Law of Torts C. Fundamental Concepts of Liability and Fault | 14 14 19 20 20 20 21 21 21 21 22 23 24 25 34 36 39 |
| Selected Bibliography | 43 |
| Part I. Negligence | 45 |

| Chapter 1. General Principles | 45 |
|---|----------------------------|
| §1. HISTORICAL BACKGROUND | 45 |
| §2. Elements of the Tort of Negligence and the Duty of Care | 46 |
| §3. The Irish Dimension to the Duty of Care | 50 |
| §4. Elements of the Duty of Care | 52 |
| §5. RESTRICTION OF THE DUTY OF CARE | 53 |
| §6. Capacity (Minors and Persons of Unsound Mind) | 57 |
| Chapter 2. Specific Cases of Liability | 60 |
| §1. LIABILITY OF PROFESSIONALS I. Medical Profession II. Legal Profession III. Architects and Builders IV. Others | 60 60 69 70 70 |
| Chapter 3. Specific Areas of Negligent Conduct, Negligent Defendants, and Harm Suffered Arising from Negligence | 73 |
| §1. Liability for Negligent Omissions | 73 |
| §2. Liability for Negligent Misstatements | 78 |
| §3. Nervous Shock (Liability for Negligently Inflicted Nervous Shock) | 90 |
| §4. Economic Loss | 100 |
| §5. Occupier's Liability | 108 |
| §6. Liability of Local Authorities | 115 |
| §7. Abuse of Rights (Abuse of Legal Process) | 121 |
| §8. Injury to Reputation and Privacy | 124 |
| §9. Injury to the Person | 148 |
| §10. Interference with Business Relations | 151 |

| §11. Road and Traffic Accidents | 166 |
|--|-----|
| §12. Proof of Negligence and the Doctrine of Res Ipsa Loquitur | 167 |
| Part II. Liability in Relation to Land | 171 |
| Chapter 1. Torts Relating to Land | 171 |
| §1. Nuisance | 171 |
| §2. The Rule in <i>Rylands v. Fletcher</i> | 180 |
| §3. Trespass to Land | 185 |
| §4. Liability for Fire Damage | 189 |
| Part III. Liability for Acts of Others | 193 |
| Chapter 1. Vicarious Liability | 193 |
| §1. Employer/Employee | 193 |
| §2. Liability for Independent Contractors | 196 |
| §3. Liability of Firm (Partnership) for Partner | 197 |
| Chapter 2. Liability of Parents, Teachers, and Instructors | 198 |
| Chapter 3. Liability for Handicapped Persons | 200 |
| Chapter 4. Liability for Animals | 201 |
| Part IV. Forms of Strict Liability | 205 |
| Chapter 1. Product Liability | 205 |
| Part V. Defenses | 211 |
| Chapter 1. Limitation Periods | 211 |
| Chapter 2. Grounds of Justification | 218 |
| §1. Contributory Negligence | 218 |
| §2. Consent (Volenti non Fit Injuria) | 219 |
| §3. Illegality | 221 |

| Part VI. Causation | 223 |
|--|-----|
| Part VII. Remedies | 231 |
| Chapter 1. General Principles | 231 |
| Chapter 2. Kinds of Damage | 232 |
| §1. General and Special Damages | 232 |
| §2. Exemplary or Punitive Damages | 232 |
| §3. Aggravated Damages | 234 |
| §4. Assessment and Compensation of Damages | 235 |
| Chapter 3. Personal Injury and Death | 237 |
| §1. PECUNIARY LOSSES | 237 |
| §2. Non-pecuniary Losses | 239 |
| Chapter 4. Various Damages (Property) | 243 |
| Chapter 5. Collateral Benefits | 244 |
| §1. Insurance | 244 |
| Chapter 6. Other Remedies | 245 |
| §1. Injunctive Relief | 245 |
| §2. Joint and Several Liability | 246 |
| Index | 251 |