



DEGREE OF
BARRISTER-AT-LAW
THE HONORABLE SOCIETY OF KING'S INNS

ENTRANCE EXAMINATION

TORT LAW

2025

DATE: 7 August 2025

TIME: 3 hours

EXAMINER Mr Paul Ward UCD

EXTERNAL EXAMINER | The Hon Ms Justice Emily Egan

INSTRUCTIONS

A candidate must answer Question 1 (50% of marks) and **TWO** other questions (each 25% of marks).

This paper is 4 pages long including the cover sheet.

TORT LAW

Q1 | COMPULSORY QUESTION

50 MARKS

Mr A owns a rural site with glamping huts with outdoor amenities, including fire pits, barbecues and hot tubs. The huts are built into a steep incline. The site opened in 2013 and is surrounded by tall old trees on two sides, one of which adjoins a public road. On another side, the site is adjacent to a newly built housing estate of 50 homes.

Three years ago, in 2022, Mr A nailed a sign to a branch of one of the trees adjoining the public road. The sign was intended to advertise the glamping site. In the summer of 2022, Mr B was driving along the perimeter road of the site when the branch of the tree bearing the sign broke from the tree trunk and fell onto Mr B's car. This caused Mr B to swerve his car and collide with a stone wall. Mr B suffered bruising and lacerations and had an Xray taken for a suspected fracture of the sacrum (lower spine) and required physiotherapy. The Xray, when assessed, was inconclusive on the question of whether or not there was a fracture. After many months of persistent pain Mr B attended for a second Xray in September 2024, which revealed that Mr B had indeed suffered a fracture to his sacrum. Mr B then consulted a solicitor, who immediately commenced proceedings against Mr A.

Mr A's glamping site is very popular and is full most weekends. The site attracts young guests who like to enjoy the nightlife into the early hours of the morning. Over the past 6 months, the guests have been playing very loud music, blazing fires in the pits and lighting barbecues late at night. The fires and barbecues send plumes of smoke towards the housing estate which, together with the loud music blaring from the huts, wakes the residents of the nearby housing estate.

Mr C, a resident of the housing estate, became increasingly frustrated by the annoyance from the glamping site. Three months ago, late at night, he entered the glamping site and cut off the electricity supply to stop the noise from the music. Mr C also acquired a high-pressure water hose and drenched with water the fire pits and barbecues, temporarily rendering them unusable. Whilst Mr C was cutting the electricity supply, Mr A apprehended him, dragged him by the scruff of the neck and locked him in one of the vacant huts. Mr C broke a glass window in an attempt to escape but the jagged glass proved too much of a risk for him to be able to escape through the window. Mr A eventually released Mr C several hours later.

Last month, after a torrential rainstorm which saturated the glamping site, the hot tubs became unfixed in a mud slide. The water from the tubs and the water supply to the tubs flooded Mr C's property, causing €50,000 in property damage. Mr C's cat was drowned in the flood. Mr C is distraught at the loss of his cat and is undergoing psychiatric care.

Mr A seeks your advice on what potential actions in Tort he may face from Mr B and Mr C.

Mr C seeks your advice on his potential liability in Tort to Mr A.

TORT LAW

Q2

25 MARKS

In the summer of 2023, Ms A approached a sterilisation clinic, “Snip Ltd”, to have a tubal ligation (permanent sterilisation) performed. Ms A met Dr B, who informed Ms A that the procedure was permanent and would prevent Ms A from ever becoming pregnant. Dr B duly performed the operation but failed to properly sever one of the fallopian tubes. This error went unnoticed by Dr B at the time. The procedure cost €10,000 which was not covered by medical insurance and was paid for by Ms A. In 2024, Ms A became pregnant with twins. Ms A gave birth in late 2024 in Hospital C, attended by Dr D. The twins were successfully delivered. Twin E was born in a normal delivery and is now a healthy infant. Twin F encountered extreme trauma in the latter stages of labour, where there was a failure to attach a heart monitor to assess the condition of the in-utero foetus. Twin F was delivered after a prolonged labour but, owing to oxygen deprivation, Twin F suffered catastrophic injuries and requires life-long home-assisted care. The long-term cost of Twin F’s care is estimated at €5.5 million. The cost of rearing Twin E until the age of 23 is estimated at €350,000.

Ms A consulted a solicitor, Ms G, who arranged a consultation with Barrister H. Barrister H drafted the pleadings for an action against Hospital C and Doctor D, but at the trial Barrister H did not properly cross examine Dr D in relation to her actions during the delivery of Twin E and Twin F. Ms A lost the case.

Ms A seeks your advice on what causes of action she may have in Tort against Dr B, Hospital C, Dr D and Barrister H.

Ms A seeks advice on the quantum of damages, if any, that may be recovered.

TORT LAW

Q3

25 MARKS

Mr A owns a sea shipping cargo company, “We Ship Goods”. He leases his ship to third parties on a “bare boat license” basis whereby the lessor bears the cost of all repairs whilst the ship is at sea. Mr A retains ownership of the ship whilst leased. In the summer of 2022, Mr B leased the cargo ship in order to transport containers which contain expensive vintage cars. The entire consignment of vintage cars was valued at €2 million.

Another cargo ship, captained by Mr C, collided with Mr B’s leased vessel, causing the entire consignment of containers and the vintage cars to be knocked overboard and sink to the bottom of the sea.

The cost of repair to Mr A’s cargo ship is €250,000, for which Mr B was obliged to pay under his lease agreement.

Mr B seeks your advice on what cause or causes of action in Tort he may have and the quantum of damages recoverable, if any.

TORT LAW

Q4

25 MARKS

Mr A established “2nd Hand Books Ltd” a decade ago. The company sells on to the public unwanted paperback books. The company has been very successful over the years, profiting more each year until it hit a high point in 2023 with a €500,000 profit.

Unwanted paper back books are deposited by members of the public in crates located at the front of Mr A’s premises.

In late 2023, premises beside 2nd Hand Books Ltd” became available and Mr B purchased the property and set up “Second Hnd Books Ltd” selling on unwanted hardback books.

In 2024 deposits of paperback books to Mr A’s premises for resale diminished to a very small supply. It transpired that Mr B had been removing the books from Mr A’s crates, storing them and selling them on the Internet. Mr A immediately suspected that Mr B was responsible for the diminished supply of books and phoned Mr B asking for the return of his books. Mr B did not answer the call so Mr A left a message stating that he knew that Mr B had taken the books and asking for their immediate return. Mr B never responded to this message and never returned the books he had taken. Mr A has estimated that, due to the diminished supply of books, his business has incurred a loss of €150,000.

Mr A has also experienced a significant downturn in sales since the opening of “Second Hnd Books Ltd” accounting to a loss of €250,000.

Mr A seeks your advice on what cause or causes of action in Tort he may have against Mr B and the quantum of damages recoverable, if any.

TORT LAW

Q5

25 MARKS

Critically assess the changes introduced by the Defamation Act, 2009 with reference to relevant case law.