



# **The Honorable Society of King's Inns**

## **Entrance Examination 2019**

### **LAW OF TORT**

**EXAMINER:** Mr Paul Ward, UCD

**EXTERN:** The Honorable Mr Justice McGrath

*Attached:*

**Syllabus 2019**

**Reading List 2019**

**Examination Format 2019**

## Law of Tort 2019

### Syllabus:

1. *Negligence*
  - The Duty of Care*
    - Historical Evolution*
    - Historical Development in England & Wales*
    - Historical Development Ireland*
    - Current Position in England & Wales and Ireland*
    - Commonwealth Perspectives (Canada, Australia and New Zealand)*
  - Policy Considerations and the Imposition of the Duty of Care (Barrister's Immunity and Wrongful Life / Conception actions in relation the recent developments in England & Wales))*
2. *Negligent Misstatements*
3. *Negligent Infliction of Psychiatric Damage ("Nervous Shock")*
4. *Pure Economic Loss*
5. *Liability of Public Authorities and Breach of Statutory Duty*
6. *Occupier's Liability*
7. *Liability of Vendors, Lessors and Builders for Quality Defects and Fitness of Premises*
8. *Professional and Medical Negligence*
9. *Product Liability*
10. *Employer's Liability*
11. *Affirmative Duties / Liability for Negligent Omissions.*
12. *Vicarious Liability*
13. *The Standard of Care*
14. *Causation and Remoteness of Damage*
15. *Joint and Several Tortfeasors*
16. *The Doctrine of Res Ipsa Loquitur*
17. *Nuisance, Private and Public*
18. *Trespass to Land*
19. *The Rule in Rylands v Fletcher*
20. *Liability for Unintended Fire Damage*
21. *Liability for Animals*
22. *Fatal Injuries*
23. *Limitation Periods*
24. *Defences*
  - Civil Liability Act, 1961+++++*
  - Contributory Negligence*
  - Volenti non fit injuria*
  - Illegality*
25. *Defamation and Defences to Defamation*
26. *Deceit and Injurious Falsehood*
27. *Abuse of Process*
28. *Trespass to the Person*
  - False Imprisonment*
  - Assault*
  - Battery*
  - The Rule in Wilkinson v. Downton (Intentional Infliction of Emotional Suffering)*

29. *Trespass to Goods*
30. *Detinue, Conversion and Passing Off*
31. *Damages*

**Essential Reading:**

McMahon & Binchy, *Law of Torts*, Fourth Edition, 2013, Bloomsbury.

**Other Recommended Reading:**

Quill, *Torts in Ireland*, 4th Ed, 2014, Gill & Macmillan.

Healy, *Principles of Irish Torts Law*, Clarus Press, 2006.

Street *On Tort*, 14<sup>th</sup> Edition, 2015, OUP.

Winfield and Jolowicz *On Tort*, 19<sup>th</sup> Edition, 2014, Sweet & Maxwell

Fleming, *The Law of Torts*, 10<sup>th</sup> Edition, 2011, Thompson Reuters.

Salmond and Hueston, *Law of Torts*, 21<sup>st</sup> Edition, 1996, Sweet & Maxwell

**+++++ The Civil Liability and Courts Act, 2004 affects a number of areas of civil liability and damages. Candidates ARE EXPECTED to be familiar with these changes / developments in the Law of Torts.**

**xxxxx Candidates are obliged to answer question 1 which is compulsory and carries 50 Marks.**

**Candidates are obliged to answer TWO (2) questions from the remaining questions on the paper and 25 marks are available for each of the two questions attempted.**

**There are a total of FIVE (5) questions on the paper.**

**The examination will be marked out of 100 marks.**