

COMPARATIVE TORTS

Course description

The course considers five areas of the law of torts in England, in most of which there has been considerable development and controversy in recent years. Students will be expected to evaluate the English material making use of their knowledge of equivalent American developments (often in their own States), to assess the respective merits of the English and American positions and suggest improvements. It would be a good idea to bring your torts notes with you.

Topics

The first three topics are central to modern torts law in the UK and will provide three of our topics; the remaining topics may be chosen from the others. We will discuss the topics at our meeting before tutorials begin.

1. Policy in the tort of negligence: liability for decisions taken by governmental and other authorities.
2. Liability for causing economic loss and the potential for tort liability to interlink with contractual obligations.
3. Causation and remoteness, with special emphasis on intervening acts of third parties.
4. Defences to tort actions: comparative negligence and consent.
5. Liability for defective products: remedies under statute, contract and tort. England had legislation imposing strict liability on manufacturers for defective products for the first time in 1987.
6. Medical Malpractice: the issues in tort law involving liability of doctors and hospitals.
7. The economic (or trade) torts: liability for intentionally causing economic loss.
8. Defamation.
9. The role of torts and insurance in personal injury accidents: criticisms and proposals for reform. (A controversial area 30 years ago, but less prominent today)

Books

Probably the best book to use is McBride and Bagshaw, *Tort Law* (5th ed, 2015), which is used by most Oxford students. A longer established alternative is Winfield and Jolowicz: *Tort* (19th ed, 2014). The first week's reading identifies passages in these books to read. Thereafter, you should be able to find your own way around them.

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