



X A M A N I F E S T O

CODE AND NAME OF COURSE: LA13A (LAW1310) - LAW OF TORTS I

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 3 pages and 6 questions.

Answer **THREE** (3) questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. Critically discuss the concept of "breach of duty" in Negligence. How is this issue determined?
2. What duty is owed by an occupier to a trespasser? Do you consider that there is any need for reform in this area?
3. Discuss the defences available to a party who has been sued for false imprisonment.
4. On 5th February 2004, Parliament passed legislation to permit sex workers to work from their homes in residential areas. The legislation, which does not require town planning approval for setting up home-based sex business, allows prostitutes to work from home provided they work alone and do not advertise. While the manager of the Sex Workers Outreach Project welcomed the legislation and said the new law protected both the amenity of the neighbourhoods and the sex workers, many residents expressed serious concerns and have since filed several complaints with the authorities.

PLEASE TURN OVER

The Bottomleys live at 64 Locust Avenue. Marianna, their next door neighbour at 62 Locust Avenue, is a sex worker who works from home. Since the new law, there has been a significant increase in her business, but this seems to have come at a cost to the Bottomleys. Their principal complaint is that too often Ms. Marianna's customers mistake the Bottomleys' house for hers, and knock at their door,, sometimes late at night. Another complaint is that on weekends, and particularly on Friday nights, there is a seemingly endless traffic of customers who queue up in their vehicles in the street outside the Bottomleys' house waiting to see Marianna. The Bottomleys indicate that the traffic noise from the queues of over enthusiastic customers usually keeps them awake sometimes well into the early hours of the morning. Moreover, their daughter, Louise, who lives with them, has often been accosted by men on her return at night from classes at the Community College.

The Bottomleys seek your urgent advice.

5. George is having problems with his car and Hal, a passer-by, says he knows about cars and offers to help. Hal is hopelessly optimistic about his abilities and believes the brakes to be defective. In attempting to repair the brakes he unwittingly partially disconnects them. George drives the car about a mile or so when the brakes fail. In the ensuing crash, George and Janice, the driver of the car he runs into, are injured.

Janice's car is custom built and has a number of gold plated parts which are very expensive to replace. Janice also loses a contract worth £10,000 to use the car in a film. Janice's injuries cause her psychological problems. She becomes very aggressive and attacks her husband Ken and his girlfriend Lola, injuring them.

Discuss the liability of George, Hal and Janice.

6. During the recent hurricane, Andrew who is known as a practical joker, telephones his next door neighbour, Betty, and tells her that a large tree in her yard has been uprooted and has smashed the greenhouse where she keeps her prize orchids. Betty, immediately has a panic attack. After the hurricane, Betty ventures outside to discover that the tree is standing and the greenhouse and orchids are in perfect condition. Nevertheless, Betty continues to suffer from anxiety, palpitations and sleeplessness for several weeks after the hurricane.

Having eaten biscuits and corned beef for several days, Andrew and his brother Charley drive down to JFK's, a local fast food restaurant. They join the large crowd jostling and pushing to enter JFK's. Just as they reach the restaurant's door, Francis, the restaurant's security guard, shouts, "We close', we close', and attempts to shut the door. Andrew and Charley are intent on getting into JFK's and Charley pushes past Francis, knocking off his spectacles which fall to the ground and break. Francis responds by punching Charley in the stomach. Andrew pulls a knife from his pocket, advances towards Francis, saying "You'll pay for this".

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Andrew rushes towards a table but Donna gets there before him. Just as she is about to sit down in the chair, Andrew snatches the chair from under her. She falls to the ground and sustains a fractured hip.

Advise the parties as to their legal rights and liabilities if any.

END OF PAPER

