



# THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF \_\_\_\_\_ JULY \_\_\_\_\_, 2000

CODE AND NAME OF COURSE: LA13A - TORTS I

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

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Answer **THREE** Questions

Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. Write brief notes on any **TWO (2)** of the following:
  - (a) The element of hostility in battery
  - (b) Public nuisance as a tort
  - (c) Proximate cause in negligence
  - (d) The function of the law of tort
  - (e) An occupier's liability to trespassers.
  
2. Critically examine the principles governing remoteness of damage in negligence.
  
3. "... It is right for present purposes to regard the typical cases of private nuisance as being those concerned with interference with the enjoyment of land and as such generally actionable [only] by a person with a right in the land ..." per Lord Goff of Chievely.  
  
Analyse the effect of this dictum in the law of nuisance.
  
4. The St. David's Tennis Society organises a dinner dance at Jesse's, a popular nightclub. The nightclub is currently undergoing some renovations. These are being carried out by Quink Ltd., a firm of building contractors. Quink Ltd. has placed a notice at the door of the club which reads, "Be careful. Construction in progress". Adam, his girlfriend Betty, and their guests, Carl and Colleen, attend the dance. After they pay at the door, they receive tickets which state at the back, in regrettably fine print: "*The St. David's Tennis Society accepts no liability for any injury caused to any person owing to the state of these premises.*"

PLEASE TURN OVER

Adam is injured when a strobe light casing falls on his head while he is dancing. Betty runs off the dance floor to seek help and slips in a pool of paint which has been left on the floor by one of Quink's employees. Carl and Colleen, meanwhile, are looking for somewhere to spend a quiet moment together. They push open a door marked "Private". As Carl reaches for a light switch, he is electrocuted when he touches some bare live wires left by Quink Ltd. Colleen rushes to Carl's assistance and suffers electrical shock when she comes into contact with him. None of the four has read the notice on the ticket.

Advise as to tortious liability.

5. Critically discuss the maxim "*res ipsa loquitur*".
  
6. Analyse the legal issues in **EACH** of the following:
  - (i) Harris shakes his fist in Keith's face saying, "If you don't leave my daughter alone, I'll shoot you."
  
  - (ii) Nigel sees someone whom he believes to be Quelch, an old school chum, and decides to play a practical joke on him. He runs up behind the person, taps him on his left shoulder and, when the person turns around, slaps his cheek. It is not Quelch as Nigel thought.
  
  - (iii) Tom, an eccentric lecturer, leaves the lecture theatre for ten minutes, locking the door behind him. None of the students is aware that the door is locked until Tom informs them of this the next week.

**END OF PAPER**