



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF JULY 2001

Code and Name of Course: LA13A - LAW OF TORTS I

Date and Time: Friday 27th July, 2001 1.00 P.M. Duration: 2 HOURS

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

Answer **THREE** Questions

1. Write brief notes on any **two (2)** of the following:

- (i) "False" in false imprisonment;
- (ii) Contributory negligence;
- (iii) Establishing a duty of care;
- (iv) Categories of visitors for occupiers' liability;
- (v) The function of the law of tort.

2. Critically analyse the tort of malicious prosecution.

3. Examine further the doctrine of "res ipsa loquitur".

4. PC Green and WPC Brown were on patrol duty in their police car when they received a radio report that thieves had broken into a jeweller's shop in the City Centre. On arrival at the scene, Green and Brown saw a man and a woman, Will and Joan, a few yards from the shop, each carrying an attache case and walking quickly. Green and Brown got out of their car and approached Will and Joan. Green asked them to stop, saying that he wanted "to have a word with" them. Will and Joan ignored Green's request and walked on, whereupon Green came up behind Will and put his hand on Will's shoulder as if to restrain him. Will immediately swung round and struck Green a violent blow with his fist, causing Green's nose to bleed profusely. Brown forthwith seized Joan by the arm, put handcuffs on her and said, "You are coming with me to the station".

On arrival at the station, Brown told Joan to remove all her clothes and submit to a body search. Joan refused, whereupon Brown and another officer, WPC Blue, forcibly undressed Joan. Subsequently, the attache cases were opened and searched thoroughly, but were found to contain only religious pamphlets. Will and Joan were missionaries who were visiting the city in order to convert unbelievers.

Discuss.

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5. "Nuisance by noise, smell, smoke, etc. is something to which no absolute standard can be applied. It is always a matter of degree whether the interference is so unreasonable as to constitute a nuisance."

What factors are relevant in determining unreasonableness in this context?

6. Consider any **TWO (2)** of the following situations:
- (i) Proteus, a passenger on a pleasure boat, falls overboard whilst attending a cocktail party on deck one night. Proteus cannot swim. The captain fails to respond quickly enough to the alarm. When he is able to turn the boat around, there is no spotlight on board. Proteus drowns.
 - (ii) A van being slowly driven by Duke skids on a wet road and crashes into a wall. Gail, a passenger, who is eight months pregnant, is thrown through the windscreen and breaks her neck. She is not wearing a seat belt. Frolo, a pedestrian, is cut by flying glass. He bleeds to death before reaching hospital because he is a haemophiliac. Garth, a paramedic, suffers nervous shock on inspecting the carnage at the accident scene.
 - (iii) James, John and Karen went to a sports bar in James' car. James and John had three rumpunches each while Karen drank fruit punch. On the way home, James stopped to use the washroom, leaving the keys in the car. Karen urges John to take her for a spin, even though she knows that he is only a learner driver. Slightly tipsy, John cannot control the vehicle, and crashes into an electricity pole severely injuring Karen.

End of Paper

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