



UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF JULY/AUGUST 2001

Code and Name of Course: **LA20A LAW OF TORTS II**

Date and Time:

Duration: **2 HOURS**

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

Answer **THREE** questions, at least **ONE** of which must be selected from **PART B**.
Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

PART A

1. With reference to relevant statutes and decided cases in the Commonwealth Caribbean, discuss the extent of the liability of an employer to an employee for injury caused to the latter by (a) defective equipment, (b) insufficient supervision, and (c) unsafe working practices at the employee's place of work.

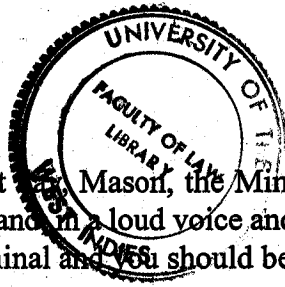
2. "The essence of the action in passing off is the deception of members of the public by leading them to believe that the defendant's product is that of the plaintiff."

Discuss.

3. Answer **BOTH** (a) **AND** (b).
 - (a) "Every man who gives permission for the use of his chattel may be said to have an interest or concern in its being carefully used, and, in most cases, if it is a car, to have an interest or concern in the safety of the driver, but it has never been held that mere permission is enough to establish vicarious liability." [*per* Lord Wilberforce, in *Morgans v. Launchbury* (1973)]

Explain this statement.

PLEASE TURN OVER



Later that day, Mr. Mason, the Minister of Home Affairs, saw Plumb outside the parliament building and in a loud voice and in the presence of bystanders, said: "Yes, Plumb, you're a criminal and you should be behind bars."

Advise Plumb and Carpenter, one of four attorneys in the government, whether they may have good causes of action in defamation and, if so, against whom.

6. Roger Alleyne and his son Jason were seriously injured in a car accident caused by the negligence of Jackman. The court found Jackman 80 percent to blame and Roger Alleyne 20 percent to blame for the damage.

Roger Alleyne was in hospital for one year and underwent several operations, but he died from his injuries. At the time of the accident he was 42 years old and was employed as an assistant bank manager earning \$60,000 a year, with a good chance of promotion to senior managerial level and a salary of up to \$100,000 a year.

Jason was 14 years of age, a clever boy in the top stream of his secondary school. He underwent several operations and the long-term prognosis is that he will spend the rest of his life in a wheelchair. His mother, Ruth, has given up her job as a nurse in a local hospital, where she was earning \$36,000 a year, so that she can look after Jason.

Explain how the court will assess compensation in this case.

END OF PAPER



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.