



# ICM

DECEMBER 2016

THE LAW OF TORT

**Instructions to candidates:**

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
  - b) Answer any FIVE questions
  - c) All questions carry equal marks. Marks for each question are shown in [ ]
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1. What is meant by a **tort**? Give a brief outline of the main torts. [20]
  2. Trespass involves a direct interference with the claimant's person. Explain the law of assault and battery. [20]
  3. Describe the factors to be taken into account for a breach of a duty of care. [20]
  4. The law of product liability is contained in the Consumer Protection Act 1987. Explain who can sue, who can be sued and the defences available under the Act. [20]
  5. Describe the differences between a primary victim and a secondary victim who has suffered from psychiatric injury (nervous shock) due to negligence. [20]
  6. What are the elements a claimant needs to prove for a successful claim in defamation? [20]
  7. Describe the defences of *volenti non fit injuria* and contributory negligence. [20]
  8. Explain the rule under *Rylands v Fletcher* (1865) and the defences available to a defendant. [20]