

<b>Module Title:</b>	The Law of Torts
<b>Language of Instruction:</b>	English
<b>Credits:</b>	15
<b>NFQ Level:</b>	8
<b>Module Delivered In</b>	No Programmes
<b>Teaching &amp; Learning Strategies:</b>	Lectures - communication of knowledge and ideas from the lecturer to the student. Problem Solving Exercises - student will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Students will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - It is envisaged that the module will be supported with on-line learning materials. Self-Direct Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.
<b>Module Aim:</b>	The aim of this module is to provide students with comprehensive understanding of the general principles of tort law by examining the various forms of liability attaching to the main torts; the principles upon which liability is based in such areas as negligence, nuisance, liability for escapes, trespass and defamation; the relationship between common law, legislation and judicial policy. This module also aims to contribute to the development of the student's skills in legal analysis and problem solving as well as research and reasoning skills.
<b>Learning Outcomes</b>	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Identify and demonstrate an understanding of the functions and principles of tort law and the general characteristics of tortious liability
LO2	Analyse the essential elements of the tort of negligence and the circumstances in which liability in negligence will arise
LO3	Distinguish between liability arising through fault-based and strict liability torts
LO4	Utilise traditional and electronic sources in carrying out legal research relating to the law of tort
LO5	Solve legal problems by analysing factual situations and identifying and applying the relevant law in order to produce reasoned solutions
LO6	Explain the role of tort law in addressing the requirements public policy and issues of personal responsibility
LO7	Demonstrate understanding of both general and specific defences and the remedies available in an action in tort law
LO8	Critically evaluate existing tort law in order to produce convincing arguments for reform
<b>Pre-requisite learning</b>	
<b>Module Recommendations</b> <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
<b>Incompatible Modules</b> <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
<b>Co-requisite Modules</b>	
No Co-requisite modules listed	
<b>Requirements</b> <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

## Module Content & Assessment

### Indicative Content

#### Introduction to Torts (5%)

• Definition, nature, aims and functions of the law of torts • Historical development • The law of torts and its relationship with other areas of law

#### Causation and Remoteness (5%)

• Introduction • Causation – factual and legal • Remoteness

#### Negligence: General Principles (15%)

• Introduction to and history of negligence • Duty of Care • Breach of Duty – Standard of Care, Proof of Breach • Damage • Recovery for Economic Loss and Nervous Shock

#### Negligence: Specific Applications (15%)

• Dangerous Products (including Liability for Defective Products Act 1991) • Employers' Duty to Employees • Road Accidents • Professional Negligence including Negligent Misstatements • Construction and Maintenance of Real property (including Occupiers' Liability) • Public Authorities' Duties • Occupiers' Liability

#### Trespass (5%)

• Introduction • General Characteristics • Trespass to the Person • Trespass to land • Trespass to chattels • Defences

#### Nuisance (5%)

• Introduction • Private nuisance • Public Nuisance • Defences

#### Strict Duties (5%)

• Introduction • Rylands v Fletcher • Duty in relation to ultra hazardous activities

#### Economic Torts (5%)

• Introduction • Deceit • Injurious Falsehood • Passing Off • Interference with Economic Relations • Other torts – conspiracy, intimidation, interference with contractual relations, detainee, conversion, breach of confidence

#### Defamation (10%)

• Introduction • Elements of a cause of action • The Common Law rules • The Defamation Act 2010 • Defences

#### Emerging Causes of Action (5%)

• Introduction • Interference with Constitutional Rights • Breach of EU Law • Non-contractual liability in EU law

#### Miscellaneous Torts (5%)

• Abuse of Process • Interference with Domestic Relations • Liability in respect of fire • Liability in respect of animals • Actions on the case • Innominate torts

#### Defences, Proofs and Limitations (5%)

• Defences – contributory negligence, consent or waiver • Proof – burden and standard of proof, res ipsa loquitur, types of evidence, appealing findings of fact • Limitation of actions

#### Parties to Tort Actions (5%)

• Introduction • The State • Foreign States • The EU • Associations • Minors • Mentally Disabled persons • Concurrent Wrongdoers • Personal Representatives • Relatives

#### Responsibility for Others (5%)

• Introduction • Vicarious Liability • Non-delegable duties • Duties of Control

#### Remedies (5%)

• Introduction • Damages – categories of damages and quantum • Fatal Injuries and Death • Injunctions – quia timet, mandatory, prohibitory, interim, interlocutory and perpetual injunctions • Self help • Alternative Dispute resolution • Injuriesboard.ie

Assessment Breakdown	%
Continuous Assessment	40.00%
End of Module Formal Examination	60.00%

### Continuous Assessment

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Other	A written examination which will be given in term one and will require candidates to apply their knowledge and problem-solving skills in answering one or more essay and/or problem question(s).	1,2,3,4,5,7	20.00	n/a
Project	An essay question or hypothetical problem question to be given in term two. Students will be required to research the issues involved in accordance with defined instructions, and present their findings and/or proposals in writing, orally or both.	1,2,3,4,5,6,7,8	20.00	n/a

No Project

No Practical

End of Module Formal Examination				
<i>Assessment Type</i>	<i>Assessment Description</i>	<i>Outcome addressed</i>	<i>% of total</i>	<i>Assessment Date</i>
Formal Exam	End-of-Semester Final Examination	1,2,3,4,5,6,7,8	60.00	End-of-Semester

**SETU Carlow Campus reserves the right to alter the nature and timings of assessment**

**Module Workload**

<b>Workload: Full Time</b>		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	3.00
Independent Learning Time	Every Week	4.00
Total Hours		7.00

