

Ollscoil na hÉireann, Gaillimh
National University of Ireland, Galway

GX/2/6

Semester II Examinations, 2003/2004
Front Page Template

Exam Code(s)	1BL1, 1CL1, 1CW1, 2BL1, 2BL2, 3BL1, 3BL2, 4BL2
Exam(s)	1 st 2 nd 3 rd & 4 th LL.B. 1 st Bachelor of Corporate Law 1 st Bachelor of Civil Law
Module Code(s)	LW 329
Module(s)	Tort Law
Paper No.	
Repeat Paper	Special Paper
External Examiner(s)	Mr. Eoin Quill
Internal Examiner(s)	Ms. Shivaun Quinlivan, Ms. Ursula Connolly.

Instructions:

Please answer Four Questions only. All questions carry equal marks.
Please indicate the question you have attempted on the front of your answer book.

Duration 3 hrs. 30
No. of Answer books

Requirements:

Handout
MCQ
Statistical Tables
Graph Paper
Log Graph Paper
Other Material Products Liability Act 1991.

No. of Pages
Department(s) Law.

1. In order to recover in an action in tort it must be decided whether the defendant's breach of duty was a cause of the damage.
Discuss this statement.
2. To what extent is there a difference between Irish and British law on the subject of the duty of care in negligence?
3. Tom goes to 'High Fashion' his local boutique. When he is leaving the shop, having bought nothing, the buzzer sounds at the door. A security guard employed by 'High Fashion' rushes over to him and says 'Sir, I'd like a word with you, if that is alright.' He says 'It's not alright,' and goes out the door. The security guard walks after him saying 'Sir, why are you unwilling to come back to the shop, why are you unwilling to come into the manager's office?' Tom feels completely intimidated and humiliated and feels that he has no choice and goes to the manager's office escorted by the security guard. Tom is left sitting in the manager's office, waiting for the manager, he does not feel he can leave. The manager asks him if he will consent to having his backpack searched. Angrily, he turns the bag's content out onto the desk. Nothing in the bag could have been stolen from the shop. The manager apologises to him for the inconvenience and he is told he can go. Advise Tom as to his position in relation to the law of torts.
4. Please answer either (a) or (b)
 - (a) Eugene, an employee of Smyth Construction Company, is sent to work for Ryan Construction for a month to help them with the completion of a number of dwelling houses. He has little experience in construction work and is given a number of odd jobs to do around the site, from preparing tea to making deliveries. One day Eugene is requested to make a delivery to another site accompanied by James, who is another employee of Ryan Construction. Eugene uses the opportunity of having the company van to visit his girlfriend who lives a number of miles away. In a hurry to get there he breaks a red light knocking over a pedestrian who was crossing the street. James is also injured in the accident.
Advise Ryan Construction as to any liability.

OR

- (b) Do you agree with the criticism that the law of negligence places an undue burden on employers?

PTO

5. Felicity buys a pair of red stilettos from her local shoe shop, Snazzy Shoes, to wear to an all-night rave to be held in a large barn outside of Tuam. She is particularly delighted with the shoes, as they have been handmade in Italy. They are also the perfect shade of engine red which she hopes will look great with a new dress she plans to wear to a wedding next month. It transpires that the shoes are not all that she had hoped. When she gets them home she realises that they are not the colour indicated on the box in which they came. She claims that she did not notice this in the shop due to poor lighting. Later, while at the rave, to Felicity's horror the heel of the shoe comes loose causing her to fall into the path of another dancer. Felicity, who has fought debilitating shyness for years, is acutely embarrassed and in a lot of pain as the fall has also caused her to break her ankle.

Advise Felicity as to her position in relation to the law of torts.

6. Please answer either (a) or (b):

- (a) Critically discuss the proposals put forward by the Legal Advisory Group on Defamation. Do these recommendations, in your view, represent a welcome reform of or an unnecessary interference into the existing law on defamation?

OR

- (b) Discuss, with reference to appropriate caselaw, the distinction between the torts of libel and slander.

7. Explain fully the scope of section 34 of the Civil Liability Act, 1961, illustrating your explanation with decided cases.

END