

Ollscoil na hÉireann, Gaillimh
National University of Ireland, Galway

Semester I Examinations, 2004/2005

Exam Code(s)	2BA1, 1OL1
Exam(s)	2 BA & Erasmus Students
Module Code(s)	LW 203
Module(s)	Tort Law I
Paper No.	
Repeat Paper	No
External Examiner(s)	Mr. Eoin Quill
Internal Examiner(s)	Ms. Ursula Connolly
Instructions:	<p>Please answer three questions.</p> <p>All questions carry equal marks.</p> <p>Please indicate on your answer books which questions have been attempted.</p>
Duration	2 hrs
Department	Law
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	

PTO

1. To what extent is there a difference between Irish and English law on the subject of duty of care in negligence?

2. Patrick, a second year Arts student, is celebrating the end of his exams in a busy nightclub in Galway city. He is dancing enthusiastically on the dance floor when a burly bouncer suddenly grabs him and pulls him towards the office at the rear of the nightclub. Once there the bouncer orders him to sit and wait for the owner of the nightclub. Patrick is upset at this treatment and getting up to leave, refers to the bouncer as an "idiot and a bumbling baboon". He adds that he will make sure that the bouncer pays for his behaviour. At this, the bouncer pushes Patrick back into his seat threatening him to stay there "if he knows what's good for him". The manager arrives shortly afterwards. It appears that the bouncer mistakenly identified Patrick as a well-known troublemaker that had been barred from the nightclub. He apologises to Patrick and assures him that it won't happen again. Patrick does not have any physical injuries but is shaken and upset by the experience.
Please advise him as to his position in respect of the tort of trespass.

3. Michael owns a farm in Galway. Recently he has sprayed some of his apple trees with a pesticide which can cause severe short term illness in humans if ingested. Michael has erected a sign at the entrance to his property stating that 'The Occupier accepts no responsibility for any loss or damage to any person or property of entrants or trespassers on this property.' Unbeknownst to Michael however a number of people pick and eat some of his apples. They are Mary, the 10-year-old friend of his daughter who is visiting, a rambler, Martin, who frequently passes through Michael's property on his walks, and Tom, who has come onto Michael's property to steal some apples.
Advise Michael as to his liability in all three cases.

4. The neighbour principle and the concepts of proximity and foreseeability now allow for recovery in areas that have historically been excluded from liability in the realm of tort law.
Discuss this statement with reference to recovery for economic loss.

5. Anne is standing in a queue waiting for a bus with her seven year old daughter, Marie. As the bus pulls into the bus stop the driver appears to lose control of the bus causing the bus to mount the footpath. The bus collides with a number of the waiting passengers. In the ensuing crush Anne's daughter Marie is injured. Anne herself is uninjured but traumatized. She accompanies her daughter Marie and some of the other injured people to the local hospital, where there is general chaos. At home, Anne's husband Sean sees the aftermath of the accident on the televised news about twenty minutes later. He arrives at the hospital three hours later when he has managed to arrange a babysitter for their youngest child. The scene at the hospital is at this stage calm, and Marie is in a stable condition. She subsequently makes a full recovery. Meanwhile both Anne and Sean have been diagnosed as suffering from post traumatic stress disorder.
Advise Anne and Sean as to their right to recover for nervous shock.

END