

TORTS

Fundamentals, Principles & The Negligence Tort

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Fundamentals

Definition of tort

The Law of Torts 'provides a means whereby compensation ... may be paid for injuries by a party as a result of the wrongful conduct of others.

- *Hall v Herbert* (1993) 15 CCLT (2d) 93

The ABC Approach to Negligence

- (A) **A Duty** of Care exists;
- (B) There has been a **Breach** of that duty; and
- (C) **Damage** has resulted from that breach

An expanded version

- Duty
- Breach
- Damage
- Consideration of Causation and Remoteness
- +
- No Defence
- =

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Defamation

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Overview / General Rules

Definition / Overview

“The law recognises in every man a right to have the estimation in which he stands in the opinion of others unaffected by false statements to his discredit “

- *Scott V Sampson (1882) 8QBD*

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Trespass

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Overview / General Rules

Elements for actionable trespass

1. **Direct Interference** with the person or property of the plaintiff;
2. **Fault** – Intention or Recklessness by the Defendant
3. actionable *per se* (without proof of damage)