



## Law of Tort Course Descriptor

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Course Title	Law of Tort	Faculty	Law
Course Code	NCHLW528	Course Leader	Stephen Dnes
Credit Points	30	Teaching Period	Michaelmas and Hilary
FHEQ Level	Level 5	Date Approved	June 2020
Compulsory/ Optional	Compulsory for undergraduate combined and single honours students, and for Senior Status students		
Pre-requisites	None		
Co-requisites	None		

### COURSE SUMMARY

The cornerstone of the Law of Tort is the notion of a non-contractual obligation that is owed by one person, whether physical or incorporated, to another, and that where that obligation had not been fulfilled the Law of Tort is what facilitates a remedy that can be invoked by the party who has suffered a loss. It is rooted in the common law but is increasingly being gathered into statute.

Tort also strengthens students' understanding of the principles of causation, remoteness of damage and defences.

### COURSE AIMS

The primary aim of the course is to fulfil the key elements and general principles of the Law of Tort as required by the SRA/BSB Academic Stage Handbook for a Qualifying Law Degree.

Within that parameter the aims of the course are to:

- Develop in students a sound understanding of the principles of tortious liability by considering and critically analysing the elements of specific torts, defences to them and the policy reasons underpinning the imposition of liability.
- Advance students' powers of analysis and interpretation of legal authorities and scholarly writings.
- Assist students in formulating and criticising legal arguments regarding tort law.
- Develop an active understanding of primary legal texts, legislation and legal authorities in tort law, answer questions in seminars which relate to coursework and examination preparation.

- Stimulate critical legal thinking about responsibilities and rights in private law.
- Encourage broad reading and independent research in pursuit of accumulating legal knowledge.

### LEARNING OUTCOMES

On successful completion of the course, students will be able to:

#### KNOWLEDGE AND UNDERSTANDING

- K1b review legal theories, principles, doctrines, values and rules which underpin the law of tort in England and Wales, including those of causation, remoteness and legal defences
- K2b evaluate the juries in civil trials and the jurisdiction of a court to declare England and Wales not to be the appropriate place for a trial in the context of defamation
- K3b evaluate the English legal system and its processes in the context of the law of tort

#### COGNITIVE SKILLS

- C1b apply knowledge and critical understanding to determine solutions to problems in the law of tort
- C2b critically evaluate factual information, selecting and prioritising from possible alternatives, using reasoned judgment and recognised legal arguments applying to the law of tort
- C3b recognise ambiguity and understand limits of law when dealing tort problems

#### TRANSFERABLE AND PROFESSIONAL SKILLS

- T1b communicate information, arguments and analysis effectively to specialist and non-specialist audiences, using a variety of media and technological resources whilst demonstrating accurate use of English and legal terminology
- T2b undertake further development of personal skills and competences by effective use of feedback, reflection, determination of needs, acquisition of knowledge and skills and collaborative working
- T3b further develop skills in self-directed research using a wide range of legal and other information sources, evaluating and selecting information based on reasoned criteria

### TEACHING AND LEARNING

Teaching and learning strategies for this course will typically include:

- 22.5 hours of full-cohort lectures
- Eight hours of seminars
- Two x 45 minute two-to-one tutorials

- Two x 30 minute one-to-one tutorials<sup>1</sup>
- One x 90 minute revision session

Note: the seminars and lectures may be interchanged at times, depending on the needs of the course.

Course information and supplementary materials are available on the College’s Virtual Learning Environment (VLE).

At the end of Michaelmas and Hilary, students will attend Collections (formal meetings) in which they receive comprehensive and collated feedback about their performance over the term.

Students are required to attend and participate in all the formal and timetabled sessions for this course. Students are also expected to manage their directed learning and independent study in support of the course.

### EMPLOYABILITY SKILLS

- The course addresses core needs for practicing lawyers, especially research, communication, and presentation skills.
- The law of negligence features prominently in professional practice and is highly relevant to legal advice relating to property damage, personal injury, and financial losses, and thus forms a core part of the toolkit of a practicing solicitor.
- The course teaches skills allowing continuing professional development.

### ASSESSMENT

#### FORMATIVE

Students will be formatively assessed during the course by means of set assignments. These do not count towards the end of year results, but will provide students with developmental feedback, helping students to become more sophisticated in their analysis of statutes and case law.

#### SUMMATIVE

Assessment will be in two forms:

AE:	Assessment Activity	Weighting (%)	Online submission	Duration	Length
1	Written assignment	40	Yes	N/A	2,000 words
2	Examination	60	N/A	2 hours	N/A

The examination will consist of a number of questions from which the student will have the choice of answering a specified number. Both the examination and the written assignment will be assessed in accordance with the assessment aims set out in the Programme Specification.

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<sup>1</sup> One-to-one tutorials will only be offered to undergraduate combined and single honours students.

## FEEDBACK

Students will receive formal feedback in a variety of ways: written (including via email correspondence); oral (within one-to-one tutorials or on an *ad hoc* basis) and indirectly through discussion during group tutorials. Student's will also attend the formal meeting, Collections, at the end of Michaelmas and Hilary terms in which they will receive constructive and developmental feedback on their term's performance.

Feedback is provided on written assignments (including essays, briefings and reports) and through generic internal examiners' reports, both of which are posted on the College's VLE.

## INDICATIVE READING

Note: Comprehensive and current reading lists for courses are produced annually in the Course Syllabus or other documentation provided to students; the indicative reading list provided below is used as part of the approval/modification process only.

## BOOKS

The course uses a suitable up to date casebook. In recent years, this has been Lunney and Oliphant, *Tort Law*, but may be substituted depending on the currency of this book and alternatives.

## JOURNALS

Modern Law Review

Cambridge Law Review

Law Quarterly Review

Sometimes, continental, Commonwealth and U.S. journals are referred to, guided by the needs of the topic.

## ELECTRONIC RESOURCES

Westlaw, Lexis and Bailii provide access to the main cases.

## INDICATIVE TOPICS

Students will study the following topics:

- Introduction to Torts
- Negligence
- Trespass
- Economic Torts
- Nuisance
- Defamation
- Misuse of Public Power
- Liability for the Acts of Animals

<b>Title: NCHLW528 Law of Tort Course Descriptor</b>					
<b>Approved by: Academic Board</b>					
Version number	Date approved	Date published	Owner	Location	Proposed next review date
1.0	June 2020	June 2020	Dimitrios Kyriazis	1. Academic Handbook > Course Descriptors 2. VLE	April 2025
<b>Modifications (As per AQF4)</b>					
Version number	Date approved	Date published	Modification (including category number)		