**THE UNIVERSITY OF HONG KONG**

**FACULTY OF LAW**

**2024-25**

**LAW OF TORTS**

JDOC1005 – LAW OF TORT I

JDOC1006 – LAW OF TORT II

COURSE OUTLINE

This Course Outline is applicable to both Law of Tort I and Law of Tort II.

Course Convenors:

Craig Purshouse & John Murphy

**ABOUT THE COURSE AS A WHOLE**

The Law of Torts is a full-year subject, with JDOC1005 Law of Tort I taken in Semester One, and JDOC1006 (Law of Tort II) in Semester Two. A final grade will be awarded for both Law of Tort I and Law of Tort II. The final grade will combine the individual grades awarded for each of the assessment components (see below).

**COURSE LEARNING OUTCOMES**

The course is designed in such a way that with effort, you can achieve the learning outcomes listed below. Note that this statement of course learning outcomes represents a minimum. In other words, this learning outcomes statement should not be understood as placing limits on your learning. You may find that you can achieve more than is mentioned here.

At the end of this course, having completed the various learning activities and assessments, you should be able to:

1. Explain the most important and commonly litigated torts, their constituent elements and the functions they perform within the legal system.

2. Put together, in lawyerly fashion, rigorous arguments concerning the positive law, as well as normative aspects of the law of torts.

3. See the relevance of tort law in daily life.

Each of these learning objectives can be achieved in various ways, including class exercises and directed self-study.

**SEMESTER ONE – LAW OF TORT I**

This part of the course focuses on the law of negligence, as well as the statutory rules governing the tortious liabilities of occupiers.

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| Week | Lecture topic |
| 1 | Introduction to Torts - CP |
| 2 | Introduction to Negligence + Damage + General Duty of Care Tests CP |
| 3 | No class (public holiday) |
| 4 | Psychiatric Injury - CP |
| 5 | Pure Economic Loss - CP |
| 6 | Omissions and Scope of Duty - CP |
| 7 | Reading week |
| 8 | Breach of Duty - CP |
| 9 | Causation/Remoteness - JM |
| 10 | Causation/Remoteness - JM |
| 11 | Occupiers’ Liability 1 - JM |
| 12 | Occupiers’ Liability 2 - JM |
| 13 | Revision and exam prep – JM and CP |

**SECOND SEMESTER – LAW OF TORT II**

In this semester, several further substantive torts will be covered along with certain other important tort law doctrines. The rules governing general defences in tort and remedies will also be studied.

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| Week | Lecture topic |
| 1 | Exam Feedback + Intentional Torts 1 - CP |
| 2 | Intentional Torts 2 - CP |
| 3 | Intentional Torts 3 - CP |
| 4 | Land-based Torts - JM |
| 5 | Land-based Torts - JM |
| 6 | Land-based Torts - JM |
| 7 | Reading week |
| 8 | Defences – SS |
| 9 | Remedies - SS |
| 10 | Vicarious Liability and Non-Delegable Duties 1- JM |
| 11 | Vicarious Liability and Non-Delegable Duties 2 - JM |
| 12 | Revision and Exam Preparation - JM |

**ASSESSMENTS**

1. End-of-Semester One Exam: one essay (from a choice of two) and problem (from a choice of two) based on semester 1 learning.

50% of final grade.

2. End-of-Semester One Exam: one essay (from a choice of two) and problem (from a choice of two) based on semester 1 learning.

50% of final grade.

**MOODLE PAGE**

It is important that you check the Moodle page frequently. Handouts, as well as further information, changes and updates will be uploaded to it.

**TEXTS AND MATERIALS**

This course is designed to expose students to the work of a range of very capable scholars. In relation to textbooks, no single book is ever perfect. The law moves on inexorably. Thus, all textbooks become dated over time. They therefore fail comprehensively to represent the law as we find it. At the same time, different authors have different styles. Thus, although every decent textbook will provide a *largely* accurate account of the diverse body of rules that go to make up the law of torts, they may do so in ways that afford prominence to different points of law. They may be more or less critical of certain doctrines or cases. They may arrange the exposition of the subject’s constituent topics in different ways. And all textbooks are written by scholars who have their own particular styles of writing, some of which you may find very accessible, others less so.

For all of these reasons it is suggested that you “dip into” a few of the ones mentioned in the first lecture in addition to the book recommended below.

Notwithstanding the above, we think the best book currently available is

NJ McBride and R Bagshaw, *Tort Law* 7th edn (Pearson, 2024).

Others you might like to look at are:

C Witting, *Street on Tort*s (OUP, 2021)

J Goudkamp and D Nolan, *Winfield and Jolowicz on Tort* (Sweet and Maxwell, 2020)