

Tort law

Must prove:

1) Duty of care ✓

~~0/0/0~~ Injury foreseeable due to a breach in duty of care

• That whoever was at fault for the injury had a duty to care for you.

2) Injury must be reasonably foreseeable.

3) Duty of care was breached, and you were injured as a result.

Donoghue v Stevenson 1932 A.C. 562

Plaintiff
always 1st

Defendant
always 2nd

"Pub trade's anxious wait for drink death verdict."



Regina
(R) vs. Stone & Dobinson 1977 1QB354

- Duty of Care : Blood relationship
~~Not a contractual duty~~

Ted Stone was blind, deaf and of low intelligence.

Gwendolyn Dobinson was his housekeeper & mistress.

Ted's sister, Fanny, had anorexia, and mental problems. She wanted to live with Stone & Dobinson.

Stone and Dobinson assumed responsibility of Fanny.

Fanny died of her conditions.

Stone = blood relationship = duty of care.

Dobinson = the actual carer (Stone couldn't) = duty of care

- Duty of Care : Contractual duty

R vs Pittwood 1902

Pittwood employed as gatekeeper on railway crossing.

Pittwood went for lunch, left gate open.

Making a will

- ① Over 18 (17 if married)
- ② Sane (Copus mentus) (able to make your will)
- ③ Appoint $\frac{1}{2}$ executors (distribute possessions)

Die intestate :

- * $\frac{2}{3}$ of worldly possessions (estate) go to spouse
- * $\frac{1}{3}$ to children

~~6~~ Contents

- ① Testator name & address
- ② A revocation clause
- ③ A clause appointing executors
- ④ A list of gifts and or
- ⑤ A list of real property
- ⑥ A residuary clause to dispose of the remainder of the estate.
- ⑦ Date ⑧ Testimonium ⑨ Signature

The Last Will and Testament

The last will and testament of (name and address)

I wish to appoint X and Y as the executors of my will.

To Pot the barman I leave Rusty the dog.

To my sister I leave my house and garage.

Residual
Clause

The rest of my estate to be disposed of among my family members.

22nd August 2000

Joe Bloggs

Signed by the testator as and for ~~his~~ his last will and testament in the presence of us, both present at the same time, and signed by us in his presence.