

Intentional interferences with the person annotated problem question

It will be easier to answer this problem question chronologically by claim rather than by party.

You need to consider here whether Thomas's whispered comment is an assault—also remember to address the point raised by the following sentence—it does not matter that Henry is not upset by Thomas's threat (see *Stephens v Myers*).

Could Thomas's comment be an assault? If so, is Mary's action in pushing him away self-defence? If not, then Mary's actions will amount to a battery.

Henry, Mark, Mary and Anne are sitting in the students' union bar discussing their outfits for the forthcoming 'Law Society Spring Ball'.

Thomas, Mary's ex-boyfriend, walks by and says quietly to Henry, 'I'll get you! No one steals my girl and gets away with it'. Although Henry is not particularly upset by this, he decides to teach Thomas a lesson. When no one is looking, he deliberately trips Thomas up. Thomas falls over but is not hurt. He quickly jumps up and runs after Henry. Thomas hits Henry and pushes him away and Henry falls awkwardly and hits his head. As Mary rushes to get a doctor, Thomas corners her and whispers, 'I miss you, let's try again'. She pushes him away.

Meanwhile Mark and Anne have sneaked into the bar's storeroom for some time alone. On seeing this, Thomas locks the storeroom door. It remains locked until Rafe, the barman, comes on duty some time later and unlocks it.

Later that evening, Thomas calls Catherine, Henry's pregnant ex-girlfriend, who lives some distance away, and tells her Henry has been badly hurt. She takes the news very badly. Thomas then calls Mary's mobile; as she is still at the hospital with Henry she does not answer it. By the time she checks her phone she has 12 missed calls.

Advise the parties.

Be careful here—the facts are not the same as *Wilkinson v Downton*. Does it apply to true statements? If not, could there be a claim in negligence (for communication of shocking news) (see **Chapter 5**)?

The point to emphasise here is the one raised in *Williams v Humphrey*—i.e. that Thomas will be liable for the full extent of Henry's injuries (even though he did not intend to hurt him to this extent). Also remember to address any relevant defences here.

This will be a battery (and, possibly, if Thomas noticed what Henry was doing an assault). You need to work through the requirements for each of these torts. Remember there is still an actionable battery even though Thomas is not physically hurt, you need to say why this is.

A clear case of false imprisonment—as with the other torts you need to work through the elements of this tort emphasising that it makes no difference to the existence of the tort that they were unaware of their 'imprisonment' (although this will affect the amount of damages awarded)—remember to cite the appropriate case law.

Here you need to discuss whether Thomas's actions amount to harassment under the Protection from Harassment Act 1997.