

Revision Summary Chapter 13

An introduction to the law of torts

- A tort is a civil wrong, but not all civil wrongs are torts. Tortious acts can give rise to both civil and criminal consequences.
- The aims of tort law are (i) to compensate those who suffer harm; (ii) to deter conduct that causes harm; and (iii) to protect legitimate interests.
- In order to establish tortious liability, it is necessary to show that the defendant owed the claimant a duty of care and breached that duty.
- Once the claimant has established that the defendant owed him a duty of care, he will need to establish that the defendant breached that duty.
- Two persons who commit a joint tort, or commit a tort whilst engaged in a common design, are known as 'joint tortfeasors', and are jointly and severally liable. Where two persons are acting independently, but cause the same damage, they are known as 'concurrent tortfeasors', and are jointly and severally liable. Where different forms of damage are created by two or more tortfeasors, each is liable for the damage caused by his act.