

# LLB ANSWERED

SAMPLE CHAPTER FROM OUR LLB TORT STUDY PACK  
(CORE GUIDE & CASE BOOK)

Tort LLB Core Guide: Duty of Care: General Defences

Tort LLB Case Book

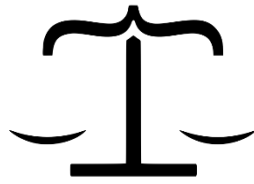
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# LLB ANSWERED

SAMPLE CHAPTER FROM OUR LLB TORT CORE GUIDE

Tort LLB Core Guide: Duty of Care: General Defences

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# DUTY OF CARE

## GENERAL DEFENCES

# 6

There are various defences which can potentially apply to a number of torts.

1: ***Volenti non fit injuria* (“volenti”):** no harm can be done to one who **consents**.

This defence has three requirements. The claimant:

- a) must have agreed to the risk: this can be express or implied (c.f. ***Nettleship v Weston***);
- b) must have had full knowledge of the nature and extent of the risk (***Morris v Murray***; ***Hall v Brooklands Auto Racing Club***); and
- c) must have made a voluntary decision – their consent must have been freely given.

The following caselaw examples may be useful:

<b><i>ICI v Shatwell</i></b>	An employee tested explosives without using the protective shelter as the rules required. The employee was injured. His claim failed.
<b><i>Haynes v Harwood</i></b>	A police officer saw a horse running loose in the street among children. The police officer ran out, chased it and was injured catching it. The horse’s owner was liable for negligence. It was foreseeable that if a horse were let loose in a crowd, somebody would attempt to control it and they could be injured in the process.
<b><i>Cutler v United Dairies</i></b>	<p>A horse pulling one of the defendant’s vans bolted into a field. The driver caught up with it and called for help. The claimant went into the field and attempted to help restrain the horse but was injured in the process. There was evidence that the horse had bolted twice before.</p> <p>The court held that the claimant’s actions amounted to a <i>novus actus interveniens</i>, breaking the chain of causation. The court also allowed the defence of <i>volenti</i>, on the basis that the claimant must have expected to run a risk of injury. In contrast to <b><i>Haynes</i></b>, the horse in this case did not present an immediate risk to people or to property.</p>
<b><i>Reeves v MPC</i></b>	A suicidal prisoner took his life whilst in police custody. The police knew that the prisoner was at risk of suicide. By taking the prisoner into their custody, they had assumed responsibility for his protection. The police were therefore liable for his death.

**NOTE:** there are statutory limitations on the availability of the defence of *volenti*. An exclusion of liability for death or personal injury arising from negligence on the ground that the claimant consented will not be effective (**s. 2(1) Unfair Contract Terms Act 1977** and **s. 65(1) Consumer Rights Act 2015**).

## 2: Contributory negligence

Contributory negligence is a partial defence. It is governed by **s. 1(1) Law Reform (Contributory Negligence) Act 1945**. It has three elements:

- a) The claimant must have been negligent. See ***Jones v Livox Quarries*** and ***Brannon v Airtours***. The position is slightly different for emergency situations, children and rescuers, who are generally given more latitude by the courts.
- b) The claimant's actions must have contributed to the damage suffered (***Froom v Butcher***).
- c) If the first two points have been met, the court will consider the extent to which it should reduce the claimant's damages (***Froom v Butcher; Reeves v MPC; Fitzgerald v Lane & Patel***).

The court will take into account the claimant's age (***Gough v Thorne; Jackson v Murray***) and what could reasonably be expected of a child with the same characteristics (***Alabady v Akram***).

**NOTE:** this defence is not available for assault or battery (***Co-operative Group (CWS) Ltd v Pritchard***).

## 3: Illegality

Illegality, or "*ex turpi causa non oritur action*" (no action may be based on an illegal cause), may provide a complete defence where the claimant's cause of action arises in connection with the claimant's own illegal act. In other words, a criminal cannot bring an action against another for negligence occurring in connection with the commission of a crime (***National Coal Board v England***).

<b><i>Ashton v Turner</i></b>	The claimant and defendant committed a burglary and then used a getaway car to escape the scene of the crime. The defendant negligently crashed the car and in doing so injured the claimant. The court did not recognise that one criminal could owe a duty of care to another criminal, for reasons of <b>public policy</b> ; the claimant's claim failed.
<b><i>Willet &amp; others v Vickers</i></b>	The court considered the impact of criminal joint enterprise on the doctrine. Death and personal injury arose when cars, which appeared to have been racing, crashed. It was held that proof of intent was essential if the defence was to succeed.
<b><i>Henderson v Dorset Health Care</i></b>	A mentally ill woman was not recalled to hospital by the NHS despite suffering a serious psychotic episode. While she was at liberty, she killed her mother. The NHS admitted liability for the death in negligence, but damages were not payable to the psychotic attacker because the doctrine of illegality applied. <b><i>Patel v Mirza</i></b> (a contract case) was applied.  <i>Continued overleaf.</i>

<p><b><i>Henderson v Dorset Health Care (continued)</i></b></p>	<p>The three stages for considering an illegality defence are:</p> <ul style="list-style-type: none"> <li>• What was the underlying policy in relation to the prohibition which has been transgressed? Will that policy be upheld if a claim is denied on these grounds?</li> <li>• What are the policy considerations around the particular claim?</li> <li>• Is denying the claim proportionate to the illegality?</li> </ul>
<p><b><i>Lewis-Ranwell v G4S Health Services</i></b></p>	<p>The doctrine only applies when the defendant <b>has been convicted of a crime</b>. Here the defendant had killed three people but had been found not guilty of murder on grounds of insanity. He was making a claim against G4S on the basis that they should have been aware that he was at risk of causing injury to the public.</p>

While the defence of *ex turpi causa* is clear in relation to contract where the court is looking **forward to see what would have happened**, had the contract not been breached, the position is less clear in tort, particularly in personal injury cases where the court is looking **back to see what the position was before the tortious act** and to try to put the claimant back in that position. If the defence is to succeed in a tort action the illegality must be the effective cause of the claimant's loss.

A very thorough review of the law has recently been conducted in ***RO (by his litigation friend) v Gray***. Here the claimant had been involved in an altercation with the defendant and the court concluded that the claimant was guilty of dangerous driving, affray, assault and battery (although he had not been prosecuted for any of these offences). The claimant was injured in a car collision while trying to escape from the defendant; the court found that his own illegal conduct was not "*the effective cause of his loss and that it would be inappropriate to deny his claim on policy grounds.*"

## BREACH OF STATUTORY DUTY

There are many statutes which require people to take or refrain from taking certain actions. These include for example:

- **Health and Safety at Work Act 1974**
- **Guard Dogs Act 1975**
- **Safety of Sports Ground Act 1975.**

Many of these statutes impose criminal sanctions for breach and some also allow for civil actions to be brought. You should be familiar with the following cases:

<p><b><i>Curtis v Betts and Another</i></b></p>	<p>A child was bitten by a large dog with which the child was very familiar; it was owned by neighbours. The dog was thought to have been defending its space in the back of the family car when it became aggressive. The child was allowed to recover damages under <b>s. 2(2) Animals Act 1971</b>. Damage caused by the animal was "<i>likely to be severe...was due to characteristics of the animal...not found in animals of the same species .... except at particular times</i>" and the owners were aware of these characteristics.</p>
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<b>Schoultz v Ball</b>	The claimant was injured when a horse got loose and was in collision with a vehicle on the A3. The case turned on whether the animal was at the time displaying uncharacteristic behaviour which would then make the owner liable for the injury caused by the collision with the horse. There was no evidence that the horse was panicked before the accident. The damage was caused because the horse was a large and heavy animal and not because of any characteristic of the particular animal – there was no liability.
<b>Phillips v Britannia Hygienic Laundry</b>	The defendant's vehicle fell below the standard required by the road regulations at the time. It was involved in an accident and damaged the claimant's van, there was no claim in tort as the statute provided only for a criminal penalty for breach.
<b>Atkinson v Newcastle Waterworks</b>	The defendant waterworks was required by statute to keep water at a certain pressure and was liable to a £10 fine if it failed to do so. The pressure fell below the level required and when the claimant's premises caught fire the pressure was inadequate for the fire services to deal with the blaze; the claimant's premises burnt down. There was no provision in the Act imposing tortious liability and the claimants were unsuccessful in their claim.
<b>R v Deputy Gov of Parkhurst ex p. Hague</b>	Hague brought a claim under the <b>1964 Prison Rules</b> regarding false imprisonment and breach of statutory duty when the conditions in which he was held were changed. There was no right to compensation.
<b>O'Rourke v Camden LBC</b>	This claim was brought under <b>Housing Act 1985</b> . The claimant sought damages by reason of the failure by the Local Authority to provide him with accommodation when he was entitled to that by reason of his vulnerability " <i>as a result of... physical disability or other special reason</i> ". The House of Lords found there was no cause of action.

## ANSWERING A QUESTION ON STATUTORY TORTS

### STEP 1:

Explain that there are many statutes which exist to control behaviour and protect individuals. Breach of some may give rise to claims in tort.

### WHICH STATUTES GIVE RISE TO CLAIMS IN TORT?

Look at the precise wording of the statute to see if it provides for the possibility that someone damaged by behaviour which breaches the statute can bring a claim in negligence.

If the statute is silent on the issue of tortious liability, then you will need to analyse relevant case law.

**STEP 2: Where the statute is silent on liability and there is no case law**

You will need to consider the intention of Parliament – always tricky!

Work through the following steps:

- Does the statute protect the general public or a limited subsection (a class of persons)? Liability is more likely to be found where the protection is limited and not general. (***Lonrho Limited v Shell Petroleum***).
- Does the statute contain sanctions to “punish” breach? A claimant is more likely to succeed if sanctions are included (***Groves v Lord Wimbourne***).
- What is the interrelationship between the statute and common law? Sometimes statutes have provisions contrary to common law, in such cases it is less likely that a common law claim in tort will be allowed.
- Look at the background to the statute. If it provides for social support then breach is less likely to give rise to a cause of action for an individual (***O’Rourke v Camden LBC***).

**STEP 3: What is required to establish a tort?**

Go through:



Duty under statute (***Hartley v Mayoh & Co***).

For breach consider the width of the legislative duty, (***Smith v Northamptonshire County Council***) and the standard of liability (***Stark v Post Office***).

Check whether the damage suffered was of the type which the statute sought to avoid (***Gorris v Scott***).

The normal rules of causation will apply.

**STEP 4: Conclude**

Having reviewed the legislation and case law decide whether you think an actionable tort has occurred.

## ANSWERING A PROBLEM QUESTION ON NEGLIGENCE

When answering a problem question on negligence, structure your analysis into the following steps for each potential act of negligence. If one element has clearly not been established, there is no need to consider the subsequent elements of that claim. However, if it is ambiguous whether or not a previous element has been established, state as much and continue to analyse all element (*see overleaf*).



<b>STEP 1:</b>	Does the defendant owe a duty of care?
<b>STEP 2:</b>	If the damage is psychiatric, not physical, is a duty owed?
<b>STEP 3:</b>	If the damage is economic loss, is a duty owed?
<b>STEP 4:</b>	What is the appropriate standard of care? Has the defendant fallen below that standard of care and breached their duty?
<b>STEP 5:</b>	Has the defendant's breach caused the damage?
<b>STEP 6:</b>	Is the damage caused by the breach recoverable, or is it too remote?
<b>STEP 7:</b>	Do any general defences apply? If so, what is the effect?
<b>STEP 8:</b>	Conclude – is there a successful claim? What might the claimant be entitled to?

## ANSWERING ESSAY QUESTIONS ON NEGLIGENCE

### EXAMPLE QUESTION - DUTY OF CARE

**EXAMPLE  
QUESTION 1:**

*“Developments in the concept of the duty of care have made the law of negligence more confusing, rather than clearer.”* Critically discuss.

**STEP 1: Introduction:**

State the extent to which you agree or disagree with the statement and briefly lay out the key points which you will argue.

**STEP 2: Introduce the duty of care and recent developments in it**

- Explain the law on the duty of care in the context of negligence: lay out key introductory points such as the neighbour principle (*Donoghue v Stevenson*) and the test under *Caparo v Dickman* (foreseeability, proximity and fairness, justice and reasonableness).
- Explain the “old” law and the “new” law which has developed, so that it will be clear what you are discussing in your essay. You could take the “old” law to be the test from *Re Polemis* and the “new” to be the test from *The Wagon Mound (No. 1)*, or you could take the “old” law to be the test in *The Wagon Mound (No. 1)* and discuss much more modern case law as the “developments” in the question. Either way, you must be clear what you are comparing and contrasting.
- You could consider the duty of care more generally or consider it in the context of one or more specific issues, such as how the duty of care applies in cases of psychiatric damage, duties owed to primary and secondary victims and cases of economic loss (*Spartan Steel; Hedley Byrne*). If so, introduce and explain these issues now.



**STEP 3:****Discussion**

You should create a coherent argument as to why – or why not – developments in the concept of the duty of care have made the law less clear. You should not sit on the fence – either argue that the law is less clear or clearer, but do not try to argue it both ways. The following are examples of issues which you can discuss and use to support your argument:

- Exceptions to the general rule of no liability for omissions – does this create confusion?
- Are there problems relating to foreseeability?
- Are there problems with judicial discretion in particular cases? Can this “*open the floodgates*” to claims?
- Public policy considerations
- The fairness requirement from *Caparo v Dickman*

For each point, use examples from case law to illustrate and support your argument. After explaining each point, draw a mini-conclusion: how much clearer is the new test than the old test?

**STEP 4:****Conclusion**

Summarise the points you have made and conclude your argument as to the extent you agree or disagree with the statement in the question.

**EXAMPLE QUESTION – PSYCHIATRIC DAMAGE AND SECONDARY VICTIMS****EXAMPLE QUESTION 2:**

“The rules on psychiatric damage in general negligence claims are particularly unfair to secondary victims.” Critically discuss.

**STEP 1:****Introduction:**

State the extent to which you agree or disagree with the statement and briefly lay out the key points which you will argue.

**STEP 2:****Introduce the rules on psychiatric damage**

- Explain the rules on psychiatric damage. Explain the medical definition.
- Explain the position for primary victims (*Dulieu; White*).
- Explain the position for secondary victims: the *Alcock* requirements.
- Explain what is meant by “*unfair*”. It is important to be clear about this so that you can relate your later argument to a standard of fairness.

**STEP 3:****Discussion**

Create a coherent argument as to why the rules on psychiatric damage can be considered “*unfair*” or “*fair*”. You should not sit on the fence – either argue that the rules are fair or that they are unfair, but do not try to argue it both ways. The following are examples of issues which you can discuss and use to support your argument:

- Different classes of victim each have different tests which apply to the claim.
- Historically only primary victims could claim.
- Limitations on recoverability for secondary victims:
  - close ties of love and affection (only includes children, parents and partners);
  - restrictive interpretation of immediate aftermath (*Taylor*);
  - primary victims only need to show foreseeability of physical harm, but secondary victims need to show foreseeability of psychiatric harm (*Bourhill v Young*); and
  - rescuers will struggle with a claim.

**STEP 4:****Conclusion**

Summarise the points you have made and conclude your argument as to the extent you agree or disagree with the statement in the question.

**EXAMPLE QUESTION – NEGLIGENT MISSTATEMENT****EXAMPLE  
QUESTION 3:**

*“There should be a limit on negligent misstatement claims in the tort of economic loss, but instead it has become easy for claimants to recover.”*  
Critically discuss.

**STEP 1:****Introduction**

State the extent to which you agree or disagree with the statement and briefly lay out the key points which you will argue.

**STEP 2:****Explain economic loss**

- Give an overview of the law on economic loss and negligent misstatement.
- Explain the distinction between consequential and pure economic loss (*Spartan Steel*).
- Explain the law set out in *Hedley Byrne* – “*special relationship*” and “*reasonable reliance*”.
- Consider the restrictive approach in *James McNaughten*.

**STEP 3:****Discussion**

This question can lead to two issues for discussion, either – or both – of which you can discuss and create an argument around.

- The first is whether you accept the titular statement that there should be a limit. What would a limit involve? Why should there be any limit? If there should be a limit, at what level should it be set? What would be the effect of setting such a limit? Why can such a limit be justified? You should create a coherent argument as to why there should or should not be a limit.
- The second is whether you accept that it has become easy for claimants to prove. How are such claims proven? Is it difficult or easy to reach that threshold of proof? Either way, how does that relate to the any limit on such claims? You should create a coherent argument as to whether it is easy or not to prove such claims.

Whichever route you choose, **you should not sit on the fence.**

Here are two example lines of reasoning, either of which you could fill out with details and examples from case law and statute:

- The tort is too available because little or no limit has been set on claims and they are easy to prove. Consider:
  - The argument that *“the floodgates have been opened”* to claims.
  - The uncertainty over the law on social situations.
- The tort is insufficiently available because the number of claims is unjustly limited by an overly difficult burden of proof. Consider:
  - The original reluctance of judges to accept liability.
  - The limitations in *Hedley Byrne*.
  - The general bar on actions over social situations.

That claimants can in certain situations be left without a remedy (e.g. wills and references).

**STEP 4:****Conclusion**

Summarise the points you have made and conclude your argument as to the extent you agree or disagree with the statement in the question.

**EXAMPLE QUESTION – “BUT FOR” TEST****EXAMPLE  
QUESTION 4:**

*“The ‘but for’ test can be seen as a high threshold to reach, and so the courts are willing to relax the ‘but for’ test when claimants are trying to prove causation.”* Critically discuss.

**STEP 1: Introduction**

State the extent to which you agree or disagree with the statement and briefly lay out the key points which you will argue.

**STEP 2: Introduce causation**

- Explain the basic principles of the “*but for*” test in the context of causation (***Barnett; Robinson v PO***).
- Explain the exceptions to the rule.
- Discuss the position where causation depends on the actions of the claimant (as in ***McWilliams v Sir William Arrol***) or on the conduct the defendant (***Bolitho***) or the actions of a third party (***Allied Maples Group Ltd v Simmons***).

**STEP 3: Discussion**

The substantive bulk of your answer should focus on addressing the issues in the question. You can form your discussion around these issues:

- Do you agree that the “*but for*” test sets a “*high threshold*”?
- Do you agree that the courts are willing to “*relax*” the test for claimants?
- How have the courts done this (or not)? Have the courts done this consistently?

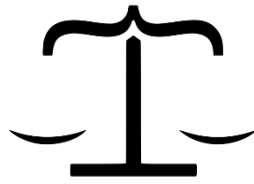
However, you decide to focus your discussion, do not sit on the fence – either agree with all or part of the statement in the question or disagree with all or part of it, but do not try to argue it all ways. The following are examples of issues which you can discuss and use to support your argument:

- “*Material contribution to the damage*” (***Bonnington Castings / Bailey v MoD***).
- “*Material contribution to the risk*” (***McGhee / Wilsher / Fairchild / Barker / Sienkiewicz***).
- Discuss the position where the damage is cumulative (***Holtby v Brigham & Cowan / Thompson v Smiths Shiprepairers***).
- Discuss “*loss of a chance*” (***Hotson / Allied Maples / Gregg v Scott / Perry v Raleys***).
- Consider discussing intervening acts and the associated case law, although it is not as directly relevant to the question as the other issues of causation.
- To what extent was the law changed by ***FCA v Arch Insurance***?

For each point, use examples from case law to illustrate and support your argument.

**STEP 4: Conclusion**

Summarise the points you have made and conclude your argument as to the extent you agree or disagree with the statement in the question.



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CASE	FACTS	PRINCIPLE
<p><b>A v The National Blood Authority</b> [2001]</p>	<p>This case concerned the transmission of hepatitis C7067 through blood transfusions.</p>	<p>Public knowledge of the risks was relevant in determining liability. The public did not understand risks and were entitled to expect safe blood products. The difficulty of rectifying the problem and the importance of the service were not taken into account. This has been criticised.</p> <p><b>COMPARE with <i>Wilkes v DePuy</i></b></p>
<p><b>Aaronson v Stones</b> [2023]</p>	<p>The defendant had accused the claimant on YouTube and Twitter of raping a number of men, asserting that the defendant was a serial rapist. The claimant was able to establish that the defendant’s publication had caused or was likely to cause serious harm. The defendant argued that the allegations were substantially true and were published in the public interest.</p>	<p>Both defences failed; there was no evidence that the claimant had committed multiple rapes and while discussion of sexual abuse in any industry would likely be a matter of public interest, it was not necessarily in the public interest to accuse a named person of sexual offences. The claimant was awarded damages and an injunction to prevent the defendant from repeating the allegations.</p>
<p><b>AB personal reps for the late GH v KL*</b> [2019]</p>	<p>The deceased was a loving father of three boys. At the time of his death one was in a long-term relationship with a girlfriend, the others were 12-year-old twins. The sons claimed for the loss of the contribution that he would have made to their weddings and to the purchase of homes. He had told the elder son that he would help with buying a house when his son was ready.</p>	<p>The court made an order in favour of the sons. It awarded each £9,000 towards the cost of property on the basis that their father would have helped them equally. The elder son received £7,500 for wedding costs and the younger two boys half that sum each as it was totally unclear as to whether or not they might marry.</p>
<p><b>AB v Leeds Teaching Hospital</b> [2004]</p>	<p>During post-mortems, organs had been removed from the corpses of children without the informed consent of the parents. A group action was brought for severe shock and psychiatric injury arising from the wrongful interference with the bodies.</p>	<p>The psychiatric damage had to be foreseeable as a result of the wrongful interference. In the one case where this was the case the claimant was successful. In other cases the claims failed.</p>
<p><b>Abouzaid v Mothercare</b> [2000]</p>	<p>A child was blinded when an elastic strap, on a car seat he was helping his mother fix, pinged back and hit him.</p>	<p>The statutory defence under <b>s. 4(1) CPA 1987</b> was pleaded, the state of scientific knowledge at the time could not have discovered the defect. It was held that the product was defective under <b>s. 3 CPA 1987</b> even though this was not recognised at the time. The risk should be judged by the expectations of the public, the propensity of elastic to spring back was known.</p>

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CASE	FACTS	PRINCIPLE
<b>Abrahart (administrator of the estate of Abrahart deceased) v University of Bristol</b> [2022]	Natasha Abrahart suffered from an anxiety disorder and took her life when the university failed to make adjustments to the assessment process to mitigate the impact of her disability.	The courts held that the university <b>did not</b> owe her a duty of care in negligence – Natasha was not in the care or control of the university. The disability discrimination claim succeeded, the university engaged in indirect discrimination contrary to <b>s.19 Equality Act 2010</b> ; it had treated Natasha unfavourably because of something arising from her disability <b>s.15</b> and had breached its duty under <b>s.21</b> to make reasonable adjustments.
<b>Adam v Ward*</b> [1919]	A derogatory statement was made about an Army General by an MP in the House of Commons. This was replied to by a letter from the Army which in turn defamed the MP.	Qualified privilege was available here to protect the Army response to what was said in Parliament.
<b>Adams v Ursell</b> [1913]	Local residents complained about the smell of a fish and chip shop in a residential area.	The public utility of a defendant’s actions will never in themselves prevent an activity being unreasonable but may help turn the tide in narrowly balanced issues.
<b>AG of Ontario v Orange</b> [1971]	The Attorney General sought an injunction against a music festival.	A music festival, in this case, was considered a public nuisance.
<b>AG v Cory Bros.</b> [1921]	Heavy rain caused a slag heap (waste from a coal mine) to slip, damaging property.	Colliery spoil is “likely to do mischief if it escapes” and so can be the subject of a nuisance.
<b>AG v Hastings</b> [1871]	A small group of 3 or 4 households was not considered a sufficiently large number to form a “class” of subjects.	There is no specific number of people needed to form a class. It will depend on the facts of the case.
<b>AG v PYA Quarries*</b> [1957]	A quarry was sued in public nuisance for emitting a considerable quantity of dust.	Established the definition of public nuisance: “An unlawful act or omission which materially affects the reasonable comfort or convenience of a class of Her Majesty’s subjects”.
<b>Ahuja Investments ltd v Victorygame</b> [2021]	The claimant brought an action alleging fraudulent misrepresentation. The court also had to consider whether the contractual interest (of 12% in the event of default) was a penalty.	The Court of Appeal accepted that the representations were false but found that the claimant had not relied on them and therefore had no claim. Even had there been any reliance no loss would have been incurred. The default interest rate was held to be an unenforceable penalty.

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## PSYCHIATRIC INJURY

### KEY CASES – PSYCHIATRIC INJURY

- Paul v Royal Wolverhampton [2024]
- Polmear v Royal Cornwall Hospitals [2024]
- White v Chief Constable of the South Yorkshire Police \* [1998]

### ADDITIONAL CASES – PSYCHIATRIC INJURY

- AB v Leeds Teaching Hospital [2004]
- Greatorex v Greatorex [2001]
- Green v Chelsea Waterworks [1894]
- Hussain v Chief Constable of West Mercia [2008]
- Walters v North Glamorgan NHS Trust [2002]

## CLINICAL NEGLIGENCE

### KEY CASES – CLINICAL NEGLIGENCE

- Chester v Afshar [2003]
- McCulloch and others (Appellants) v Forth Valley Health Board [2023]
- R v Cambridge HA, ex parte B [1995]
- Vacwell Engineering v BDH Chemicals [1971]
- Whitehouse v Jordan [1981]

### ADDITIONAL CASES – CLINICAL NEGLIGENCE

- ARB v IVF Hammersmith [2018]
- Bailey v Ministry of Defence [2008]
- Bilal v St George's Hospital NHS Trust [2023]
- Bull v Devon Area Health Authority [1993]
- Crawford v Board of Governors of Charing Cross Hospital [1953]
- Darnley v Croydon Health Services [2018]
- Gascoigne v Ian Sheridan [1994]
- Smith v Charles Baker and Sons [1891]
- Goodwill v British Pregnancy Advisory Service [1996]
- Johnstone v Bloomsbury Health Authority [1992]
- Keh (administrator of estate of Keh) v Homerton University Hospital [2019]
- McGunn v Lewisham & Greenwich NHS Trust [2017]
- Pearce v United Bristol NHS Trust [1996]
- Prendergast v Sam & Dee Ltd [1989]
- Shakoor v Situ [2000]
- Simms v Simms [2004]
- Taaffe v East of England Ambulance Service NHS Trust [2012]
- Wieland v Cyril Lord Carpets [1969]
- Wright (a child) v Cambridge MG [2011]