1. **Title of the module**

LAWS6510 (LW651): The Law of Tort

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 5

1. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or Spring

1. **Prerequisite and co-requisite modules**

Prerequisite LAWS3150 Introduction to Obligations

Co-requisite LAWS6500 Law of Contract

1. **The programmes of study to which the module contributes**

All single and joint honours Law programmes

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a deep understanding of the nature of private law and its major sub-divisions.
   2. Demonstrate a clear understanding of the principles and rules governing the main types of tortious obligation.
   3. Use the knowledge of the law and its context, to engage with broader questions of policy, regulation and change.
   4. Demonstrate well-developed case reading skills. This will include the ability to understand and critique the legal and policy arguments which may drive the outcome of a case.
   5. Use cases, including judicial quotations, to support or negate an argument.
   6. Demonstrate a clear understanding of the role of precedent and analogical reasoning in legal decision-making while being alive to the possibility and influence of judicial creativity.
   7. Conduct research into complex legal issues involving tort law and use primary, secondary and/or extra-legal sources in the construction of legal arguments while recognising areas of uncertainty or contention.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Use a range of materials and approaches to evaluate legal solutions to tortious disputes.
   2. Use library and web resources, including journal articles and policy documents, to conduct research on complex areas.
   3. Properly present material with correct citation and use of references where appropriate
   4. Show an understanding of the differences in use and value of primary and secondary sources.
   5. Distinguish evidence-based claims from unfounded assertions and to use evidence to support their own claims and arguments
3. **A synopsis of the curriculum**

The bulk of this module will concentrate on the Tort of Negligence in contrast to students’ knowledge of the law of trespass to the person (gained in LAWS3150 Introduction to Obligations). Students will focus on the conceptual structure of the tort of negligence, its rise and dominance over other torts, its role in accident compensation, the funding of accident compensation and the role of insurance, and the system’s contribution to an alleged “compensation culture”. The approach is primarily doctrinal but is informed by various theoretical perspectives examining differing notions of justice.  
  
A smaller section of this module will contrast the predominantly case-based Tort of Negligence with various statutory torts. Students will also consider the Land Torts. This draws further attention to the diverse range of harms or interests protected by tort law and to the diverse conceptual structures of different torts.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* Cane, P, *Atiyah’s Accidents, Compensation and the Law* (CUP, 2016 or later edition if published)
* Conaghan, J, and Mansell, W, *The Wrongs of Tort* (2nd ed.) (Pluto Press, 1998)
* Horsey, K & Rackley E, *Tort Law* (OUP, 2017 or later edition)
* Lunney, M, Oliphant, K, Nolan, D. *Tort Law: Text, cases and materials* (6th ed.) (OUP, 2017 or later edition if published)
* Rackley, E, and Richardson, J, *Feminist Perspectives on Tort* (Routledge-Cavendish, 2012)
* Weir, T *An Introduction to Tort Law* (OUP, 2006)

1. **Learning and teaching methods**

The module will be taught by lectures, seminars and private study.

Total Study Hours: 150

Total Contact Hours: 30

Private Study Hours: 120

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by 40% coursework and 60% examination according to the following breakdown:

**Coursework (40%)**

**Either:** A written legal problem question assessment, 2000 words,

**Or:** with the consent of the module convenor, an assessed moot (15 minutes, in pairs, but assessed individually) and a one-page skeleton argument (subject to availability).

**Examination (60%)**

2-hour unseen examination.

13.2 Reassessment methods

The module will be reassessed by like-for-like reassessment of failed individual component(s) of assessment. The re-assessment will re-test the learning outcomes specified in s.14 (below).

1. ***Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)***

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lectures |  | X | X | X | X | X | X | X | X |  |  |  |  |
| Seminars |  | X | X | X | X | X | X | X | X |  |  | X | X |
| Case classes |  | X | X | X | X | X | X | X |  |  |  | X | X |
| Private study |  | X | X | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** | Specify word length, duration, individual or group work (as appropriate) |  |  |  |  |  |  |  |  |  |  |  |  |
| Problem question (40%) | 2000 words |  | X |  | X | X | X | X |  | X | X | X | X |
| Assessed moot (40%)\* | Individual |  | X |  | X | X | X | X |  | X | X | X | X |
| Exam (60%) | 2-hours | X | X | X | X | X | X |  | X |  | X | X | X |

\* As noted above, students will have the opportunity, with the consent of the module convenor, to replace the problem question with an assessed moot (subject to availability).

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

* 1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
  2. Module outlines will be made accessible at least four weeks before the module starts.
  3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
  4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
  5. Lecture capture will be used to assist notetaking.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

There will be some comparative material included in this module however, as one of the Foundations of Legal Knowledge, this module has a direct contribution to the achievement of a Qualifying Law Degree (which is required in order to qualify as a solicitor or barrister in England and Wales). The content of this module is, therefore, prescribed by the requirements of the Solicitors Regulation Authority and Bar Standards Board and serves to provide students with substantive knowledge of English tort law.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 24/01/2018 | Major | September 2018 | 8, 13-14 | Yes |
| 09/01/2019 | Major | September 2019 | 8-11 | No |