1. **Title of the module**

LAWS6510: The Law of Tort

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

Division of Law, Society and Social Justice: 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 and/or module restrictions**

Prerequisite LAWS3150 Introduction to Contract and Tort

Co-requisite LAWS6500 Law of Contract

Not available to non-law students

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, through the appropriate use of examples, a clear understanding of the principles and rules governing tort law with particular focus on the tort of negligence.
   2. Clearly and concisely identify the main and subsidiary tort-related legal issues that arise for resolution in real or hypothetical disputes.
   3. Demonstrate well-developed skills of reading and analysis of tort-related cases.
   4. Apply the law by using cases (and, if relevant, legislation) as well as judicial reasoning to support or counter relevant legal arguments concerning one or more tort-related issues.
   5. Use a range of appropriate materials and approaches to provide and/or evaluate solutions to complex legal issues involving tort law. This will enable students to use primary, secondary and/or extra-legal sources to identify and prioritise key themes from a range of materials in order to construct legal or broader arguments about those issues while recognising areas of uncertainty or contention.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Intelligently distinguish issues about which it is legitimate to argue; and to identify (explicitly or implicitly) weaknesses and strengths in an argument.
   2. Produce and present clear writing which is appropriately referenced and not plagiarised.
   3. Show an understanding of the differences in use and value of primary and secondary sources.
   4. Distinguish evidence-based claims from unfounded assertions and to use evidence to support their own claims and arguments
3. **A synopsis of the curriculum**

This module builds on students’ learning from other private law modules such as *Introduction to Contract and Tort*, *Introduction to Property Law* and the *Law of Contract*. A specific aim of this module is to develop students’ interest and proficiency in the use of case law based legal arguments as a way of solving legal problems and/or determining liability. The module therefore continues the practice of using case classes to discuss a limited number of modern cases in depth. This in-depth focus on modern decided cases will enable students to

* become increasingly familiar with the idea that cases can be read in different ways;
* observe and analyse the idiosyncrasies of legal language and argument within judgments;
* improve crafting legal arguments in this module and beyond;
* identify some of the contested boundaries of modern tort law.

Whilst case law continues to be central to tortious liability, the module will also consider the role played by statutes in tortious liability. Examples may include the liability of

* occupiers of land towards persons harmed on their land,
* manufacturers towards consumers; and
* publishers towards the potentially defamed.

The module considers these and other topics after having explored tort law’s most important tort in detail. Tort law’s most important tort is the tort of negligence. Much of the module is devoted to a detailed exploration of the elements of and legal concepts related to that tort. The assessed coursework will be an extended problem question relating to the tort of negligence where students will be required to use their learning to formulate a variety of legal arguments and to predict the likely outcome.

Towards the end of the module, the law of tort(s) is placed in its contemporary context of the so-called “Compensation Culture”. It considers whether the relationship between tort law and its context can explain its shape or contemporary debates about it. By reflecting on the doctrine studied earlier in the module and observing where the lines of liability are currently drawn, students will be asked to think about what this reveals about private rights and obligations, the balance between responsibility for harm and freedom of action, access to justice and different conceptions thereof. These broader topics, with consequences for law reform, will be explored in seminars and in exam essay questions.

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, 2021 or later edition)
* Horsey, K & Rackley, E. *Casebook on Tort Law (16th ed.*) (OUP, 2021 or later edition if published)
* 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, 2014)
* Weir, T. *An Introduction to Tort Law* (OUP, 2006)

1. **Contact hours**

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

Like-for-like

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 | 9.1 | 9.2 | 9.3 | 9.4 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |
| Lectures | X | X | X | X | X |  |  |  |  |
| Seminars | X | X | X | X | X | X |  | X | X |
| Case classes | X | X | X | X | X | X |  | X | X |
| Private study | X | X | X | X | X | X |  | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |
| Problem question (40%) | X | X | X | X | X | X | X | X | X |
| Assessed moot (40%)\* | X | X | X | X | X | X | X | X | X |
| Exam (60%) | 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.

**DIVISIONAL 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 |
| 16/12/2021 | Major | September 2022 | 8.9.10,11,14 | No |