## Module 4: Law of Torts

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| **Module title**  |
| Law of Torts |
| **Module NFQ level** (only if an NFQ level can be demonstrated) | **Module number / reference** | **ECTS Value** | **Duration** |
| Level 7 | DLSP-LT | 5 ECTS | 8 weeks |
| **Parent programme(s).** Principal programme title, and embedded(s) if relevant | **Stage of parent programme** | **Semester No.** |
| Diploma in Legal Studies and Practice  | Award Stage | Block 2 |
| Certificate in Legal Studies | Award Stage | Block 2 |
| **Teaching and Learning modes** | **Proportion** (% of Total Directed Learning) |
| Classroom / Face to Face | 20% |
| Workplace | - |
| Online | - |
| Other (Identify) | 80% (independent study) |
| **Entry requirements (statement of knowledge, skill and competence)** |
| Learners must comply with and meet programme entry requirements. |
| **Maximum number of learners per instance of the module** | 80 learners |
| **Average (over the duration of the module) of the contact hours per week**  | 4 hours |
| **Pre-requisite module title(s) (if any)** | n/a |
| **Co-requisite module title(s) (if any)** | n/a |
| **Is this a capstone module? (Yes or No)** | No |
| **Module-specific physical resources and support required** **per centre (or instance of the module)** |
| Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector. |
| **Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.**  |
| **Role e.g. Tutor, Mentor etc** | **Qualifications & experience required:**  | **# of Staff with this profile (WTEs)** |
| Lecturer | Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement. | 0.2 WTE |

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| **Analysis of required learning effort**  |
| **\*Effort while in contact with staff** | **Minimum ratio teacher / learner** | **Hours** |
|  Classroom and demonstrations | 1:80 | 21 |
| Mentoring and small-group teaching | - | - |
|  Other (specify) – workshop | - | - |
| **Independent Learning** |
|  Directed e-learning (hours) | - |
|  Independent Learning (hours) | 104 |
|  Other hours (specify) | - |
|  Work-based learning hours of learning effort  | - |
| **Total Effort (hours)** | 125 |

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| **Allocation of Marks** |
|  | **Continuous Assessment** | **Supervised Project** | **Proctored Practical Exam.** | **Proctored Written Exam** | **Total** |
| **Percentage Contribution** | 100 | - | - | - | **100%** |

### Modules aims and objectives

This module aims to introduce learners to the fundamental principles of tort law including but not limited to: an understanding of general principles of negligence; employer’s liability; occupier’s liability; trespass; nuisance; defamation; defective products’ liability; statute of limitations as it pertains to torts; defences to claims and remedies. The module applies continuous assessment in its ascertain of learner competence in the abovementioned areas: two assignments are required to be completed over the course of the 8-week module. One of these assignments involves responding to a traditional essay-based question and the other is problem-based. These assessments seek to increase learner competence in the areas of legal writing, research and the effective communication of legal argument related to tort law.

### Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

1. Explain the nature of a tort and define the characteristics of specific torts.
2. Appraise the key elements of these torts.
3. Illustrate the remedies available in tort.
4. Assess factual scenarios and apply their understanding of Irish tort law to them.

### Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Law of Torts provides learners with an overview of key common law and legislative torts. It is a core module that provides an understanding of a critical element of civil liability. It also covers the practical elements of tort law such as defences, remedies, and limitation periods, that learners require if they embark on or continue their legal careers. In that context this module supports the achievement of MIPLO I.

The module builds upon the legal research and writing skills that learners will already have acquired in Block 1 and challenges them to apply their legal knowledge in both an essay-based, abstract assignment and a fact-specific problem-scenario where they are tasked to provide advice to fictional clients. In that context this module supports the achievement of MIPLOs II and IV.

Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of MIPLO VI. By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

The area of tort law is vast and enjoys a long-standing history. As such, any study of the topic involves the tracking of executed or proposed reforms across a range of areas and the corresponding impacts on society. An example of this is the proposal of the removal of juries in defamation cases. In that context this module supports the achievement of MIPLO VIII.

### Information provided to learners about the module

Law of Torts provides learners with an overview of key common law and legislative torts. It is a core module that provides an understanding of a critical element of civil liability. It also covers the practical elements of tort law such as defences, remedies, and limitation periods, that learners require if they embark on or continue their legal careers. In that context this module supports the achievement of the Programme Learning Outcome: “Demonstrate a knowledge of the core areas of Irish Law”.

The module builds upon the legal research and writing skills that learners will already have acquired in Block 1 and challenges them to apply their legal knowledge in both an essay-based, abstract assignment and a fact-specific problem-scenario where they are tasked to provide advice to fictional clients. In that context this module supports the achievement of the Programme Learning Outcomes: “Conceptualise and communicate legal arguments with clarity and precision, and identify escalation processes as appropriate” and “Evaluate legislation, Bunreacht na hÉireann (the Constitution of Ireland), and case law, in pursuit of solutions to specific legal issues”.

Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of the Programme Learning Outcome: “Participate constructively, collaboratively and ethically in both individual and group environments and apply the supervisory skills required to build and effect teamwork within a group”.

By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of the Programme Learning Outcome: “Evaluate one’s own academic performance and take responsibility for self-directed, continuous learning”.

The area of tort law is vast and enjoys a long-standing history. As such, any study of the topic involves the tracking of executed or proposed reforms across a range of areas and the corresponding impacts on society. An example of this is the proposal of the removal of juries in defamation cases. In that context this module supports the achievement of the Programme Learning Outcome: “Debate the social and political impact of law”.

### Module content, organisation and structure

The following content informs this module:

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| **TOPIC** | **DESCRIPTION** |
| **Introduction to Tort. and Negligence** **4 hours 19%** | Definition of a Tort; the function of the Law of Tort; Tort law contrasted with contract and criminal law; fault liability.The duty of care, the standard of care, causation, remoteness, *novus actus interveniens*, *res ipsa loquitur*, pure economic loss, psychiatric damage, professional negligence.  |
| **Employer’s Liability and Vicarious Liability****2 hours 9.5%** | Employer’s liability; definition of employee, duty of employer; vicarious liability; course of employment test. |
| **Occupier’s Liability** **2 hours 9.5%** | Occupier’s Liability Act 1995; definition of occupier and entrants; duties owed to entrants; reckless disregard.  |
| **Torts related to land****4 hours 19%** | Trespass to land, Nuisance, the Rule in *Rylands v Fletcher,* liability for fires.  |
| **Defamation****2 hours 9.5%** | Libel, slander, reputation, identification, innuendo, defences, Defamation Act 2009, reform, privacy.  |
| **Liability for Defective Products****2 hours 9.5%** | The common law position, the Liability for Defective Products Act 1991, strict liability. |
| **Limitation of Actions****1.33 hrs, 6.33%** | Limitation periods generally, limitation periods for personal injuries actions, accrual of the cause of action and persons under disabilities.  |
| **Defences****1.33 hrs, 6.33%** | Contributory negligence, waiver, illegality  |
| **Remedies****1.33 hrs, 6.33%** | General Damages, special damages, aggravated damages and exemplary damages. |
| **Revision** **1 hr, 5%** | Revision and exam preparation.  |

### Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures. Learners engage with the module either in class; online via the online streaming option or via recorded lectures. On Moodle, virtual learning environment, the lecturer can interact with learners via the class discussion forum and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. The module comprises of 21 contact hours, being 20 lecture hours and one revision/exam preparation class. Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### Work-based learning and practice-placement

There is no work-based learning or practical placement in the module.

### E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### Reading lists and other information resources

**Primary reading**

McMahon and Binchy, Law of Torts (2013, Dublin; Bloomsbury Professional)

Quill, Torts in Ireland (2014, Dublin; Gill)

**Secondary reading**

Canny, Limitations of Actions (2016, Dublin, Roundhall)

Cox and McCullough, Defamation Law and Practice (2014, Dublin, Clarus Press)

Jennings and Scannell, The Law of Personal Injuries (2016, Dublin, Roundhall)

Salmond and Huston, Law of Torts (1996, London, Sweet & Maxwell)

### Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### Module summative assessment strategy

Theoretical knowledge will be assessed at the end of the module by practical assignment , which requires learners to advise a fictional client in a problem-based question (worth 60% of overall grade). Emphasis is placed on the demonstration of effective academic writing and an analysis of key concepts or topics on the programme. The practical assignment question is a comprehensive problem-style question, aimed at assessing the learner’s ability to apply the law to practical, factual scenarios.

The assessment will be supplemented by a more traditional assignment (worth 40% of overall grade), which will be essay-based and aimed at enabling learners to use the legal research and academic writing skills taught in class. The following table indicates the module’s learning outcomes’ alignment with the assessment used for the module:

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| **No.** | **Description** | **MIMLOs** | **Weighting** |
| 1 | Essay | (i) to (iv) | 40 |
| 2 | Problem-based practical assignment | (i) to (iv) | 60 |

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

* In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
* In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
* In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### Sample assessment materials

Please see sample assessment supplementary document.