

LLB III YEAR
Course Programme in Tort law:

Lecture 1

The place of tort within the sources of obligations

Lecture 2

Historical & comparative perspectives: delictual & quasi-delictual responsibility in Roman law; French, German & English law compared; the functions of tort law; objective vs. fault-based liability; duties of care

Lecture 3

Origins and historical development of Maltese tort law; Distinguishing between contractual responsibility and responsibility in tort; concurrent liability

Lecture 4

The rule of *non-cumul*: does it exist in Maltese law?

Lecture 5

The elements of tort and quasi-tort in Maltese law: do we have a unitary conception of tort? The requirements of imputability and damage; liability of companies

Lecture 6

The requirement of an "unjust act"; the case of omissions; the concept of Abuse of Right; comparison with German, French law and Italian concept of *danno ingiusto*;

Lecture 7

The requirement of a causal linkage between the act causing harm and the damage caused; *Force majeure* and *casus*; joint and several liability

Lecture 8

Special cases of liability in tort; the liability of professionals; potential overlaps between governmental liability in tort and cases of judicial review; the doctrine of created risk

Lecture 9

Distinction between vicarious and indirect liability; *Culpa in eligendo*; liability for minors, employers' Liability; liability of owners and of occupiers of houses; liability for animals

Lecture 10

Indirect liability of the hotelkeeper

Lecture 11

Defenses to liability; prescription; grounds of justification, contributory fault

Lecture 12

Compensation for damages: general principles; *Damnum Emergens*; the test developed in *Butler vs. Heard*; moral damages;

Lecture 13

Assessing damages for *Lucrum Cessans* and in cases where the victim dies; dependency vs. inheritance; *Turner vs. Agius*;

Lecture 14

Recent amendments to Articles 1045 and 1046; damages in tort as a remedy for the infringement of human rights; concept of *danno biologico*

Reading List to accompany the lectures in Tort law:

- Lecture 1** Lunney & Oliphant, *Tort Law*, pp. 18-41
- Lecture 2** Zweigert & Kotz, *Introduction to Comparative Law*, pp. 289-322
Van Gerven, *Tort law: Scope of Protection*, pp. 1-10
- Lecture 3** C. Von Bar, *The Common European Law of Torts* Vol. 1, Part Five entitled: "The law of Delict in the Context of Private Law"
- Lecture 4** Zammit, D "Does the Non-Cumul Rule Exist in our Civil law?" in *Id-Dritt, Vol. XVIII*
- Lecture 5** Caruana Galizia, *Notes on Civil Law for third year students*, published by GH.S.L. pp.59-71
J. Caruana Scicluna, *The notion of responsibility in tort*, unpublished LLD thesis.
K. Camilleri Xuereb, "Negligence Defined, Negligence Refined", Parts 1 and 2 in *Law and Practice*, The Malta Chamber of Advocates, Issues 15 and 17
- Lecture 6** S. Grima, *The element of unjust act in Maltese tort law*, unpublished LLD thesis
- Lecture 7** R. Wadge, *Force majeure*, unpublished LL.D. thesis
- Lecture 8** N. Buontempo, *Governmental liability in tort and in the cases of judicial review*, unpublished LLD thesis
- Lecture 9** J. Caruana Scicluna, *The notion of responsibility in tort*, unpublished LLD thesis.
M. Sciberras, *Responsibility for the acts of the minor under the law of tort*, unpublished LLD thesis
A Cremona Barbaro, *Civil liability for animals*, unpublished LLD Thesis
- Lecture 10** Case Decisions to be handed out in the lecture
- Lecture 11** J. Caruana Scicluna, *The notion of responsibility in tort*, unpublished LLD thesis