



## ENVILLE POLYTECHNIC

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**COURSE TITLE: INTRODUCTION TO LAW**

**COURSE CODE: BAM 113**

### GROUP MEMBERS(B)

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### QUESTION:

1. DISCUSS TORTS LAW

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## **INTRODUCTION**

The law of tort is basically a way to hold people accountable for their actions if they've caused harm to someone else. Tort law is all about seeking justice and compensation for the victims of wrongful acts.

The main elements of a tort claim are duty, breach, causation, and harm. Duty means that the person who allegedly committed the tort had a legal duty to act in a certain way. Breach means that the person failed to fulfill that duty. Causation means that the person's actions caused harm to someone else. And harm means that the person suffered some kind of injury as a result of the actions

## TORTS

A tort is a civil wrong that causes a claimant to suffer loss or harm, resulting in legal liability for the person who commits the tortious act.

## LAW

Law is a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior, with its precise definition a matter of longstanding debate. It has been variously described as a science and as the art of justice.

## TORTS LAW

Torts law is a branch of civil law that deals with civil wrongs, other than breaches of contract, that result in harm or injury to individuals or property. A tort occurs when someone's actions or omissions cause harm to another person or their property, giving rise to a legal claim for compensation.

### **Torts law covers a wide range of wrongful acts, including:**

1. **Negligence:** Negligence occurs when someone fails to exercise reasonable care, resulting in harm to another person or their property. To establish negligence, the plaintiff must prove that the defendant owed them a duty of care, breached that duty, and caused their injuries or damages.
2. **Intentional Torts:** Intentional torts are wrongful acts that are committed intentionally or with deliberate disregard for the consequences. Examples include assault, battery, false imprisonment, defamation, and intentional infliction of emotional distress.
3. **Strict Liability:** Strict liability applies when someone is held responsible for harm or injury regardless of their intent or level of care. This typically applies in cases involving dangerous activities or products, such as defective products, ultrahazardous activities, or keeping wild animals.
4. **Nuisance:** Nuisance refers to unreasonable interference with someone's use or enjoyment of their property. This can include both private nuisance (interference with an individual's property rights) and public nuisance (interference with the rights of the general public).
5. **Trespass:** Trespass occurs when someone unlawfully enters or interferes with another person's property without permission. This can include trespass to land, trespass to chattels (personal property), and trespass to airspace.

6. **Defamation:** Defamation involves making false statements that harm a person's reputation. Libel refers to written defamation, while slander refers to spoken defamation.

## **ADVANTAGES OF TORT LAW:**

1. **Compensation for Harm:** One of the primary advantages of torts law is that it provides a mechanism for injured parties to seek compensation for the harm or losses they have suffered due to the wrongful actions of others. This compensation can include damages for medical expenses, lost wages, pain and suffering, and other economic and non-economic losses.
2. **Deterrence of Wrongful Conduct:** Torts law serves as a deterrent against wrongful behavior by holding individuals and entities accountable for their actions. Knowing that they may be held liable for any harm they cause incentivizes people to act with greater care and responsibility, thereby reducing the likelihood of accidents, injuries, and other harmful incidents.
3. **Promotion of Safety and Accountability:** By imposing legal obligations and standards of care, torts law encourages individuals and businesses to take reasonable precautions to prevent harm to others. This promotes safety in various contexts, such as driving, operating businesses, providing healthcare services, and maintaining property.
4. **Protection of Rights and Interests:** Torts law protects individuals' rights and interests by providing them with legal remedies when those rights are violated. Whether it's protecting bodily integrity, property rights, reputation, or privacy, torts law offers recourse for individuals to seek redress when their rights are infringed upon.
5. **Fair Allocation of Losses:** Torts law helps ensure that losses resulting from wrongful conduct are fairly allocated between the parties involved. Rather than leaving innocent victims to bear the financial burden of injuries or damages caused by others, torts law shifts responsibility to the party at fault, ensuring that they bear the costs of their actions.

## **DISADVANTAGES OF TORT LAW:**

1. **Litigation Costs:** Tort lawsuits can be expensive to pursue, involving legal fees, court costs, expert witness fees, and other expenses. For individuals with limited financial

resources, the high costs of litigation can be prohibitive, preventing them from seeking redress for their injuries or damages.

2. **Time-consuming Process:** Tort litigation can be lengthy and time-consuming, often taking months or even years to resolve. The prolonged legal process can be emotionally draining and may further exacerbate the stress and hardship experienced by injured parties.
3. **Uncertain Outcomes:** The outcome of tort lawsuits can be uncertain, as they depend on various factors such as the strength of evidence, the credibility of witnesses, and the interpretation of applicable laws. Even with strong legal arguments, there is no guarantee of success in court.
4. **Burden of Proof:** In tort cases, the burden of proof is on the plaintiff to establish the defendant's liability by a preponderance of the evidence. Meeting this burden can be challenging, particularly in cases where the evidence is limited or disputed.
5. **Potential for Frivolous Lawsuits:** The availability of tort claims may encourage some individuals to file frivolous or meritless lawsuits in pursuit of financial gain or revenge. Frivolous lawsuits can clog the court system, waste resources, and impose unnecessary burdens on defendants.

## TYPE OF TORTS LAW:

1. **Negligence:** Negligence is a leading cause of tort actions. It occurs when someone fails to exercise reasonable care, resulting in harm or injury to another person or their property. Negligence can arise in various contexts, such as car accidents, slip and fall incidents, medical malpractice, and premises liability cases. example, if a doctor fails to diagnose a patient's condition and that patient suffers harm as a result, the doctor could be liable for negligence. Strict liability torts are a bit different - they don't require proof of fault or intent. Rather, they focus on whether the defendant engaged in an activity that poses a high risk of harm.
2. **Intentional Misconduct:** Intentional torts occur when someone deliberately engages in wrongful conduct that causes harm to another person or their property. Examples include assault, battery, false imprisonment, defamation, and intentional infliction of emotional distress. example, if someone threatens to punch someone else, that could be considered assault even if they don't actually punch the person. Battery, on the other hand, is defined as an intentional, harmful, or offensive physical contact with another person. So, if someone actually does punch someone else, that would be battery.

3. **Strict Liability:** Some torts impose liability on individuals or entities regardless of fault or intent. Strict liability applies in cases involving inherently dangerous activities or products, such as ultrahazardous activities (e.g., blasting) or defective products (product liability). example of a strict liability tort is products liability. If a company manufactures and sells a defective product that causes harm to someone, the company could be liable for that harm even if they weren't negligent or at fault. Another example is dog bite liability. If someone's dog bites someone else, the owner of the dog could be liable for the injuries even if they weren't negligent.
4. **Nuisance:** Nuisance occurs when someone's actions or omissions unreasonably interfere with another person's use or enjoyment of their property. Common examples include noise pollution, air pollution, and other forms of environmental harm.
5. **Trespass:** Trespass involves unlawfully entering or interfering with another person's property without permission. This can include trespass to land (e.g., trespassing on private property), trespass to chattels (e.g., damaging or interfering with personal property), and trespass to airspace (e.g., flying drones over someone's property without authorization).

## **FACTORS THAT INFLUENCE TORTS LAW:**

1. **Legal Principles and Precedents:** Tort law is shaped by legal principles established through court decisions, statutes, and legal precedents. These principles include concepts such as duty of care, negligence, intent, strict liability, and causation, which guide the determination of liability in tort cases.
2. **Statutory Law:** Legislation enacted by legislative bodies, such as federal, state, and local governments, can significantly influence tort law. Statutes may establish specific standards of conduct, create causes of action, define legal remedies, and limit liability in certain situations.
3. **Common Law Evolution:** Tort law evolves over time through the common law system, where legal principles are developed and refined through judicial decisions. Courts interpret existing laws, apply legal precedents to new cases, and adapt legal doctrines to changing societal norms and values.
4. **Public Policy Considerations:** Public policy concerns, such as promoting safety, protecting individual rights, and deterring wrongful conduct, play a significant role in shaping tort law. Courts may consider broader social interests and policy objectives when interpreting laws and deciding tort cases.

5. **Economic Factors:** Economic considerations, such as the costs and benefits of legal liability, influence tort law. Tort law aims to strike a balance between compensating injured parties and avoiding excessive burdens on businesses, insurers, and other stakeholders. Economic analyses of tort law help policymakers assess the efficiency and fairness of legal rules and remedies.

## **Conclusion**

Tort law provides a crucial mechanism for individuals to seek redress when they suffer harm due to the actions of others. It encompasses various types of wrongs, from negligence to intentional harm, with the primary goal of ensuring fair compensation for the injured party rather than imposing punishment on the wrongdoer. This legal framework plays a vital role in maintaining accountability and resolving disputes in civil matters.