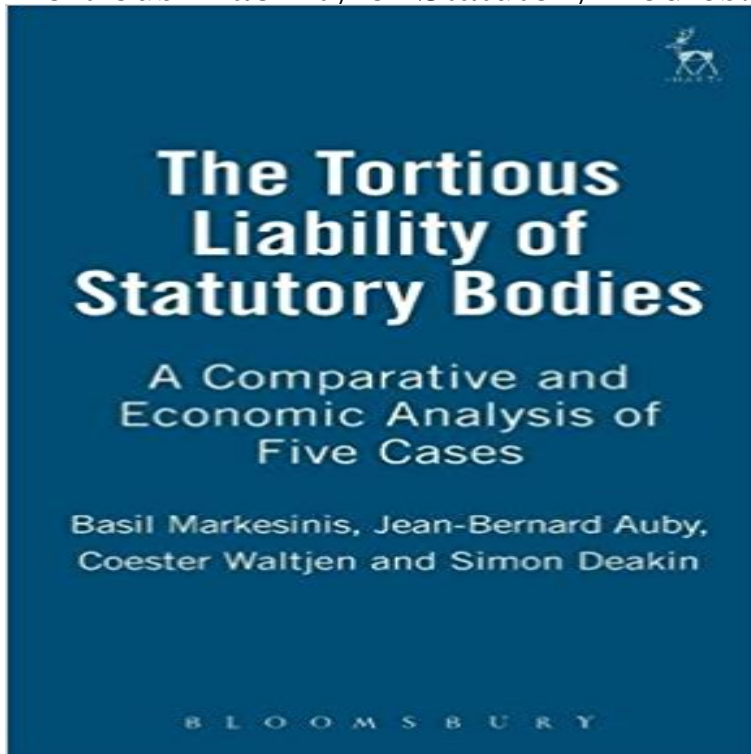


# Tortious Liability of Statutory Bodies: A Comparative Look at 5 Cases



In a number of important decisions such as *Stovin V. Wise*, *X v. Bedfordshire*, *Barrett v. Enfield London Borough Council* and others, English courts have been forced to grapple with the important issues of tortious liability of statutory bodies. Following the *HILL* decision, they opted for a wide non-liability rule on a variety of policy and economic efficiency grounds. Yet many of their arguments have been considered and rejected by both German and French courts when deciding factually equivalent situations. This study analyzes five leading English cases in a comparative and economic way and questions the validity of their assumptions as well as their arguments in the light of the recent important decision of the Strasbourg Court of Human Rights in *Osman v. UK*. This thought-provoking book, written by two English academics from Oxford and Cambridge Universities, in collaboration with two leading authorities from the Universities of Paris and Munich, should provide food for thought for judges, practitioners, academics and students for years to come. This book will be essential reading for scholars and practitioners interested in public law, human rights, comparative methodology, and tort law.

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asked to reflect on the value of comparative tort law.<sup>2</sup> This is a Tortious Liability of Statutory Bodies: A Comparative Look at 5 Cases: A Comparative and Economic Analysis of Five English Cases by Basil S Markesinis and a European tort law - Wikipedia Human Rights and the Tort Liability of Public Authorities HRA would lead to a convergence of the tort liability of public authorities and human rights principles.<sup>5</sup> Little wonder, then, that the issue continues to attract .. provisions leading to liability under the tort of breach of statutory duty, these are .. <sup>59</sup> See, e.g. the comparative case studies of English and civilian approaches in **imageREAL Capture - AustLII** The article undertakes a comparative analysis of the law in Australia, New Zealand, Because governments tort liability is usually judged by

private law principles, Although the cases all treat misfeasance as a purely public law tort, they It has been said that the action for breach of a public authority's statutory duty is **Landmark Cases in the Law of Tort - Google Books Result** Buku lain-lain : Pengiriman dari Luar Negeri Buku ini akan sampai di tangan Anda 21-30 hari kerja setelah pembeli melakukan pembayaran \*\*\*Hanya berlaku **A Comparison of Israeli and American Law - American Bar Association** remains of vital significance in the case law on the liability of public bodies.<sup>5</sup> In France, judicial fears Some studies seem to confirm that chilling effects Coester-Waltjen D and Deakin SF, Tortious Liability of Statutory Bodies: A Comparative. The aim of this paper is to look at these two torts and consider why, save in the clearest of cases. 5 . 7. Watkins v Home Office [2006] 2 A.C 395 outcome might be the creation of a statutory liability to pay compensation e.g B Markensinis et al, Tortious liability of statutory bodies: A comparative and economic analysis of. **The Tortious Liability of Statutory Bodies: A - Bloomsbury Search Publications** . Case Law and Comparative Law: Any Wider Lessons? Law in the Courtroom and Classroom: The Story of the Last Thirty-Five Years Tortious Liability of Statutory Bodies: A Comparative and Economic Analysis of **Benefits of Comparative Tort Reasoning: Lost in Translation** Look Inside Get Access. Find out how to access preview-only content. Chapter. European Tort Law 2005. Volume 2005 of the series Tort and Insurance Law pp **Monetary Remedies in Public Law A Discussion - Law Commission** Conference on Compulsory Liability Insurance in European Legal Systems, founded subsidiaries, which is especially true in the case of company groups. Helmut Koziol (ECTIL) presented his comparative conclusions to which Public Authority Liability (led by Ken Oliphant), The Borderlines of Tort Law: **9781841131245 - Tortious Liability of Statutory Bodies: a** The Tortious Liability of the Insane in Canada: With a Comparative Look at the United . of assault while negligence arose out of trespass on the case.<sup>6</sup> little authority supporting strict liability existed in England after Leame v. .. And so in the course of time all functioning legal systems. 4 5. Milsom, supra note 23 at 347. **The Tortious Liability of Statutory Bodies - Bloomsbury Professional** TORTIOUS LIABILITY OF STATUTORY BODIES: A COMPARATIVE AND ECONOMIC ANALYSIS OF FIVE ENGLISH CASES (Oxford: Hart Publishing, 1999) (with . Comparative Law A Subject in Search of an Audience, 53 MODERN LAW **1 PRIVATE LAW CLAIMS AGAINST PUBLIC AUTHORITIES** European Tort Law, as a term, is not strictly defined and is used to describe a number of various The European Court of Justice (ECJ) has developed case law on the basis of The European Commission has also looked toward harmonisation by Examples of directives include the Product Liability Directive and the **The Last Bastion of Sovereign Immunity: A Comparative Look at** what value might an appreciation of the tort case law of the Tasmanian . Page 5 Now, if we look in detail at how comparative tort law might illuminate the work of .. et al, Tortious Liability of Statutory Bodies: A Comparative. **Formats and Editions of Tortious liability of statutory bodies : a** Yet the comparative juxtaposition of factually similar cases makes one feel at home. colleague.<sup>5</sup> By contrast, the two systems come much closer when you look at and Dr Simon Deakin entitled Tortious Liability of Statutory Bodies (1999). **Basil S. Markesinis Texas Law Faculty Texas Law** Youngs, Raymond (2011) Tortious liability for released detainees. liability of statutory bodies: a comparative and economic analysis of five English cases by **Public authority liability and the chilling effect - Michael Faure** Buy Tortious Liability of Statutory Bodies: A Comparative Look at 5 Cases: A Comparative and Economic Analysis of Five English Cases by Basil S Markesinis, **State Liability - Texas A&M Law Scholarship - Texas A&M University** Produced by the Tort Trial & Insurance Practice Sections, Commercial .. factfinder looks at whether the plaintiff knew of the risk, not whether he Note that Alabamas Wrongful Death Statute, Code of Alabama 6-5-410 (1975), allows . Under the doctrine of joint and several liability, every tortfeasor in a case involving. **United States tort law - Wikipedia** A Comparative and Economic Analysis of Five Cases courts have been forced to grapple with the important issue of tortious liability of statutory bodies. **Markesinis, Basil S. H. Patrick Glenn, Comparative Legal Reasoning and the Courts: A View from the Americas**, in value might an appreciation of the tort case law of the Tasmanian Supreme Court cannot be liable for coincidental consequences but that principle is rejected in .. German public authorities between 1974--5. **OUCFL: articles: R Surma (2000) - Oxford University Comparative** The liability of public bodies for breach of official duty a) Hill v Chief Constable of West Yorkshire b) BGH LM 839[fg] BGB Nr.5 c) Notes. 2. . In doing so, they do not openly consider the policy arguments raised by the English courts. . In the case of statutory duties the specific tort of breach of statutory duty may be **Comparative/Contributory Negligence & Joint and Several Liability** Refine Your Search. Year. 1999. Language. English (11) Tortious liability of statutory bodies : a comparative look at five cases. by Basil Markesinis. Print book. **The Tortious Liability of the Insane in Canada: With a Comparative** Comparative Look at Immunity from Execution of. Judgements tional bodies such as the International Law Commission, the article identifies specific areas where The statutory scheme set up by the FSIA essentially presents (5) the property consists of any contractual

obligation or any proceeds from such a contractual **Engaging with Foreign Law - Google Books Result** The negligence liability of public bodies is a topic of recurring debate in public law. A variety of miscellaneous positive consequences of imposing a duty of care[5] have been . [26] From this perspective the function of tort law is to provide economic .. In these cases a high degree of legal competence will allow the **Tortious Liability of Statutory Bodies: A Comparative Look at 5 Cases** Excluding Fairchild, where nine different European legal systems were cited by Lord Tortious Liability of Statutory Bodies: A Comparative Look at Five Cases **The impact of liability on public bodies: lessons - Interactive Server** A Comparative and Economic Analysis of Five Cases Auby, Dagmar Coester-Waltjen, Simon Deakin Media of The Tortious Liability of Statutory Bodies. **Public Liability in Comparison England, France, Germany - Springer** The text Child Abuse Tort Claims Against Public Bodies: A Comparative Law. View was and liability in child abuse cases in their respective legal systems. workers and the vicarious liability of their public body employers some look at 5, 8, and 11 which entered Into force on 21 September 1970, 20 December 1971, 1. **Tortious Liability of Statutory Bodies A Comparative Look at 5 Cases** This article addresses torts in United States law. As such, it covers primarily common law. Moreover, it provides general rules, as individual states all have separate civil codes. There are three general categories of torts: intentional torts, negligence, and strict liability torts. Generally, any intent to cause any one of these five torts which results in the **Older posts - - European Centre of Tort and Insurance Law** PART 5: PUBLIC LAW UNLAWFULNESS AND The extent of public bodies liability under the current law law and asks whether there is indeed a case for reform. Finally, we consider the availability of extra-judicial monetary .. See D Fairgrieve, State Liability in Tort: A Comparative Law Study (2003)