

ANSWER SCHEME

Negligence

ANSWER THE QUESTIONS BELOW:

Anna and Elsa went for a holiday in Pulau Redang during their semester break. They engaged Hijrah Travel and Tours to arrange for accommodation and itinerary while they are on the island. Among the itineraries included in the package were snorkeling and island tour by a speed boat. Anna and Elsa were not given a life jacket when they were on board the speed boat and were thrown into the sea due to reckless maneuver of Hijrah Travel and Tours agent. They were almost drowned but luckily a local who happened to be swimming nearby managed to save them. Both of them suffered nervous shock after the incident. They wish to know if they can take legal action against Hijrah Travel and Tours. Advise them.

(25 marks)

DRAFT ANSWER:

Issue: Can Anna and Elsa sue Hijrah Travel and Tours for negligence? [1m]

PL: Negligence-Definition- [2m] Elements of negligence-Duty of care-Breach of duty of care-damages suffered by the plaintiff [3m] -Case Donoghue v Stevenson [3m] -Neighbour Principle [2m] -Reasonable man test [1m] -Question asked [1m] -Foreseeability test [1m]- Question asked [1m] – Types of damages [1m] concept of vicarious liability [2m]

Application: Who owed duty of care towards Anna and Elsa [2m] -Who breach duty of care, what is the breach [2m] -what are damages suffered by Anna and Elsa [2m]

Conclusion: Anna and Elsa can sue Hijrah Travel and Tours if all the elements above are proven. [1m]

PROPOSED ANSWER:

The question asked to advise Anna and Elsa if they can take legal action against Hijrah Travel and Tours. The issue in this case is that Anna and Elsa were not happy with Hijrah Travel and Tours hospitality during their holiday as they were almost drowned and no necessary safeguards were provided by the travel agency. Can they sue Hijrah Travel and Tours for negligence?

Before a person can sue for negligence, there are several principles need to be observed. Negligence is defined under the law as carelessness that cause harm through an act or omission to another person. Negligence is coupled with 3 basic elements, which are duty of care, breach of duty to take care, and damages. Besides that, an employer also will be liable with the act or omission of his employee. This is known as vicarious liability.

Tort Negligence Sample Answer

Ian Pickup



Tort Negligence Sample Answer:

Past Minnesota Bar Examinations and Sample Answers, 1995 *THE POLICE OFFICER'S GUIDE TO CIVIL LIABILITY* Carl J. Franklin, 1993-01-01 For the first time a comprehensive text has brought together the major topics concerning police liability It is written from the perspective of a ten year police veteran written by a cop for cops It will help the average cop understand and cope with a frightening area of today s society as well as help current and future police administrators understand how to deal with civil liability Today s police officer is twenty times more likely to be sued than to be shot Yet the average police officer has received a hundred times more training on fire arms use than in learning how to protect oneself from the civil lawsuit With the number of lawsuits against individual officers and departments on the rise we can no longer ignore the need to educate ourselves against the threat of civil liability This book acts as a road map of basic training to find the way through the labyrinth of our civil justice system No other book attacks the problem of understanding the growing theories of police civil liability Whether used in a college classroom academy or personal library this is must reading for every police officer working today Those who arm themselves in this knowledge area can survive the horrendous attacks by money hungry litigants and will be better prepared to lead the law enforcement community into the next century

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structure and method to earn the maximum marks possible Question and Answers David H. Barber, Ronald W. Eades, 1986 **Litigating Animal Law Disputes** Joan Schaffner, 2009 This is a fast growing field of law and today more and more lawyers are finding they have cases that deal with animal law This one stop resource contains every major aspect of private civil and criminal litigation of animal law disputes The book also contains sample litigation documents discovery materials expert information and more It s the one resource every lawyer who engages in animal law needs *Annual Compilation of Bar Examination Questions and Answers* , *Compilation of Bar Examination Questions and Answers* , The Interaction of Contract Law and Tort and Property Law in Europe Christian von Bar, Ulrich Drobnig, Guido Alpa, 2004 Against the background of the creation of an EU wide frame of reference for private law relevant to the Common Market this study which was requested by the EU Commission analyses the dovetailing between contract and tort law on the one hand and between contract and property law on the other The study examines the legal orders of almost all the Member States of the EU illustrates the differences between contractual and non contractual liability and evaluates the different systems of the transfer of property of movable and immovable securities as well as trust law The study comes to the conclusion that the intensive considerations on the creation of a model law in the area of European private law do not allow these thoughts to be limited to contract law Such a limitation to the scope of the regarding of this area would probably cause more problems than it would solve or at any rate not do justice to the needs of the Common Market **Law School Exams** Charles R. Calleros, 2007 Well written and highly accessible this concise paperback guides law students step by step through procedures that will help them take exams successfully the author s style is accessible and reassuring recognizing that law students operate under severe time constraints he makes his points clearly and concisely starting with creative examples and illustrations in familiar nonlegal contexts the author introduces students to new concepts by analogy and then advances to more complex legal examples exercises and practice exams with a focus on essay questions and model answers help students identify their strengths and weaknesses plan strategies and organize their efforts the author addresses techniques for maximizing scores on several types of essay questions as well as on multiple choice and other objective questions the author helps students understand why the typical law school essay question requires a balanced analysis with arguments for both sides rather than identification of a clear answer assignments and exercises facilitate active learning In addition to teaching students analysis and exam taking skills *Law School Exams Preparing and Writing to Win* addresses exam anxiety with a helpful positive perspective The author helps students understand that a small degree of anxiety can serve as a productive motivator helps students learn how to reduce anxiety to a productive level by placing exams into proper perspective by preparing thoroughly and by adopting stress management techniques such as stretching meditation or motivational music **Phlebotomy Exam Review, Enhanced Edition** Ruth E. McCall, 2020-06-19 *Phlebotomy Exam Review Enhanced Seventh Edition* thoroughly prepares students for any of the national certification exams in phlebotomy **Fundamentals**

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