

AREAS OF LAW

Exercise 1

In England and the USA there is an area of law called 'the law of tort'. It is the law of civil responsibility. It is an area of civil law.

Read this text about the law of tort. The most important words are in the key vocabulary below. Answer the questions that follow, using a full sentence.

Key vocabulary

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|------------------|----------------|-----------------|-----------|
| ● law of tort | ● carelessness | ● tort | ● damages |
| ● injured person | ● committed | ● to sue | ● grounds |
| ● allegations | ● negligence | ● no win-no fee | ● breach |

The law of tort says that everyone has a civil duty to be careful and not to hurt or harm another person. Lawyers call this civil duty, 'the duty of care'. Sometimes people breach this duty of care. To **breach** means to break. Very often they breach the duty of care by accident but sometimes they do it deliberately. If someone hurts or harms another person because of a breach, we call this harmful action **a tort**. This means that some things that might be criminal in your legal system are a tort in England and the USA.

Look at the list of harmful actions below. In England and the USA they are usually torts.

- leaving the floor of a shop in a dangerous condition so that a customer falls and hurts her leg
- saying something that is bad about someone, which isn't true
- writing a story in a newspaper about someone, which isn't true
- playing loud music late every night, which disturbs your neighbours

This area of law is easier to understand by thinking of a tort as being a type of civil wrong. Each of the torts listed above has a special name. The tort that happens most often is called **negligence**.

Negligence means that someone was not careful enough and this person's **carelessness** hurt another person as a result. The person who is hurt is called the **injured person**.

When someone hurts you as a result of his or her actions, you need to consult a lawyer who specialises in the right area of tort. The lawyer will try to get you money from the careless person. This money is called 'compensation' or, more correctly, '**damages**'. Sometimes the lawyers can't agree on the amount of damages. When this happens, the injured person may decide **to sue** the person who has hurt them. Suing someone is a more informal way of saying starting proceedings against someone. The claim form will state the claimant's **allegations** against the defendant. An allegation is like an accusation – the claimant is stating that something happened, but the defendant has the opportunity to say this is not true. The reasons for going to court are called 'the **grounds**'. The grounds for an action in tort are that the defendant **committed** a tort.

Sometimes a lawyer who specialises in the tort of negligence makes an agreement with a client. The agreement is that if the client does not win the case then he or she does not have to pay for the lawyer's services. This is called a '**no win-no fee**' arrangement. It is allowed in the UK and the USA.

Example question: What is the duty of care?

Example answer: The duty of care is the obligation to be careful and not to hurt anyone.

a How do lawyers say to 'break' a duty of care?

Answer:

b In England and the USA, is the law of tort an area of criminal or civil law?

Answer:
