

FACULTY OF LAW
END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB

YEAR/SEM: YEAR 2/SEMESTER 2

COURSE CODE: LLB 2205

NAME: NEGLIGENCE, STRICT LIABILITY AND PROCEDURE IN TORTS

DATE: 2025-04-14

TIME: 9:00AM-12:00PM

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully
2. The time allowed for this examination is **STRICTLY** three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

DO NOT WRITE ANYTHING ON THE QUESTION PAPER

Section A This Question is COMPULSORY.

Question 1:

John is the owner of a small bakery in the town of Greenvale. For the past six months, a construction company, BuildFast Ltd., has been undertaking extensive roadworks on the main street where John's bakery is located. The company frequently leaves large piles of debris and construction materials on the road and pavement, making it difficult for pedestrians and vehicles to pass.

As a result, several local businesses, including John's bakery, have suffered significant financial losses due to reduced foot traffic. Additionally, the dust and noise from the construction have caused health issues for nearby residents, including asthma attacks and sleep disturbances. Complaints to the local council have been largely ignored, and BuildFast Ltd. continues its operations without implementing any safety or mitigation measures.

Last week, an elderly woman tripped over some improperly stored construction materials and suffered a serious injury. Additionally, due to the blocked road, emergency services were delayed in reaching a nearby building fire, causing further damage.

Citing relevant applicable laws discuss the possibility of liability for BuildFast Ltd, any defences and the possible legal remedies available to the parties.

Section B Choose ONE from TWO.

Question 1:

Write short notes on the following cases:

- (a) Overseas Tankship (UK) Ltd v Morts Dock & Engineering Co Ltd [1961] AC 388
- (b) Donoghue v Stevenson [1932] AC 562
- (c) Re Polemis and Furness, Withy & Company Ltd [1921] 3 KB 560
- (d) Okura Kemisi & Anor v UMEME Limited Civil Suit No. 41 of 2016.
- (e) Mutebi Ronald & Anor v UMEME Uganda Limited HCT-23-CV-CS-005-2024.

Question 2:

Citing relevant applicable laws write short notes on the following:

- (a) Duty of care in negligence.
- (b) Standard of care in negligence.
- (c) Liability for fire.
- (d) Liability for animals.
- (e) The rule in Rylands v Fletcher.

Section C Choose TWO from FOUR.

Question 1:

"The law of private nuisance seeks to balance the rights of landowners to use their property as they see fit with the rights of their neighbors to enjoy their own property without unreasonable interference"•

Critically analyze the extent to which the law of private nuisance effectively achieves this balance. In your discussion, refer to relevant case law and legal principles.

Question 2:

"But acts or omissions which any moral code would censure cannot in a practical world be treated so as to give a right to every person injured by them to demand relief. In this way rules of law arise which limit the range of complainants and the extent of their remedy."• Per Lord **Atkin** in *Donoghue vs. Stevenson [1932] AC 562*.

In light of the above statement, discuss the nature of the action in negligence.

Question 3:

Citing relevant applicable case law and legislation discuss the developments to which death serves as a cause of action in negligence law.

Question 4:

"All occupiers have a duty to ensure that you are not injured on their land and that your property is not damaged"• Per Kilman a student of Law at Site University School of Law.

Citing relevant applicable laws critically analyse the extent to which Occupiers owe a duty of care to visitors.