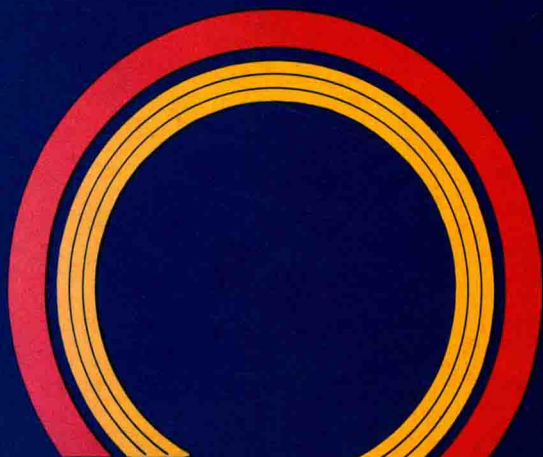


4th
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LAW OF TORTS

J.G.M. TYAS



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Law of Torts

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Preface to the Fourth Edition

In this HANDBOOK I have tried to set out the elements of the law of torts in a way in which my experience as a teacher suggests will make them most easily grasped by students. The primary aim of the book is to help students pass their examinations, but I should indeed be delighted if it also stimulated, in even one student, a deeper and more lasting interest in what has always seemed to me the most fascinating, as well as the most basic, of all the branches of the English common law.

The book is addressed to two categories of students: (a) Candidates for law degrees, for the qualifying examinations for Call to the Bar and Admission as Solicitors, and for the examinations leading to Membership and Fellowship of the Institute of Legal Executives; (b) those who are not primarily law students, but who have to learn some law in the process of qualifying for other professions.

Students in the latter category will find this book contains all they need. For those in the former, it should be emphasised that this book is not, and does not purport to be, a complete exposition of the law of torts. Such expositions are to be found in those great standard texts which it is scarcely necessary to remind law students they must read. I earnestly hope, however, that this HANDBOOK, by presenting the subject-matter in a way specifically adapted to study and revision for examinations, may do something to enable students to *read* the great works, at their own pace and without anxiety.

In the five years since the last edition of this book the higher courts have been busy in the realm of torts—Parliament also. However, the relatively large number of cases now incorporated illustrate and expand existing principles rather than establish new ones. Nevertheless, some cases—for example *Anns v. London Borough of Merton*—are of considerable significance.

At any rate the law of torts—and text books upon it—have not met their demise at the hands of the Pearson Commission, as some had anticipated.

In the foreword to a book of this kind, students ought to be

reminded of its proper place and function. These are (*a*) to provide beginners with an overview and conspectus of the outlines of the subject; and (*b*) to be an aid to revision, both in implanting the basic elements and stimulating the mind to recall and reflect upon the greater detail and profounder discussion to be found in those great texts which have first call upon students attention and which they should on no account neglect.

I hope and believe that I have accurately mapped the shape and size of the wood and indicated the position and nature of the principal trees: but inevitably many of the lesser trees are missing and of dense undergrowth of footnotes there is none.

I would like to take the opportunity of urging students to cultivate the habit of reading Reports. To do so is to observe the workings of the finest legal minds and to become acquainted with the correct and exact use of that most powerful medium and noblest creation of the human intellect, the English language.

My labour will be rewarded to the extent that students find this book helpful.

I wish to thank the following: Macdonald & Evans Ltd. for their customary efficiency, helpfulness and patience; Mrs Jean Carruthers for typing an appalling manuscript; The Law Society and London University for permission to reproduce examination questions.

March 1982

J. G. M. T.

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