

Book Review

**Review of Eoin Quill, *Torts in Ireland* (3rd ed.)
(Dublin: Gill & Macmillan, 2009)**

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Often later editions of law textbooks are merely an updated prior edition containing a few new cases and statutes. Eoin Quill in his third edition of *Torts in Ireland* professes that it was his intention to update his previous edition, and notes that the text is primarily geared to address the needs of undergraduate law students. In short the author does deliver exactly what is said on the tin, but he also delivers much more. The work is a very good summary of Irish tort law that addresses the needs of undergraduate law students, but the work is not the preceding edition with the addition of a couple of new cases and statutes. This book goes much further, and frankly exceeds the needs of an undergraduate law student by presenting the law of torts as it is a complex evolving process with a number of influences.

With regard to the current status of tort law, all of the usual torts are present for the undergraduate. The book is divided into two parts. The first part addresses causes of action and the second part addresses general issues. The first part is comprised of ten chapters. Two chapters are dedicated to negligence, and a third addresses statutory duties. The remaining seven chapters deal with the various specific torts under the following chapter headings: trespass, nuisance, strict duties, economic torts, defamation, emerging causes of action and miscellaneous torts. The second part of the book is comprised of six chapters addressing various principles such as causation, remoteness, defences, limitations, parties, responsibility for others and remedies. Including the massive table of cases and the user friendly index, the text contains 658 pages, a 63 page increase from the second edition.

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In addition to the usual torts, this book provides many torts and legal issues that are not found generally in an undergraduate textbook. For example, the author covers in some detail duties in respect of construction and maintenance of real property. Additionally, the chapter on economic torts is extensive, and in the current economic turmoil this chapter may garner more attention than it did in the past. In addition to the usual economic torts found in most undergraduate texts, such as passing off, deceit and injurious falsehood, the author has also included the torts of conspiracy, intimidation and breach of confidence. The reader, whether an undergraduate or not, will be well served with the coverage of the economic torts. The sections on damages, as contained in the chapter on remedies, are detailed and again greatly exceed the scope of the subject found in most undergraduate tort texts. The only disappointing aspect to this book is the fact that the coverage of the tort of defamation does not include the *Defamation Act 2009*. The author however does include references to the *Defamation Bill 2006*, and in fairness it must be said that the pace of legislative enactment or lack thereof, is far beyond the control of the author.

A chapter that should be of particular interest to legal practitioners concerns the emerging causes of action. Any common law legal academic or professional wary of European Union jurisprudence, with its often bewildering terminology and acronyms, will find this chapter very useful. To his credit the author, in an easy to follow style and approach, explains the torts developing due to the influence of European Union law. More importantly he also highlights how the developing torts may work in Ireland. The second area covered in emerging causes of actions addresses interference with constitutional rights. The author notes that such rights have a significant role to play in expanding the scope of tort law by protecting rights not protected by existing common law or statutes.

Not limiting himself to the expansion of the law of tort, the author also addresses what could be viewed as a retraction in the law. For example, other recent developments including domestic tort reform initiatives, or as some prefer to think tort reform initiatives, such as the *Civil Liability and Courts Act 2004 (2004 Act)* and the

Personal Injuries Assessment Board Act 2003 (*2003 Act*), do not escape the author's attention. While noting that these two statutes are primarily focused on procedural changes, the author nevertheless illustrates the impact of the statutes on the substantive law. For example, the Book of Quantum introduced by the *2003 Act* provides the first formal scale of damages. The *2004 Act* requires courts to take cognizance of the Book when assessing general damages for personal injuries. The author concludes that the Book is of limited value and therefore impact on cases before the courts because of deficiencies inherent in it. With respect to road accidents the author notes that there are very few reported cases in recent years, but fails to inform the reader that the *2003 Act* has significantly reduced the number of reported personal injury cases for areas falling under the Act such as motor accidents, workplace accidents and public liability claims. However, in fairness, the reduction in reported personal injuries cases due to the *2003 Act* is probably not of great concern to undergraduate students.

One of the main strengths of this book is the considerable comparative law dimension. The book contains an impressive range of sources. The range is well beyond the usual English cases and statutes found in most undergraduate textbooks. A quick review of the legislative tables reveals that coverage of international instruments increased at least fifty percent from the second edition to the third edition. In addition to the explanations regarding the emerging torts influenced by European Union law, there are numerous European Union cases and instruments discussed. Additionally cases included from Australia, Canada, the U.K., and there are several references to the American Restatement of Torts. The author's impressive use of contemporary wide-ranging comparative tort law and commentary should be of interest to legal academics and professionals. At the same time the presented comparative law equips the undergraduate student with the necessary grounding to begin his or her journey into a more advanced phase of legal study and analysis.

Lastly, in these tough economic times it would be remiss not to comment on the cost of this textbook. With many undergraduate student textbooks costing in excess of €200 this book currently sells for €90. In conclusion, Eoin Quill's third edition of *Torts*

in Ireland is good value for money for undergraduate students, but it also provides much food for thought for anyone with a serious interest in the law of torts.