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AN ANALYSIS OF THE ECONOMIC TORTS

Hazel Carty

Analysis Of The Economic Torts

Alberto Brown



Analysis Of The Economic Torts:

An Analysis of the Economic Torts Hazel Carty, 2001 The economic torts provide the common law rules on liability for the infliction of pure economic loss They include the torts of conspiracy inducing breach of contract intimidation unlawful interference with trade deceit and malicious falsehood These torts represent the common law's attempt to balance the need to protect claimants against those who inflict economic harm and the wider need to allow effective even aggressive competition including competition between employers and their workers Given their controversial setting it is hardly surprising to discover that this area of tort law is confused and confusing with the limits of liability imprecise Hazel Carty's book creates order out of chaos by offering a thorough analysis of all the economic torts in order to provide a framework for their scope and development Such a comprehensive analysis has not been undertaken since Heydon's work in 1978 What is revealed is an approach to the economic torts that breaks with the traditional analysis to underline the interconnections and differences between these torts that have been overlooked in the past The overall aim of this book is to provide a text that is both intellectually satisfying to the tort scholar and of practical worth to the practitioner

An Analysis of the Economic Torts Hazel Carty, 2010 The economic torts for too long have been under theorized and under explored by academics and the judiciary alike In recent years claimants have exploited the resulting chaos by attempting to use the economic torts in ever more exotic ways This second edition as before attempts to provide practical legal research to both explore the ingredients of all these torts both the general economic torts inducing breach of contract the unlawful means tort intimidation the conspiracy torts and the misrepresentation economic torts deceit malicious falsehood and passing off and their rationales And as before an optimum framework for these torts is suggested However that framework has to take on board the apparent tension within the House of Lords as revealed in the recent decisions in *OBG v Allan* and *Total Network v Revenue* Over 100 years ago the House of Lords in the seminal decision of *Allen v Flood* in theory set the agenda for the modern development of the economic torts The majority in that case adopted an abstentionist approach to liability for intentionally inflicted economic harm so that even where intentional and unjustified economic harm was inflicted liability would not necessarily follow However this clear framework for the torts was obscured by subsequent case law leaving the economic torts in a hopeless muddle by the start of the twenty first century A chance to finally sort out this mess was presented to the House of Lords in 2007 in the shape of three conjoined appeals reported under the name *OBG v Allan* The thrust of the judgments was that a framework for the economic torts was to be established and dicta and decisions that caused problems and incoherence were to be named and shamed Re affirming the abstentionist philosophy of *Allen v Flood* Lord Hoffmann and Nicholls and Baroness Hale in part relied upon the first edition of *An Analysis of the Economic Torts* Lord Hoffmann noting if what I have said does anything to clarify what has been described as an extremely obscure branch of the law much is owing to Hazel Carty's book *An Analysis of the Economic Torts* However within 10 months of the *OBG* decision a differently constituted HL

in *Total Network SL v Revenue and Customs Commissioners* undermined this nascent coherence and did so by focusing on the conspiracy torts previously dismissed by some commentators as anomalous or superfluous. Distinguishing *OBG* which did not as such analyse the conspiracy torts the House of Lords in *Total Network* may have shifted the general economic torts from the abstentionist to the interventionist track of development. Thus it is suggested that conflicting agendas for general economic liability can be discerned in the *OBG* and *Total Network* judgments. These agendas are debated against the background of the growing academic debate and a coherent approach suggested. As for the misrepresentation torts their potential for development is also discussed and the peril of allowing them to transform into unfair trading or misappropriation torts is explained. As a result the second edition involves a substantial re write of the first edition. However the thesis of the author remains that a coherent framework for these torts can best be constructed based on a narrow remit for the common law.

The Province and Politics of the Economic Torts John Murphy, 2022-02-24 Economic torts play a key role in the development of private law more generally. Indeed the landmark case of *OBG v Allan* 2008 provided one of the most important decisions in the whole of the law of torts in the last generation as the House of Lords sought to bring order to an area of the law that has long been beset by doctrinal and theoretical puzzles. Probably the most enduring question of all in this area is whether the economic torts can be unified. This book argues that the search for unity is a will o the wisp. More particularly it shows that although some juridical connections exist between some of these torts there is far more that separates them than unites them. Offering a unique perspective this is a landmark publication on the law of economic torts.

Economic Torts and Economic Wrongs John Eldridge, Michael Douglas, Claudia Carr, 2021-09-23 This book explores contemporary issues in respect of causes of action which operate to protect a plaintiff's economic interests. It examines the question from across the spectrum of private law. Focusing mainly on common law principles it looks in particular at the treatment of such causes of action in the United Kingdom, Australia, Canada, Singapore as well as other common law jurisdictions. Addressing both theoretical and doctrinal issues this important book will appeal to both private law scholars and practitioners.

Accessory Liability Paul S Davies, 2015-02-26 Accessory liability in the private law is of great importance. Claimants often bring claims against third parties who participate in wrongs. For example the direct wrongdoer may be insolvent so a claimant might prefer a remedy against an accessory in order to obtain satisfactory redress. However the law in this area has not received the attention it deserves. The criminal law recognises that any person who aids, abets, counsels or procures any offence can be punished as an accessory but the private law is more fragmented. One reason for this is a tendency to compartmentalise the law of obligations into discrete subjects such as contract, trusts, tort and intellectual property. This book suggests that by looking across such boundaries in the private law the nature and principles of accessory liability can be better understood and doctrinal confusion regarding the elements of liability, defences and remedies resolved. Winner of the Joint Second SLS Peter Birks Prize for Outstanding Legal Scholarship 2015.

Hepple and Matthews' Tort

Law David Howarth, Martin Matthews, Jonathan Morgan, Janet O'Sullivan, Stelios Tofaris, 2016-01-07 New to Hart Publishing this is the seventh edition of the classic casebook on tort the first of its kind in the UK and for many years now a bestselling and very popular text for students This new edition retains all the features that have made it such a popular and respected text with extensive commentary questions and notes supplementing the selection of cases and statutes which form the core of the book Taking a broadly contextual approach the book addresses all the main topics in tort law is up to date doctrinally sound stimulating and highly readable Street on Torts Christian A. Witting, 2015 Street on Torts provides a scholarly and incisive treatment of the law of torts with a focus upon key concepts and clear explanations This book builds upon the learning of its previous celebrated authors and nearly 60 years after publication of the first edition is considered a classic exposition of the law of torts **Street on Torts** John Murphy, Christian Witting, Harry Street, 2012-03-08 Well established and highly regarded Street on Torts provides a detailed yet clear overview of tort law with strong analysis of case law and contextualisation of individual torts The highly praised broad coverage and logical structure are maintained ensuring the book remains a classic 50 years after publication of the first edition **Private Law and Competition Regulation** Alberto Brown, 2024-07-12 This book explores the distinction between private and public aspects in competition law and focuses on how the concept of competition is incorporated into the legal framework Distinguishing between antitrust regulations and competition related legal rules in private law such as unfair competition and contract laws the book also differentiates between the utilitarian and deontological principles that underpin competition regulation This historical and philosophical approach is used to compare two influential jurisdictions England and Spain These legal systems have had a significant impact on the development of legal rules in Common law and Civilian Latin American countries respectively Through this lens the book further analyses the concept of competition and its value in each legal tradition This understanding in turn helps clarify the scope of competition regulation within antitrust and private law and how the two fields coexist Additionally the book examines the role of property law theory in the context of competition regulation The book will be of interest to students and scholars in the field of competition law tort law and legal history Common Law and Modern Society Mary Arden, 2015-12-17 Law is a lasting social institution but it must also be open to change How is law made and what prompts change How can society influence the law and how does the law respond to societal change The first volume of Shaping Tomorrow's Law examined human rights and European law In this second volume Mary Arden turns her attention to domestic law providing a judge's viewpoint on the roles of society government and the judiciary in the transformation and reform of the law The first section of Common Law and Modern Society explains what we mean by judge made law and shows how the law responds to the needs of a changing society Adaptation may be in response to shifting values or in response to constitutional change This is demonstrated in chapters on assisted reproduction and assisted dying both modern concerns and a far older example that of the law on water which has been evolving over the centuries in response to society's changing

demands The law also needs to reflect constitutional change as in the case of Welsh devolution The second section of the book looks at the necessary simplification of the law and systematic legal reform These tasks lie at the heart of the work of the Law Commission which celebrated its 50th anniversary in 2015 Drawing on her own experience as former Chairman of the Law Commission Mary Arden argues that statute law can be made simpler by codification and that the success of codification may vary depending on the field of law The final section looks ahead to tomorrow s judiciary The accountability of judges is a continuing area of discussion and this includes ensuring that the reasoning behind their decisions is understood by the relevant people Mary Arden goes on to argue that the vision for the judiciary today and tomorrow should be one of greater diversity in the widest sense This will help to ensure not only greater fairness and wider opportunity but also better decision making The book concludes with advice and encouragement for future legal professionals

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