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What is the value of freedom? Nominal damages for false imprisonment 117

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When practising fails to make perfect: Medical treatment and battery – *JA Devereux*

The advent of the Civil Liability Acts has caused a re-examination of the utility of the battery action. No cause of action in battery can proceed where a patient has given consent to “the nature of the treatment”, but there is considerable uncertainty as to exactly what this amounts to. Nowhere is this uncertainty more obvious than in the situation where the person providing the treatment is not a medical practitioner or, if he or she is, where the practitioner provides treatment not for a medical purpose but for some other reason. This article reviews the case law and suggests that its apparent contradictions can be reconciled, but only by redefining the focus of battery. 120

Adding insult to injury in assessing damages for corporate defamation – *Hilary Young*

The law of defamation treats corporations almost identically to natural persons. In most common law countries, corporations may bring defamation actions, and the elements are the same for corporate plaintiffs as for natural person plaintiffs, as are the defences. So too are the principles for awarding damages. Both people and corporations have valuable reputations worthy of legal protection. However, given the significantly different effect of reputational injury on humans than on corporations, the principles applied in quantifying damages to each should differ. Aggravating factors relating to emotional injuries should not be considered in assessing reputational injury to corporations, because corporations cannot suffer such injuries. This article considers the relevance to the quantification of damages of: the defendant’s failure to apologise; the defendant’s malice; and the aim of vindicating reputation. Examples are drawn primarily from Canadian law but also from the laws of other common law countries. 127

Airedale NHS Trust v Bland – 20 years on – *SN Dobson and JA Devereux*

In the seminal case of *Airedale NHS Trust v Bland* [1993] AC 789, the House of Lords decided that it was permissible to withdraw life-sustaining treatment from a patient, as this was not so much causing death as “letting die”. In the 20 years since *Bland*’s case was decided, the principle has been reviewed in a number of cases, and enshrined in legislation. This article reviews *Bland*’s case and the English cases and legislation that have followed it. The article focusses particularly on extensions to the *Bland* principle and attempts English law has made to define the term “best interests”. The article argues that assigning a precise meaning to the term “best interests” remains elusive. 151

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