

Ward v London County Council [1938]

Evidence

The complaint was injured as a result of careless driving. This happened because a driver of a fire engine did not stop at a red light. He was in a hurry since he had to cope with an emergency and to put out a fire. The complaint applied to the Court and accused the driver of being negligent.

Problematics

This is needed to explain that the case could be qualified as the tort of negligence if it will be stated that the respondent is responsible for the complaint's duty of care which he violated and, consequently, caused him injuries. In addition, the violation of the duty of care will be established if the complaint will manage to prove that the respondent did not act in the way a rational person would act in the same circumstances. As a rule, this is defined as a standard of care.

Various factors are significant while investigating the duty of care. The most vital of them are the severity of harm and risk. The peculiarity of this case is to assume the standard of care and to decide whether the driver could be justified by the fact that he was obliged to cope with the emergency and thus, was performing a socially valuable action.

Resolution

The Court stated that the driver was chargeable for the injuries he had caused to the complaint. In addition, his employers were claimed to be chargeable for the accident as well.

It is needed to mention that the fact of social utility could be taken into account in the situation in which the standard of care would be a matter. Yet, the Court denied that the obligation of performing a social duty could not serve as a valid excuse or permission for risky driving and causing injuries to people. The exception will make those situations in which the level of taking risk is equal to the level of the socially beneficial target which a person aims to reach when he or she acts in a risky way.

When analyzing this case, it is obvious that the respondent could have slowed down at the red light. This action would be unlikely to influence the final result of the emergency significantly. In addition, it is necessary to admit that the risk to crash into somebody and cause injuries by driving through the red light was considerably higher compared to any potential advantage of the situation connected with putting out the fire.

Based on these details of the case, the Court claimed the respondent was responsible for violating the duty of care. Consequently, he was chargeable for the injuries he had caused.

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