

KINGS UNIVERSITY COLLEGE

FLGIR

TORT 1 [FEB BATCH]

MIDSEMESTER EXAMS

MARCH 2023

Answer ALL questions (10 Marks)

1. Which of the following is a test that can be used to distinguish an employee from an independent contractor?

- A. Control test
- B. Economic reality test
- C. Multiple test

2. Which of the following fall within the course of employment?

- A. Acts expressly authorized by the employer
- B. Acts which are expressly prohibited by the employer that concern the manner in which the work is carried out.
- C. Acts which amount to a breach of the criminal law if they are closely associated with the work that the employee is engaged to perform

3. In which case was it held that a driver who threw a lit of cigarette to the ground when he was refueling his lorry was within the course of employment thus giving rise to vicarious liability for the damage caused in the fire?

- A. Iqbal v London Transport Executive
- B. Century Insurance v N1Road Transport Board
- C. Beard v London Omnibus Company

4. Aryeetey, a bill collector was kicked and punched by Musah while trying to collect an overdue account from Musah. Musah could be held for the tort of

- A. Libel
- B. Extortion
- C. Assault and battery

5. Breaking a car window and destroying a car phone is an example of

- A. Invasion of privacy

- B. Trespass
- C. Theft

6. Curtis built a fence on what she thought was the border between her property and her neighbour's property. The neighbour could hold Curtis liable for

- A. Nuisance
- B. Trespass
- C. Criminal damage

7. Okai bought a television that, unknown to him, was stolen. Okai refused to surrender the television until he was reimbursed the money he paid to the seller. Okai is liable for the tort of

- A. Conversion
- B. Fraud
- C. Trespass

8. Public officials cannot collect damages for false and defamatory statements made about them unless they can prove

- A. Actual malice
- B. Strict liability
- C. Invasion of privacy

9. Serwaah threatened to hit Nti. If Serwaah did hit Nti and Nti suffered injury or damages, he could sue Serwaah for

- A. Assault only
- B. Battery only
- C. Assault and battery

10. A person accused of shoplifting was detained in a store for an unreasonable length of time, but a search revealed no evidence of shoplifting. The detained person can sue for

- A. Robbery
- B. False arrest
- C. trespass

Question

Offoi is an electrician who gets his work from Kontonkyi Construction Ltd. Kontonkyi Construction controls how Offoi conducts any work that comes through the company. For such jobs Offoi is provided with uniform and the use of a van. Offoi has any tax he accrues deducted by the payroll department of Kontonkyi Construction and they also pay him for a certain amount

of holiday pay provided he does not turn down any work they offer him. No other benefits are provided and all other equipment must be supplied by Offoi.

A rival firm, Amantin Building Ltd had recently won a very large contract to renovate a mansion and so needed more workers. They arranged for Kontonkyi Construction to supply some staff for the job in return for paying a fee to Kontonkyi Construction. Offoi was one of the people supplied and did not feel any sense of loyalty to Amantin Building Ltd and resented the fact that he had to do the work thinking it made him like a slave. As such he put little effort into the electrical work. Shortly after the renovation was completed a fire broke out, destroying the mansion, which was established as being caused by negligent electrical work performed by Offoi.

Advise Kontonkyi Construction on whether they could be held liable for Offoi's negligent work.
(20 Marks)

① Vicarious Liability

② Whether Offoi is a worker of Kontonkyi or Amantin?

③ Who controls the work of Offoi?