

*L'Association des Etudiants en Droit vous présente*

# *Oratio*

## *Le concours d'éloquence*

«Participer à ce concours a sans aucun  
doute été l'un des événements les plus  
marquants de ma vie universitaire»

Jean-Philippe Erb - Vainqueur du Concours



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3<sup>e</sup> année licence droit

**COURS EN LANGUE ANGLAISE**



Durée de l'épreuve : 1 heure.

1) Practical work

Mr Richard works as a postman for the Post Office. He is on very bad terms with his neighbours Mr and Mrs Jack. On a letter to be delivered by the Post Office to Mr and Mrs Jack, Mr Richard has written racially offensive and defamatory message on the back of the envelope.

Can you consider whether the Post office is vicariously liable in tort for the act of Mr Richard?

You should consider the question only from the point of view of vicarious liability.

Case-law : Smith/stage, Lister, Mattis/Pollock.

2) Answer two of the following questions

- 1) Causation and the intervening act of the claimant: Discuss the problem of suicide of the claimant.
- 2) As far as private nuisance is concerned describe the factors taken into account for determining the reasonable user
- 3) As regard defamation, analyse the following condition: Does the statement refer to the claimant?

**Université Robert Schuman de Strasbourg**  
**Faculté de droit, de Sciences politiques et de Gestion**

**Licence DROIT et études européennes**  
**3<sup>ème</sup> année**

**1<sup>ER</sup> SEMESTRE 2007/08**

**Sociologie des institutions**

Michel MANGENOT  
Maître de conférences



**Janvier 2008**

**Vous traiterez l'un des deux sujets suivants :**

- 1) La naissance des institutions : vous comparerez deux exemples de votre choix.
- 2) L'approche de Bruno Latour des institutions.

**Durée : 1 heure**

**Matériel autorisé : aucun**



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**DROIT DE LA RESPONSABILITE (cours en anglais)**



Durée de l'épreuve : 1 heure.

**Traitez les deux questions suivantes :**

1) Practical work

Claire who was walking along the street was hit by a milk bottle which fell from one of the upper windows of a school. The director of the school claims that there were no children in the school at that time because lessons ended 45 minutes earlier and all the children had gone home.

Claire intends to sue the director in negligence.

Advise Claire on the question of remoteness of damage and consider whether, if the claim succeeds, if exemplary damages may be obtained in such a case.

Decision : Wagon Mound case, Rookes/Barnard

2) Answer the following questions

- a) Factors taken into account to determine the reasonable user in tort of private nuisance.
- b) Defamation and defence of qualified privilege.

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**COURS EN LANGUE ANGLAISE**

Durée de l'épreuve : 1 heure.

1) Practical work

Mr Sonny is the owner of a private estate where members of the public are permitted to fish upon payment of a licence. Peter is a warden to deter poachers and patrols the estate with Zag, a large Alsatian dog.

John, who has a licence enters the estate to go fishing.

John who is fishing peacefully from the river bank is approached by Peter and Zag. John who has a fear of dogs, starts to run away. Zag chases him as he is trained to do and John stumbles down the bank into the river, striking his head on a large rock.

John intends to sue Peter for negligence

Consider whether there is breach of the duty of care by Peter.

Case-law : Blyth/Birmingham 1856, Bolton/Stone, Scott/St Katherine Docks 1863

2) Answer the following questions

- 1) Defamation and the defense of justification or truth
- 2) Analyse the tort of battery and remedies available

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**COURS EN LANGUE ANGLAISE**

Durée de l'épreuve : 1 heure.

1) Practical work

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John, a basket-ball player of a local team was charged for travelling on a train for which his ticket was not valid and for refusing to pay the proper fare. He was convicted and sentenced to 14 days' imprisonment in default of payment of the fine and costs.

Sunday News, a local newspaper published a statement which said that John was sentenced to three weeks' imprisonment.

John would like to sue Sunday News.

Advise John on the conditions of defamation and consider if eventually Sunday News could plead the defence of truth/justification.

Case-law : Sim/Stretch

2) Answer two of the following questions

- 1) Analyse the conditions of assault and remedies available
- 2) Examine the conditions set by Alcock 's decision
- 3) As far as causation is concerned, discuss the problem of the suicide of the claimant

Document autorisé : NEANT.

