

Essay on Legal Analysis of Product's Liability and Negligence

Custom Vans Ltd.

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Introduction

Definition of Contract Law

Contract law deals with legally enforceable undertakings that specify the duties and the rights of the parties. A contract is made when one party makes an offer while the other party accepts this offer, there is an exchange of consideration which can be in form of money and both parties intend to be legally bound. For instance, when Jacqueline agreed to pay some money to buy a van from CustomVans Ltd, a legal relationship was created by the said elements (O'Sullivan, 2020). Any failure to perform the contractual duties is a legal violation known as a breach that is punishable by remedies like damages or the order to perform the contractual duties known as specific performance.

Definition of Tort Law

Tort law involves common law and implies different wrongs that result to harm or loss to persons (Bagshaw et al., 2022). The basic purpose is to allow the suffering party to be compensated and other persons to refrain from similar harm. These are the legal elements which include duty of care, breach of that duty, causation and lastly the damages. For instance, in the case study, Jacqueline's accident because of a defective van can be categorized under tort of negligence. As a result, CustomVans potentially opened itself to a claim for damages since it owed a duty of care to ensure that the van was safe, and the breach of that duty caused Jacqueline's injuries.

Overview of the Assignment

This paper reviews a scenario of CustomVans Ltd and the event that transpired with Jacqueline, Osman, and Henna. The analytic objective is to assess and debate the legal matters

and actions based on the given scenario within the topics of contract and tort law. Thus, by analysing the elements of the breach of contract, negligence, and other legal factors, this essay will give insight into the parties' rights and remedies (Knapp et al., 2023). Legal sources will therefore be provided for the arguments and conclusions made in the analysis the statutory provisions and relevant case laws will additionally be included in the assessment.

Main Body

Scenario Analysis

Identify the Issue

Jacqueline collected her van from CustomVans Ltd and shortly after the van's engine was noted to have a defect, hence stalling (Alawadhi et al., 2020). This made her to knock off a bus shelter thus incurring severe injuries for her and psychological toll on bystanders Osman and Henna. The crucial one is an element of the defective engine that led to the accident and the loss to all the parties implicated.

Legal Principles Involved

The legal challenges in this case relate to negligence as well as, a branch of tort law, product liability. The legal position that may be relevant under CustomVans' negligence relates to CustomVans' failure in the duty of care that they have to their clients to provide a safe vehicle, hence providing a van with a faulty engine. Product liability entails that the manufacturer, seller, and anyone else who is involved distribution of the defective product is held legally responsible for the harm that has been occasioned by the product. In the same regard, the case also covers contractual breach since CustomVans failed to provide a working van that was agreed in the contractual agreement with Jacqueline (Geistfeld, 2021).

Facts and Context

Jacqueline, still a worker, bought a van of her choice from CustomVans Ltd which had a beefier engine. She returned the van in a stressed-up condition therefore she did not bother to put on her seat belt. It was when she was ten miles away from Osman's house that her engine cut-off, leading her to knock into the bus shelter and miss Osman by a whisker. I need mention Jacqueline's whiplash and disturbance of the mind which prevented to retire. Despite being fully physically healthy, Osman began toiling from anxiety here, while his partner Henna had high signs of psychological attrition (Zhang et al., 2020).

A specialist was later to conclude that the cause of the accident was a faulty engine. As for the consequences of the accident, one could not work, and Osman and Henna's psychological condition also testify to deep damage. This scenario forms the background to determine the legal claims and legal liabilities arising out of the situation.

This part of the paper is designed to provide genuine information about various claims of the two parties as they are pursued to have a fair and independent investigation into the matter by Social Biological Research.

Claims of the Parties

Jacqueline's Claims

Contract Law:

The buyers can also make a claim of breach of contract especially when the engine turned out to be defective as it was in the case of Jacqueline. There was also an expression of an implied term concerning the fitness of the van for the purpose for which it was being hired; the contract

between Jacqueline and CustomVans. The van was rendered unsafe due to the faulty engine, which transgressed this term. Jacqueline also has a cause of action for damages as CustomVans breached the contract by delivering a non-working vehicle to her, and any reasonable damages sustained because of the breach can be claimed (Kull, 2020).

Tort Law:

The negligence that Jacqueline has claimed she has suffered from is the CustomVans' breach of the duty of care for the safety of their products. CustomVans failed in this duty by furnishing a van with a defective engine that forces Jacqueline into getting hurt. Hence, there is causation link between the defect and her injuries physical (whiplash) and the emotional suffered (mental anguish). Jacqueline can claim for continued medical expenses, early pension not being an option, and for pain and suffering.

Osman's Claims

Tort Law:

Osman could argue negligence since the accident caused him to develop anxiety. In this case, CustomVans had a legal obligation to exercise the reasonable amount of care without causing harm to the immediate customers as well as the other people who might be affected by the company's products. The principle of negligence shows that CustomVans owed a duty of care not only to Ma and the eyesore's draftsman, but also to any third party who might be harmed by their art, including Osman. In the present case, Osman's psychological harm resulted from the breach of the said duty due to the defective van, thus satisfying this element (Ahmed,

2023). As a result, though Osman was not a physical injury patient, anxiety is a form of damage recognized in the provision of compensation for his psychological harm.

Henna's Claims

Tort Law:

Henna uses the concept of secondary victim establishing her claim primarily on the indirect psychological effects hence the claim. The legal issue in this case is proving her contact to the event and the possibility of her psychological injury. This group of plaintiffs is also limited in ways, common of which is that secondary victims must either have observed the event or its aftermath. The last claim is based on factors that although Henna did not see the accident, she would suffer severe anxiety and continued concern for Osman which resulted to a permanent condition. *Alcock v. Chief Constable of South Yorkshire* is a crucial primary authority where negligence case for the secondary victims was turned down due to unrelated shocks; however, if the injury that affected her was a foreseeable consequence of Patman's accident, Henna can have a negligence case against the defendant (Clemente & Padilla-Racero, 2020).

Actions Taken

Initial Actions

Jacqueline went to see a doctor for her whiplash injuries soon after the accident and thus documented the case with CustomVans and other necessary organizations. A specialist checked the van and concluded that the breakdown of the engine was a reason for the crash. This early preparatory work proved to be vital in getting the details of the occurrence down on paper and creating a causal connection between the deficit and the damage (Girdhar et al., 2022).

Legal Actions

Jacqueline, Osman, and Henna decided to consult a lawyer to establish the appropriate method for compensation. Other legal actions could involve legal actions against CustomVans for the violation of the legal agreements and the tort of negligence. CustomVans might have a legal response to the case that they have contributory negligence especially when Jacqueline did not buckle her seatbelt or that the defect was unforeseeable, and they were in no way involved in the matter. They could also plead product misuse where they would state that Jacqueline used the van inappropriately they however have little strength in this defence as seen where the expert testified.

Other Relevant Legal Areas

Product Liability

In product liability laws, the manufacturer will be legally responsible for any harm that results from a defective product even if they did not play any part in the negligent activity. Since CustomVans is the manufacturer of the van, they are to blame for any defect on the van. Murray's Consumer Protection Act 1987 laws back Jacqueline's claim since the company is responsible for the creation of the unsafe product in question. Jacqueline can also support her views with case law, for example, the *Donoghue v Stevenson* case, which also proves the existence of the manufacturers' duty of care to consumers.

Consumer Protection

Legal statutes that safeguard the consumers protect Jacqueline in as much as she gets a product that is safe and would perform its intended function. In the eyes of the law this stipulated

under the consumer rights act of 2015, she can ask for a refund, replacement, or repair for the vane. These rights support her breach of contract claim by offering her alternate remedies, as well as entailing on CustomVans' duty to satisfy the product safety standards.

Therefore, it can be noted that the provided article is more suitable to serve as an outline for Evaluation and Critical Analysis as it offers superficial coverage of the topic with an emphasis on the listing of the essential aspects and usage of key terms and phrases.

Evaluation and Critical Analysis

Strengths and Weaknesses of Claims

Jacqueline has stronger claims as they have clear breaches of contract, and the negligence can be seen clearly. This results in the chances that the expert will be paid increased due to the support of her report by the court. Nonetheless, CustomVans may claim contributory negligence to the effect that she did not wear a seatbelt, which may bring down her compensation (Barnett & Oman, 2021).

Osman and Henna's claims are more defensible as, on the given video, they are more serious. Although Osman suffers from anxiety, PTSD is acknowledged as damage, and it is not easy to prove negligence for this kind of mental abuse without an actual wound. Henna also faces some other challenges that stem from the fact that she is the second victim who is forced to prove her proximity and the fact that the defendant could foresee her psychological damages.

Likely Outcomes

By relying on legal precedents, it is safe to conclude that Jacqueline will be able to hold the defendants legally liable in the case of a breach of contract and negligence by receiving damages for her injuries and losses sustained. Osman could be paid the compensation for his anxiety, although it would be less than the amount awarded for the physical suffering because proving the existence of such damage is difficult. Henna's claim is the weakest, mainly because the existence of secondary victims is highly limited due to the stringent rules surrounding their admissibility (Hacker et al., 2020). It is possible for settlements depending on the strategies that CustomVans might want to ensure that the litigation does not go on for long or receive nasty publicity. Thus, the outcomes of the case will depend on the evidence presented and the admissibility of the evidence in accordance with legal rules.

Conclusion

Therefore, following the case of CustomVans Ltd there are core legal concepts like breach of contract, negligence, product liability and consumer protection, among others. Jacqueline's two arguments of breaching a contract and negligence are well-founded, and it is evident that the engine was faulty and affected her directly. It is reasonable for Osman to seek compensation for psychological damage caused due to negligence however, the extent of the anxiety would be difficult to evidence. The last claim stating that Henna is a secondary victim is the weakest of them as the criteria of secondary victims are strict. In conclusion, Jacqueline is most likely to be granted all her claims, while Osman's and Henna's outcomes are less predictable. This case clearly demonstrates why business managers need to take strict adherence to legal and safety requirements to avoid legal liabilities.

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