

Essay on Legal Issues for Management

Custom Vans Ltd.

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Introduction

The essay is based on addressing the legal issues in the case study. The case study includes business and management of legal issues between Custom Vans company and Jacqueline. Custom Vans is a company that designs personalised vans for consumers. Jacqueline is close to retirement. She had ordered a customisation of the van for touring the United Kingdom. She demands a heavy engine. The scene ended up creating a haphazard situation for Jacqueline as she was mentally exhausted from work. She has also faced an accident due to the dysfunctioning of the engine. Jacqueline's case study has shown that the company failed to install a high-power engine that resulted in malfunctioning. She has also faced injuries that delayed her retirement and plans. The case study has shown that the law of negligence will be applied for the safety of Jacqueline. The case analysis has shown that duty of care, conduct of negligence, duty breaches, causation and applying tort law of remoteness of damage (Udemezue & Ojeih, 2021). The duty of care is applied when the business company has neglected its job. They have failed to provide the desired product to the consumer. The law is also applied in measuring the physical, mental and financial damage that happened to Jacqueline. The evaluation of damage and compensations will be discussed for a better understanding of the situation. The legal situation can be resolved by studying relevant case studies to draw a supportive conclusion to the discussed situation.

Main body

Duty of Care

Duty of care can be defined as the law applied to analyse the harm caused in case of carelessness by the organisation and single personnel. The duty of care is related to Donoghue v Steveson case, 1932 AC 562 (Wahanze, 2023). The duty of care is applied as the claimant can

get damaged by the actions of the defendant. The Donoghue case study explained that the manufacturing company of the House of Lords has specific manufacturers. The defects in the manufacturing goods have been defected leading to personal damage to the consumers. In the United Kingdom, the negligence of claimants is measured using the duty of care law (Horsey et al., 2023). In the case study, the negligence of Jacqueline for not wearing a seat belt caused a physical accident leading to damage to Osman and Henna. The duty of care is also applied to Custom vans as they have employed the defective engines in the van, The duty of care explains that the person is accountable for their actions. They should avoid the actions that can cause harm and injury to each other. The duty of care is applied to Custom vans as they have the responsibility of providing protective and safe engines to the customers.

Breach of Duty

A breach of duty was also observed in the case. The duty of care has resulted in the breaching duty of care reportingly negligence in the management of the business activity. Custom Vans breached its duty by not working on the organisational objectives. The company has failed to provide the desired product for the claimants. They have not provided standard demanded care to the customer. This resulted in breaching the duty of care in terms of van designing and consumer protection. The relevant case study that can be applied in the case scenario includes *Nettleship v Weston*, 1971 2 QB 691 (Goudkamp, 2023). The case also reported a breach of study by designing an incompetent product for the consumers. The case also explained the liability issues that had caused harm without the provision of standard quality of care. The case study has shown that the examination can provide evidence of neglected manufacturing of the engine, The engine was not updated as per requirements of the standard quality. The engine defects have caused reasonable harm with negligence in the maintenance of

the vehicle and manufacturing of the engine. Custom Vans must face the relevant fine and compensation for management's negligence in the inspection and design of the vehicle. The legal negligence of breach of duty can lead to serious consequences for Custom Vans as they have failed to follow the quality standards of the automotive industry. This can damage their business reputation. The defendant is required to provide evidence to prove the liability to the quality standards of the automotive engine manufacturing (del Riego, 2021).

Causation

The law of causation is also applied to the relevant case study. In the case of Jacqueline, causational help in evaluating the damage caused by breaching of law and duty of care. Causation can help in assessing whether the harm to the claimant can be recovered or not. The causation explains the factors on which the defendant has caused sustainable harm to the claimant. The case study has shown that *Barnett v Chelsea and Kensington Hospital Management Committee*, 1969 1 QB 428, can be applied in the form of legal causation (Laws, 2022). The causation explains that the defendant is not liable for the duty of care. He had the right to inspect the duty of care to relevant the physical and mental injury to the consumers. The causation explained that the defendant has breached the law resulting in substantial and economic harm to the claimants. The case study has shown that Custom Vans has failed to provide a high-quality engine to the consumer. The defective engine resulted in the collision and road accident of Jacqueline.

Remoteness of Damage

The remoteness of damage is a tort law that is applied in the United Kingdom for reporting compensation in the form of money (Barnett, 2023). The remoteness of damage explains that damage is complicated and foreseeable. The damage is reported in court to file the

fine against the defendant. The claimant reports that the defendant owes him a specific amount in the form of compensation for harm. The law also explains that the damage is not remote for the claimant. In the case study, remoteness of damage can be applied like the Wagon of Mount 1961 (Leiman, 2020). In the case study, the court has ordered that the defendant is liable for providing the payoff amount as the result of negligence in the duty of care and causing harm to the claimant. The van accident, damage to Jacqueline and collision of the van can be explained as foreseeable acts. These acts can be reported by Jacqueline to get the compensation amount from Custom Vans. The case has explained that Jacqueline has also suffered a road accident due to a defective van. The defective engine has also caused six months of physical bed rest and mental injury to Jacqueline which can be neglected by the court. These harms require special attention and are meant to be compensated by the Custom Van.

Contributing Negligence Law

The contributing negligence law explains that harm can be caused by the claimant himself. The factors can be used as contributing negligence as the claimant can also be negligent in his actions. The law reform of contributory negligence can be used to provide equitable and just decisions (Irvine, 2020). The evidence has indicated that Jacqueline was also not wearing any protective belt while driving. This acts as the negligent factor resulting in an accident. The court can see this factor to decrease the liability and compensation for the tortfeasor. The injured person like Jacqueline can be equally blamed for her negligence of not following the road traffic rules. The use of contributing negligence can reduce the damage recovery from Custom Vans. The damage was mutually caused by the false instalment of the heavy engine from Custom Vans and negligence to put seat belts can act as the contributing negligence factors.

Road Traffic Act 1988

Road Traffic Act 1988 was developed to maintain compliance with traffic rules in the United Kingdom (Morimoto et al., 2021). Section 4 of the Road Traffic Act explains that a person should wear a seatbelt while driving a car. The seat belt is mandatory while driving because it can reduce the risk of accidents and injuries. The case study of *Froom v Butcher, 1976 QB 286* can be used as the reference example. The case explains an accident that happened due to the malfunctioning of the vehicle caused that. The contributing factor highlighted by the accident is that the driver was not wearing a seatbelt. The case explained that there would be minimal injuries if the driver had worn a belt (McMurry et al., 2018). The failure to wear a seat belt acts as the contributing factor of negligence in tort law. The case ultimately ended in decreasing the damages compensation by the defendant party. The same can be applied in Jacqueline's case. Custom Vans can provide the counter statement that the accident was solely based on negligence for not wearing a seat belt.

Jacqueline Damages

Jacqueline has faced severe physical injuries that have delayed her retirement in the next six months. She can report the physical injuries and their impact on her life plan for compensation from Custom Vans. The legal guidelines must be adhered to report the physical damage. The accident can hurt the psychological health of Jacqueline. The case reference of *Hicks v Chief Constable of South Yorkshire Police, 1992* can be used to report the poor psychological health and traumatic stress to the court (Easton, 2020). The court is willing to provide compensation for bad mental health to the claimant. Jacqueline has also faced economic damage in the form of the damaged van and a delay in the retirement plan. The case story of *Doyle v Wallace, 1998* can be used as a reference for reporting the compensation for economic

loss as she is unable to move and complete her work in the pre-retirement phase. Her retirement has been delayed by six months. The court also has to provide compensation to the claimant after losing the financial income. The legal proceeding can provide guidance and regulations for streamlining the financial pathway for Jacqueline by recovering her economic losses.

Action plan

- The action plan will include the recording of physical, mental and economic damage to the court. Jacqueline must provide the medical report and expert opinion on the condition of the van to the court. The court may look into the claimant's allegations for the investigation of compensation and application of negligent law. Jacqueline should also refer to the reference of the Consumer Act as it is applied to business companies to provide high-quality of products to consumers (Ball, 2018). If the company fails the liability of damage is applied to the organisation.
- The custom van should also design the action plan by investigating the accident and condition of the care. The legal personnel should take the statement of all the employees involved in the customised setting of the van. Custom Van can use multiple ways to protect their reputation in the market. They can use the settlement and damage negotiations at their end. The damages can be settled by communicating the economic and personal injuries of Jacqueline.
- Jacqueline can also ask for higher damages compensation as the company has also breached the contract with her. The economic, psychological and personal loss can easily be recovered in a close and settling conversation. It can raise the liability for the company. The contributing negligence can reduce the cost of damages that can be recovered in the statement argument (Brown et al., 2020).

Conclusion

Jacqueline has faced serious physical, mental and economic injuries due to breaching of duty of care by Custom Vans. Custom Vans has failed to provide her with the high-quality engine in the van which resulted in her collision with the bus. The negligent and legal causation explains that the company will be responsible for managing the damage caused by its action. The company will pay liability for not maintaining the consumer contract. There are additional factors that have caused accidents as failure to maintain adherence to the Road Traffic Act 1998. The cat explains that it is mandatory to wear a seat belt. The negligence of seat belts can reduce the amount of compensation from Custom Vans. The negotiations can protect Custom Vans from heavy-duty liability in Jacqueline's case. The appropriate action plan should be followed for equitable case proceedings.

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