

Debre Berhan University
College of Law
Program; LLB Degree in Law /regular/
Course: Extra-contractual liability Law
CRH: 5 ECTS
Semester II, 2023
Course syllabus
Consulting Hour: Mon 2pm-3pm & Tues. 8:30am-9am

1. COURSE DESCRIPTION

The course deals with the notion and basic principles of non-contractual liability laws, and discusses the differences between non-contractual liability law and criminal laws as well as contract laws. It explores the various sources of extra contractual liability, the circumstances that give rise to liability under the Ethiopian non-contractual liability law in general, and examines whether injuries related to emotional distress, toxic substance exposure, tobacco, etc. are governed and redressed under the Ethiopian law. The course also presents on the principle of causation, the assessment of damages and the various defenses.

2. COURSE OBJECTIVE

After a successful completion of the course, students are expected to achieve basic knowledge and competence regarding:

- the meaning, nature, principles, characteristics and sources of non-contractual liability;
- the existing legal provisions of non-contractual liability in relation to the Constitution of FDRE;
- the similarities and differences between non-contractual liability law and criminal and contract laws
- the sources of non-contractual liability by giving appropriate examples;
- the notion of damage and the modalities of assessment of compensation;
- the mode and extent of compensation for various types of damages;

3. CHAPTERS OF THE COURSE

❖ Chapter I: The concept of Extra- contractual liability

- Definition Non- Contractual Liability Law
- Constitutional Rights to be protected by Extra-contractual law
- Principles of Non- Contractual Liability Law
 - ✓ Action or omission

- ✓ Damage
- ✓ The existence of casual relationship between the act or omission and damage
- ✓ Attracting legal liability
- Boundaries of Non-Contractual Liability Law

❖ Chapter II: Sources and Types of Extra-Contractual Liability

➤ Fault Based Liability: (art. 2028-2065)

General Rules (art. 2028-2037)

- ✓ Professional Fault
- ✓ Intent to Injure
- ✓ Diversion of Power
- ✓ Purpose of Rights
- ✓ Infringement of Law
- ✓ Chain of Command
- ✓ Non-Performance of a Contract

Special Rules (art. 2038-2065)

- ✓ Interference against the person -Trespass
- ✓ Interference against the liberty-
- ✓ Interference against the property – Trespass to the goods
- ✓ Interference against the reputation – Defamation
- ✓ Interference against the economic against economic interest
- ✓ Other interests (art 2050-2052)

➤ Liability Irrespective of Fault (Strict Liability)(art. 2066-2089)

- ✓ Necessity
- ✓ Bodily Harm and Defenses
- ✓ Act Causing Harm Ordered by Law
- ✓ Self Defense
- ✓ Harm Caused by Fault of Victim
- ✓ Sport Activities
- ✓ Dangerous Activities
- ✓ Types of Instruments
- ✓ Liability for Animals
- ✓ Custodian
- ✓ Transferring Ownership
- ✓ Transferring of Liability
- ✓ Victim's Guarantee
- ✓ Liability for Buildings
- ✓ Machines and Motor Vehicles
- ✓ Liability for Manufactured Goods

- ✓ Defenses and Justifications

➤ **Vicarious Liability (art. 2124-2136)**

- ✓ Rationale for Holding Someone Liable for Wrong Committed by Another
- ✓ The Control Test
- ✓ Analogy with Causation
- ✓ Deep Pockets
- ✓ Economic and Moral Considerations
- ✓ Loss-Spreading
- ✓ Liability of Parents and Others
- ✓ Liability of the State
- ✓ Liability of Bodies Corporate and Employers
- ✓ Defamation

❖ **Chapter III: Compensation for Damage (art. 2090-2123 & 2137-2161)**

- Modes of Compensation
- Extent of compensation
- Action for compensation

❖ **Chapter IV: Unjust Enrichment (art. 2162-2178)**

4. Assessment method

- Attendance and participation.....5%
- Assignment.....15%
- Test.....30%
- Final exam.....50%

5. REFERENCES

- Teaching material
- Krzeczunowicz, Jerzy George, The Ethiopian Law of Compensation for Damage, Addis Ababa, Faculty of Law, 1977
- Mehari Redae, Assessment of Compensation for Damage under the Ethiopian Civil Law, 2006, (unpublished)
- Michael John, A Text Book on Torts, 3rd Ed, Blackstone Press Limited, Great Britain, 1996
- Negatu Tesfaye, Extra Contractual Liability and Unjust Enrichment, Artistic Printing Press, Addis Ababa, 1996
- Dagon Hanoch, Unjust Enrichment, Cambridge University Press, 1997