

TORT LAW REVIEW

Volume 15, Number 3

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NOTES

- Shirt survives – But is the High Court of Australia turning its back on personal injury claimants? – Peter Handford** 131

ARTICLES

- The wrongfulness or rightfulness of actions for wrongful life – Evelyn Ellis and Brenda McGivern**

Courts in Australia and the United Kingdom have emphatically rejected claims for “wrongful life”, that is to say actions brought by disabled children conceived or born after negligence on the part of a medical practitioner. This article analyses the judicial decisions and reveals that the reasoning of the courts is much less clear than it would at first appear. The judgments are inconsistent and demonstrate how extensive in practice are the consequences of the divergence between the High Court of Australia and the House of Lords over the applicability of the *Caparo* test for the existence of a duty of care. 135

- Schoolmaster tackled hard over rugby incident – Rob Heywood and Peter Charlish**

This article provides a critical analysis of *Mountford v Newlands School* [2007] EWCA Civ 21, the latest decision emanating from the English Court of Appeal regarding the liability of a schoolmaster for injuries caused on the rugby field. First, it explores the rationale for imposing liability and analyses the legal questions pertaining to the breach of duty. Second, the article explores the complex question of causation inherent in the case. The article concludes by discussing the legal status of guidelines in sport and highlights the potential public policy implications of this ruling on youth sport at all levels, with a particular emphasis on junior rugby. 162

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