

# TORT LAW REVIEW

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## ARTICLES

### **Throwing Stones in Glass Houses: Protecting Privacy under the Law of Nuisance – *Cheng Lim Saw and Aaron Yoong***

The limits of the law of nuisance were recently tested in the controversial decisions of *Fearn v Tate Gallery Board of Trustees*, both before the High Court and Court of Appeal. Against the backdrop of these decisions, this article argues that the tort of private nuisance can indeed, in appropriate cases, protect against invasions of privacy caused by overlooking – all within the present framework and ambit of the action. It is also proposed that a communitarian approach be adopted in fashioning the appropriate remedy for actions founded in nuisance. .... 145

### **Privacy Protection against Physical Intrusion: Development of a Pure Intrusion Tort in England and Wales – *Remigius N Nwabueze***

Invasion of privacy is a contemporary legal issue, catapulted to the forefront of minds in cases such as HRH Sussex's highly publicised case. While causes of action for misuse of private information and breach of confidence are feasible legal avenues in England and Wales, these predominantly protect disclosure of private and confidential information, and do not fully cover cases of pure physical intrusion – where the invasion of privacy does not involve publication of private information. Thus, a new pure intrusion tort is needed. Consequently, this article proposes the development of a pure intrusion tort in England and Wales, including the potential elements and scope of such a tort. .... 167

### **Contributory Negligence and the Intoxicated Passenger – *Keith Patten***

The recent Court of Appeal decision of *Campbell v Advantage Insurance Co* deals with an important issue of the nature of the test for contributory negligence where an intoxicated passenger is injured while being carried in a vehicle driven by an intoxicated driver. This article argues that in relation to the type of cases under consideration the court was right to adopt an objective approach, but that consideration should be given to applying a more subjective test in contributory negligence cases more generally. .... 190

## BOOK REVIEW – *Editor: Tina Popa*

### **AI, Data and Private Law: Translating Theory into Practice, by Gary Chan Kok Yew and Man Yip (eds) – *Book reviewed by Tina Popa*** .... 197

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