

PRIVATE LAW RESEARCH GROUP PUBLIC SEMINAR

The Marex Tort: a Nascent or Unnecessary Tort?

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Monday 15 May 2023, 5.00pm to 6.30pm
Federal Conference Room, NUS Law (Bukit Timah Campus)

ABSTRACT

Where a defendant (D) induces a third party (T) to act in a way that contravenes the terms of a court order granted in favour of a plaintiff (P) in an action brought by P against T, does D commit a tort that arises by analogy with the wrong of inducing breach of contract? In the United Kingdom, there is growing support—among those on the bench and at the bar—for such a view. But such support ignores a number of juridical hurdles that, in different ways, all stand in the way of portraying the action as a valuable addition to the tort law canon. Prime among these is the fact that court orders do not ordinarily invest winning plaintiffs with rights against T that are infringed when D induces T's non-compliance with the court order. T is placed under a duty; but it is a duty owed to the court. All that D induces, then, is a contempt of court, but not a private law wrong done by T to P.



ABOUT THE SPEAKER

John Murphy is a Professor at the Faculty of Law, The University of Hong Kong. He was educated in England and holds undergraduate and postgraduate degrees in law. John specialises in the law of torts, and he has authored two monographs in the field: *The Law of Nuisance* (Oxford University Press, 2010) and *The Province and Politics of the Economic Torts* (Hart Publishing, 2022). For over a decade he was the editor of *Street on Torts* (one of the leading English textbooks on the subject), and for even longer he has been (and remains) one of small group of editors responsible for the production of *Clerk and Lindsell on Torts* (the leading practitioner work on tort law).

John has published many scholarly articles and essays on the law of torts. His work has appeared in many of the leading Commonwealth law journals including the following: *Cambridge Law Journal*, *Canadian Journal of Law and Jurisprudence*, *Law Quarterly Review*, *Legal Theory*, *Legal Studies*, *McGill Law Journal*, *Modern Law Review*, *Oxford Journal of Legal Studies* and *University of New South Wales Law Journal*.

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