

## Vicarious liability: the 2 stages of the test and what the Supreme Court has had to say about them in Cox and Mohamud

Wednesday, 13 April 2016

13:00 - 14:00

Rob Weir QC considers the 2 recent decisions of the Supreme Court in Cox v MoJ [2016] UKSC 10 and Mohamud v Morrison plc [2016] UKSC 11 in which they have addressed the two questions which determine whether vicarious liability should apply: (a) whether the relationship is one to which vicarious liability can apply; and (b) how to determine whether the tortfeasor's act is sufficiently connected to his relationship with the defendant.

This webinar will cover:

- Cox v Ministry of Justice: and why the Supreme Court found the prison service vicariously liable for prisoners at work
- what are the features of a non-employment relationship which can render one party vicariously liable for the negligence of another?
- how was the test, set out in Cox, applied to the facts of the prisoner at work-prison service relationship?
- are there any grey areas in the test?
- what does this mean for other cases: including other prisoner cases, voluntary workers and those who are working but not under a contract of employment?
- the facts in Mohamud
- the test to be applied to determine whether an employee committing an assault can nevertheless still render his employer vicariously liable
- application of the test in Mohamud and the principle of social justice
- what does this mean in other cases? When is an assault not one for which the employer has to pay?

### Technical requirements

You will need access to the internet on your PC, plus audio speakers. If you do not have access to speakers you will be able to receive audio via a phone line. Further information on how to log on to the webinar will be sent via email a week before the event.

### Speaker



Rob's practice focuses on all aspects of personal injury and clinical negligence and the impact of the Human Rights Act on those areas. He acts for a wide range of clients, both claimants and defendants. Rob has a heavy caseload of catastrophic injury work, involving brain and spinal injuries (including numerous claims for children with cerebral palsy).

He specialises in claims with an international element. Rob is regularly brought into asbestos cases and cases raising insurance/MIB issues and other difficult, often legal, issues. Rob has appeared in numerous reported cases over the years.

He is an editor of Kemp & Kemp (chapters on conflict of laws, accommodation claims, mentally incapable claimants and PPOs) and writes a chapter on the liability of public authorities for Butterworths Personal Injury Litigation Service. He is currently vice chairman of PIBA.

Rob was appointed Queen's Counsel in 2010. He is also an arbitrator for PICARBS, the Personal Injury Claims Arbitration Service. Rob won the Legal 500 UK Awards as Personal Injury & Clinical Negligence Silk of the Year in 2015, having been shortlisted in 2014, and won the category of Personal Injury & Clinical Negligence Silk of the Year at the 2013 Chambers UK.