



Tortious Liability of Statutory Bodies: A Comparative Look at 5 Cases

D. Coester-Waltjen, Basil S. Markesinis, Jean-Bernard Auby

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In a number of important decisions such as *Stovin V. Wise*, *X v. Bedfordshire*, *Barrett v. Enfield London Borough Council* and others, English courts have been forced to grapple with the important issues of tortious liability of statutory bodies. Following the *HILL* decision, they opted for a wide non-liability rule on a variety of policy and economic efficiency grounds. Yet many of their arguments have been considered and rejected by both German and French courts when deciding factually equivalent situations. This study analyzes five leading English cases in a comparative and economic way and questions the validity of their assumptions as well as their arguments in the light of the recent important decision of the Strasgbourg Court of Human Rights in *Osman v. UK*. This thought-provoking book, written by two English academics from Foxford and Cambridge Universities, in collaboration with two leading authorities from the Universities of Paris and Munich, should provide food for thought for judges, practitioners, academics and students for years to come. This book will be essential reading for scholars and practitioners interested in public law, human rights, comparative methodology, and tort law.

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