



Session 5

Comparative Studies in Tort Law (4): Animal Possessor's Liability Product's Liability

Subject: Tort Law

For English Language Based Bachelor of Law Program (ELBBL)

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Outline

- Animal Possessor's Liability
- Product's Liability

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Cambodian Civil Code, Art. 750

The possessor of an animal is liable for damages for any harm caused to another by the possessed animal.

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Japanese Civil Code, Art. 718

1. A possessor of an animal shall be liable to compensate for the damages that the animal has inflicted on others; provided, however, that this shall not apply if he/she managed the animal with reasonable care according to the kind and nature of the animal.
2. A person who manages the animal on behalf of the possessor shall also assume the liability under the preceding paragraph

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French Civil Code, Art. 1385

The owner of an animal, or the person using it, during the period of usage, is liable for the damage the animal has caused, whether the animal was under his custody, or whether it had strayed or escaped .

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Activity (1)

Think of any examples of torts caused by animals.

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Animal Possessor's Liability (1)



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Responsibility for the damages of the rice???

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Animal Possessor's Liability (2)

A cow steps on a child causing injury.

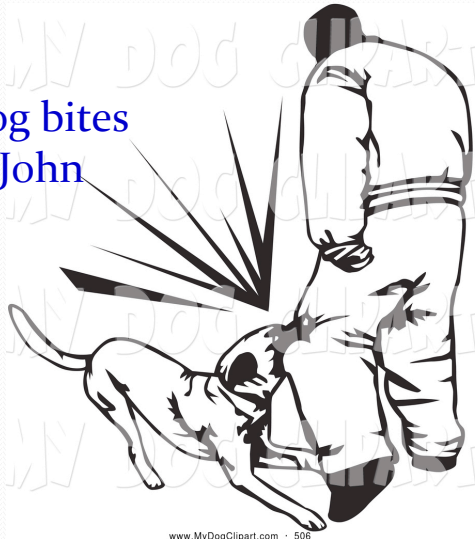


Liability???

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Animal Possessor's Liability (3)

A dog bites
Mr. John



Liability for the
damages???

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Animal Possessor's Liability (4)



Liability for the
damages???

The elephant collapses the car.

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Animal Possessor's Liability (5)

A horse hits a car.

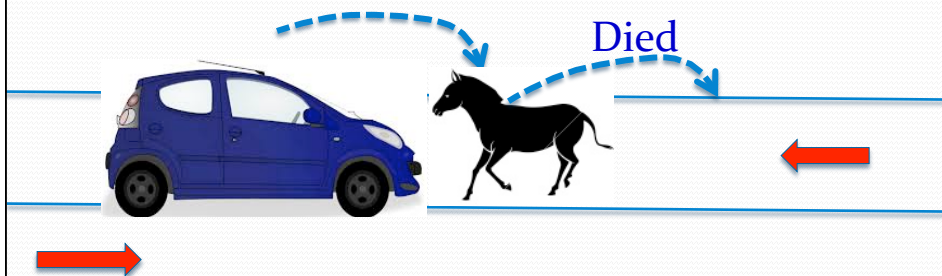


Liability for the damages???

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Animal Possessor's Liability (6)

A car hits the animal.



Liability for the damages???

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Cambodian Civil Code, Art. 751

1. Where an unreasonably dangerous defect exists in a manufactured movable and harm results to another due to such defect, the manufacturer of the movable is liable for damages. However, this shall not apply where the defect could not have been discovered based on the scientific standards existing at the time of manufacture.
2. The manufacturer of a movable that incorporates a defective part or material is also liable for damages as a manufacturer.
3. For the purposes of this Article, the importer of an imported movable shall be deemed the manufacturer.
4. For the purposes of this Article, a person who affixes his name on a movable as a manufacturer or distributor shall be deemed the manufacturer.

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French Civil Code, Art. 1386-1

A producer is liable for damages caused by a defect in his product, whether he was bound by a contract with the injured person or not.

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Activity (2)

Think of any examples of the damages caused by products of the producer.

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Discussion of Product Liability

- Company *A* produces cars. And cars have problems killing the drivers because of technical matters. Who bear the liability for the damages?
- Mr. Chiva produces the Cambodian rice noodles, his customers eat the noodles. Ten customers get serious diarrhoea and all of them were sent to hospital. The total expense of the treatment was \$200 per each person. Who is required to pay for the treatment?

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Thank you!!!

Questions and Answers

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