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# The Implications of Samoa's Small Boat Law on Tort Law and Human Rights: A Case Study

## Abstract

This paper explores a hypothetical case in the United Kingdom concerning the enforcement of tort law, while taking into account Samoa's proposed Small Boat Law and human rights. The case study provides an in-depth analysis of the legal implications and potential human rights issues arising from this legislation.

## Introduction

In this study of tortious negligence, we will analyze the case of *ABC v. XYZ*, where the claimant (ABC) alleges that the defendant (XYZ) failed to adhere to applicable safety standards, resulting in a personal injury. The case is set against the backdrop of Samoa's proposed Small Boat Law, which aims to regulate the operation of small boats and ensure the safety of passengers and crew.

## Case Background

The case arose from a small boat accident, where the claimant (ABC) was injured while on a boat owned by the defendant (XYZ). The accident occurred while the boat was operating in the waters of Samoa. The claimant alleges that the defendant failed to adhere to the proposed Small Boat Law, which requires the use of safety equipment and the presence of a qualified crew member. The defendant denies the claim, arguing that the accident was caused by the claimant's own negligence.

## Tort Law Perspective

From a tort law perspective, the claimant (ABC) must establish that the defendant (XYZ) owed a duty of care, breached that duty, and caused the claimant's injury. The duty of care is a legal obligation imposed on the defendant to exercise reasonable care to avoid causing harm to the claimant. The breach of duty is a failure to meet the standard of care required by the law. The causation is the link between the breach of duty and the claimant's injury.

## Human Rights Angle

The case also raises human rights issues, particularly the right to life, liberty, and security of the person. The claimant (ABC) argues that the defendant's failure to adhere to the proposed Small Boat Law violated the claimant's right to life, liberty, and security of the person. The defendant (XYZ) denies the claim, arguing that the accident was caused by the claimant's own negligence. The court will need to determine whether the defendant's failure to adhere to the proposed Small Boat Law constituted a violation of the claimant's human rights.

# Small Boat Law

**California. Department of Boating and  
Waterways**



## **Small Boat Law:**

**To Defer Implementation of the Small Boat Inspection Law** United States. Congress. Senate. Committee on Interstate and Foreign Commerce, United States. Congress. Senate. Committee on Interstate and Foreign Commerce. Subcommittee on Merchant Marine and Fisheries, 1957      Small Boat Safety United States. Congress. House. Committee on Merchant Marine and Fisheries, 1969 Committee Serial No 90 35 Considers H R 15223 the Recreational Boat Safety Act of 1968 and two similar bills to provide Federal standards for the manufacture of boats under 16 feet in length and to assist states in carrying out boating safety programs      **Small Boat Law** Herbert L. Markow, 1977 This book written as a text for community colleges is intended as well for attorneys and marine law enforcement officers Among the topics it examines are admiralty and local jurisdiction search and seizure rescue the Federal Boating Act boat sales warranties federal boat safety standards marina and boatyard disputes maritime liens and salvage and sunken treasure      Small Boat Law Herbert L. Markow, 1984      Small Boat Towing and Safety Report California. Department of Boating and Waterways, 1987      **The Statute Law of the State of New York** New York (State), 1881      **Congressional Record** United States. Congress, 1970 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873      **Legislative, Executive, and Judicial Appropriations Bill, Hearings Before ... 63-3, on H.R. 19909** United States. Congress. Senate. Appropriations Committee, 1915  
    *Digest of the Laws of the State of New York*, 1875      **The Consolidated Laws of the State of New York:**  
**Agricultural law to Village law** New York (State)., 1909      *Journal of the Senate, Legislature of the State of California* California. Legislature. Senate, 1967      MotorBoating, 1939-07      Problems of Alaska United States. Congress. Senate. Committee on Public Works, 1970      **Library of Congress Subject Headings** Library of Congress, Library of Congress. Subject Cataloging Division, Library of Congress. Office for Subject Cataloging Policy, 2013      *Piloting, Seamanship and Small Boat Handling* Elbert S. Maloney, 1978      Library of Congress Subject Headings Library of Congress. Cataloging Policy and Support Office, 2004      **National Boating Safety Program** United States. Congress. Senate. Committee on Commerce. Merchant Marine Subcommittee, 1971      *Boating*, 1970-01      P-Z Library of Congress. Office for Subject Cataloging Policy, 1990      **Library of Congress Subject Headings: P-Z** Library of Congress. Subject Cataloging Division, 1989

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