

LAWYER'S LIABILITY IN NEGLIGENCE
TO THIRD PARTIES

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DIPLOMA IN LAW

SUBMITTED IN PARTIAL FULLFILMENT OF
THE REQUIREMENTS FOR THE
DIPLOMA IN LAW
AT THE
MARA INSTITUTE OF TECHNOLOGY
MAY 1986

PREFACE

The aim of this project paper is to fulfill one of the requirements of the Diploma In Law course at the MARA Institute of Technology, Shah Alam. It is considered as one subject by itself.

The discussion of this paper is centred primarily on decided cases mostly English cases are referred to because there are not many Malaysian case on point. But due to lack of time in which to complete this paper this discussion of lawyer's liability to the third parties is not exhaustive, there are still many areas that need to be discussed.

The writer would like to record appreciation and gratitude to Dr. Jaginder Singh, for supervising this paper, his invaluable advice and encouragement without which the ideas and contents of this paper would not have been possible.

The writer is also grateful and wish to thank her brother, En. Nasir A. Ghani for his financial assistance and support in completing this three year course. Heart felt gratitude also goes to the writers' mother, sisters and brothers who give full moral support to the writer at all times.

Finally, to all my friends who make my life at campus a happy and memorable one. Also to all the lecturers who've taught me and many thanks to them.

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CHAPTER 1

INTRODUCTION

A. RECEPTION OF ENGLISH COMMON LAW

English common law has formed part of the law in Malaysia particularly in the areas of Torts. The relevant provision for the reception of the law of England into this country is provided for under Section 3 Civil Law Act 1957 (Revised 1972) Section 3 (1) (a) states that:

Save so far as other provisions has been made or may hereafter be made by any written law in force in Malaysia, the Court shall (a) in the West Malaysia or any part thereof apply the Common Law of England and the rules of Equity as in England on the 7th day of April 1956

The date, 7th April 1956 is important because only English common law and Equity as administered on that date in England is applicable.

Under Section 3 (1) (b), the English law applicable in

Sabah is the common law of England and the rules of Equity together with statutes of general applications as