

Article Summaries

Can the Supreme Court Halt the Ongoing Expansion of Vicarious Liability? *Barclays* and *Morrison* in the UK Supreme Court

Paula Giliker

In April 2020, the UK Supreme Court delivered two companion judgments addressing the application of the relationship and connection tests for vicarious liability in *Barclays Bank plc v Various Claimants* and *Wm Morrison Supermarkets plc v Various Claimants* respectively. These are important decisions that seek to clarify the law and provide lower courts with guidance. Both decisions overturned Court of Appeal judgments that had sought to broaden the doctrine of vicarious liability to include a wider category of claims. This article examines *Barclays* and *Morrison* and questions to what extent they have been successful in bringing both greater clarity to this area of law and halting, or at least slowing down, the expansion of vicarious liability seen in UK law since 2001. Do *Barclays* and *Morrison* represent a new era for vicarious liability in tort and what, in particular, will be the impact of the suggestion in *Morrison* that claims of vicarious liability for sexual abuse require a ‘tailored’ response?

Impractical Jokers: Employers’ Liability for ‘Horseplay’

Fred Motson

Recent decisions in the High Court demonstrate a continuing trend of denying liability of employers for injuries to employees caused by the practical jokes or ‘horseplay’ of fellow workers. This article reviews the approach of the law to such claims both as a matter of vicarious liability and as a matter of employers’ primary liability. The author suggests that the ‘close connection’ test has been applied in an unnecessarily restrictive formulation regarding such claims and that despite seeming retrenchment by the Supreme Court in the wider area of vicarious liability, there is still scope for a broader approach to horseplay claims.