



Truman Bodden Law School Library

LIBRARY TIP OF THE WEEK

What is LexisNavigator?

LexisNavigator provides definitions for over 2000 key legal terms and links to content relating to that legal term. LexisNavigator is a great way to start your legal research.

- To easily access the LexisNavigator source, use the **Glossary** pod on the LexisLibrary homepage and search for a legal term, e.g., ***ex turpi causa non oritur actio***

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Glossary

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LexisNavigator

Ex turpi causa non oritur actio

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Ex turpi causa non oritur actio

A doctrine that a person will not be able to pursue a cause of action if it arises from his own illegal act.

A defendant may rely upon it to provide a defence even where he has been negligent. The doctrine is based upon public policy considerations.

Ex turpi causa non oritur actio can also be known as: Illegality defence

- ▶ Key Cases
- ▶ Key Commentary
- ▶ Precedents
- ▶ Practical Guidance
- ▶ Halsbury's Principles

- You then see the related **links** to the following contents (if available). Simply click on the **blue hyperlink** to access the related documents.

1. Key Cases

▼ Key Cases

Identified by specialist law reporters and the All England team

Gray v Thames Trains Ltd [2009] 4 All ER 81, [2009] UKHL 33, 108 BMLR 205, (2009) Times, 19 June, [2009] All ER (D) 162 (Jun)

Pitts v Hunt [1991] 1 QB 24, [1990] 3 All ER 344, [1990] 3 WLR 542, [1990] RTR 290, 134 Sol Jo 834, [1990] 27 LS Gaz R 43

Lane v Holloway [1967] 3 All ER 129, [1968] 1 QB 379

Chettiar (Palaniappa) v Arunasalam Chettiar [1962] 1 All ER 494, [1962] AC 294

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2. Key Commentary

▼ Key Commentary

Expert definitions from leading Butterworths commentaries (including Halsbury's Laws of England)

Halsbury's Laws of England

Illegality and ex turpi causa, [97](#) (5th), 467

Atkin's Court Forms

[Vol 38 \(1\) Torts Para 124](#) Illegality

3. Precedents

▼ Precedents

Hand picked by our specialist precedents teams (including Encyclopaedia of Forms and Precedents)

Atkin's Court Forms

[Vol 38 \(1\) Torts Form 129](#) DEFENCE: plea of illegality (ex turpi causa)

4. Practical Guidance

▼ Practical Guidance

Lexis®PSL practice notes selected by our expert team

See Lexis PSL Personal Injury practice notes:

[Was the claimant involved in an illegal activity?](#)

[Defences in road traffic accidents](#)

5. Halsbury's Principles

▼ Halsbury's Principles

Expert definitions from Halsbury's Laws of England

The court may refuse to entertain a claim which would be in breach of public policy, as expressed by the maxim ex turpi causa non oritur actio.

The policy is based on a group of reasons which vary in different circumstances. Thus, for example, a person participating in a criminal enterprise may be barred from recovery in respect of harm resulting directly from the illegal activity. (Examples include an accident suffered in a getaway car, and injury as a result of the encouragement of grossly dangerous motor cycling.)

The fact that the claimant is a trespasser does not bar recovery. Likewise, in the case of suicide as a result of tortiously-caused depression, the maxim would not provide a defence where there has been a breach of a duty of care. TORT 97 (5th), 467

6. Key Legislations, Key Texts, Indexes, etc.

Feel free to ask assistance from your Library Staff on how to access these resources.