

Tortious Liability under Section 420 : A Specific Study on the Liability for
Culpa Lata in Tort Law

A mental state of a tortfeasor, who commits a tortious act regarded as Culpa Lata, would be shown in the event that the tortfeasor has a wicked behaviour and dangerously performs a very perilous act without any of carefulness and consideration of damage arising from such act. As such, the law has to prevent the impact of such act to the peace and order of a society. Additionally, it would become unsatisfactory normal standard of a society causing a person considers that such wicked act is ordinary, which may cause a violence conduct in society, it is therefore prohibited by the court.

Furthermore, “Culpa Lata” is also widely used vary fields of law, i.e. civil and criminal law, as well as Tortious Liability for Officials Act 1997 (B.E. 2539). Consequently, it is very important to understand a legal issue regarding “Culpa Lata”. The study on the definition and criteria of “Culpa Lata” is required for precise law implementation of Culpa Lata.

This thesis aims to study Culpa Lata in Tort Law by collecting and researching information regarding evolution and a definition of Culpa Lata, as well as both Thai and foreign court’s decisions to be guidance for analyzing Culpa Lata. The rule concerning Culpa Lata provided in Thai and foreign court’s decision would be compared for better and clearer understanding of historic background, characteristics, criteria of Culpa Lata in Tort Law, a level of carefulness of Culpa Lata, and distinction between “Culpa Lata as well as intentional act” and “Culpa Lata as well as Culpa”.