This chapter discusses the duties of care that arise where the claimant has suffered some kind of personal injury—principally cases of bodily injury and psychiatric illness. The law imposes a wide duty with respect to persons who are physically proximate and vulnerable to injury. The law also imposes a wide duty of care upon persons who imperil others’ physical safety and cause them, as persons in the ‘zone of danger’, to suffer psychiatric illness. By contrast, the law has imposed certain ‘control mechanisms’ on the duty of care as it applies to secondary victims (who were outside the zone of danger but have suffered psychiatric injury). These mechanisms involve stringent types of proximity (as to relationships, presence, and sensory experience).
3. Duty of care II: bodily injury and psychiatric illness

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.