This chapter explains what happens when a public body owes a private law duty of care to an individual who claims against it in negligence. It remains the case that public bodies will be liable where the negligent exercise of their powers makes a situation worse than it already was. The discussions cover the general exclusionary rule; the current state of the law; the background to D v East Berkshire [2005]; rules for claims brought against the emergency services (including the police) and armed forces; other types of public body; and new types of claims: education-based claims and ‘social’ claims.
6. Special duty problems: public bodies