This chapter discusses the final 'hurdle' for the claimant to overcome in the tort of negligence—causation. The claimant must prove that their injuries were caused by the defendant’s actions in both fact and law. To establish cause in fact, the claimant must show, on the balance of probabilities, that the defendant’s breach caused their harm. Tests for cause in law encompass a remoteness test (which involves establishing whether the damage that occurred was foreseeable to the defendant at the time of the negligence). It is the type of harm that must be foreseeable, not its extent. The last part of the test is to ask whether any intervening acts (acts that occurred after the defendant’s breach) broke the chain of causation. If so, the defendant will not be liable.

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.
9. Causation and remoteness of damage

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.