2. Duty of care: basic principles

This chapter sets out the basic principles of negligence. Duty is one element in the tort of negligence, for it must be shown that not only was the defendant under a duty towards the claimant to be careful, but also that he failed to achieve the required standard of care and that that failure caused the damage, and finally that the damage was not too remote a consequence of the act. Duty is about relationships, and it must be shown that the particular defendant stood in the required relationship to the claimant such that he came under an obligation to use care towards him. This relationship is sometimes referred to as ‘proximity’. The chapter presents cases to illustrate the meaning of proximity. It also discusses the unforeseeable claimant problem and policy factors.
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