4. Special duty problems: psychiatric harm

Kidner's Casebook on Torts (15th edn)
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Publisher: Oxford University Press  Print Publication Date: Jul 2019
Print ISBN-13: 9780198830887  Published online: Sep 2019
DOI: 10.1093/he/9780198830887.001.0001
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DOI: 10.1093/he/9780198830887.003.0004

This chapter discusses the ‘special duty issue’ that arises when a person has suffered psychiatric harm as a result of the defendant’s negligence. This issue has an interesting history, for it was thought at first that a claimant could only succeed if he or she was within the range of physical impact. In other words, only the ‘primary’ victim could sue. Liability was later extended to secondary victims; that is, where the claimant was not at risk of physical injury, but saw or heard the accident which caused the shock with his or her own unaided senses.

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