This chapter discusses areas in which the existence of a duty of care is problematic, particularly raising policy reasons for not imposing negligence liability in certain situations. Duty of care is often absent in the case of omissions, that is, when damage resulted from the defendant’s lack of action, rather than directly from a positive act. When the defendant is a public body, concern about operational discretion and financial implications may make it undesirable to impose a duty of care. There is a focus on negligence claims against the police. Duties to the unborn child are included.
3. Duty of care: further issues

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