This chapter discusses the law on causation in fact. This is a matter of historical fact and can be addressed initially by the ‘but-for’ test. However, the but-for test is inadequate to establish causation in a number of different situations: unknown causes, cumulative causes, and consecutive causes and those in which the test produces an illogical or unjust outcome. It is an area in which recent policy-driven decisions have revived the approach of ‘material increase in risk’, as in the asbestos case of Fairchild v Glenhaven. Allocation of liability has been addressed in the Compensation Act 2006, s 3.
7. Causation in fact

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.