Without assuming prior legal knowledge, books in the Directions series introduce and guide readers through key points of law and legal debate. Questions, diagrams, and exercises help readers to engage fully with each subject and check their understanding as they progress. Negligence is a tort in its own right and involves an unintentional wrong as opposed to trespass which involves an intentional wrong. It has three main elements: duty of care (whether the defendant owes the claimant a duty of care), breach (whether the defendant has breached that duty), and damage (whether that breach has caused damage of a legally recognized kind to the claimant). Duty of care is determined by proximity, foreseeability, and policy and is most likely to be established in cases of positive acts which cause physical injury or property damage. This chapter provides an overview of the history of negligence and discusses the function of duty of care in negligence. It also considers the way duty of care has been defined and developed and applies the principles of duty of care in the areas of omissions and liability of public bodies.
2. Negligence: duty of care

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.

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.