

The 'Remoteness' Rules.
(legal causation)

Purpose of 'Remoteness' Rules.
How much of C's damage should the D be responsible for? Where C's damage/injury is too remote from the D's negligence. Avoid the unfair imposition of liability

What May Break the Chain of Causation: <i>C's Loss is Too Remote = D not responsible</i>			
<p align="center">(1) Act of '3rd party':</p> <p>Courts unwilling to hold D responsible for act of 3rd party (who took advantage of D's negligence to commit tort) <i>Lamb v Camden</i> <i>Knightly v Johns</i></p>	<p align="center">(2) Act of the claimant:</p> <table border="0"> <tr> <td> <p>Act is Reasonable: Will not break <i>Wieland v Cyril Lord Carpets</i> <i>Emeh v Kensington & Chelsea</i></p> <p>Unreasonable but not bad enough = contributory neg. <i>Spencer v Wincanton Holdings</i></p> <p>Unreasonable Act = will break chain – no liability. <i>McKew v H&H&C</i> <i>Reeves v Met Police</i></p> </td> <td> <p>C's mental stability - affected directly by the tort</p> <p>Subsequent activity by C will be judged by more generous standards of 'foreseeability' <i>Meah v McCreamer</i> <i>Meah v McCreamer (No2).</i> <i>Gray v Thames Trains</i> <i>Corr v IBC Vehicles Ltd</i></p> </td> </tr> </table>	<p>Act is Reasonable: Will not break <i>Wieland v Cyril Lord Carpets</i> <i>Emeh v Kensington & Chelsea</i></p> <p>Unreasonable but not bad enough = contributory neg. <i>Spencer v Wincanton Holdings</i></p> <p>Unreasonable Act = will break chain – no liability. <i>McKew v H&H&C</i> <i>Reeves v Met Police</i></p>	<p>C's mental stability - affected directly by the tort</p> <p>Subsequent activity by C will be judged by more generous standards of 'foreseeability' <i>Meah v McCreamer</i> <i>Meah v McCreamer (No2).</i> <i>Gray v Thames Trains</i> <i>Corr v IBC Vehicles Ltd</i></p>
<p>Act is Reasonable: Will not break <i>Wieland v Cyril Lord Carpets</i> <i>Emeh v Kensington & Chelsea</i></p> <p>Unreasonable but not bad enough = contributory neg. <i>Spencer v Wincanton Holdings</i></p> <p>Unreasonable Act = will break chain – no liability. <i>McKew v H&H&C</i> <i>Reeves v Met Police</i></p>	<p>C's mental stability - affected directly by the tort</p> <p>Subsequent activity by C will be judged by more generous standards of 'foreseeability' <i>Meah v McCreamer</i> <i>Meah v McCreamer (No2).</i> <i>Gray v Thames Trains</i> <i>Corr v IBC Vehicles Ltd</i></p>		

Test: Harm – Must be Reasonably Foreseeable of the kind of Harm Suffered? <i>(Wagon Mound)</i>				
What is a foreseeable type of Harm?				
Pure economic loss.	<table border="0"> <tr> <td>physical harm <i>courts tend to be generous with personal injury.</i></td> <td>psychological harm.</td> <td>property damage - <i>The Wagon Mound (1)</i></td> </tr> </table>	physical harm <i>courts tend to be generous with personal injury.</i>	psychological harm.	property damage - <i>The Wagon Mound (1)</i>
physical harm <i>courts tend to be generous with personal injury.</i>	psychological harm.	property damage - <i>The Wagon Mound (1)</i>		
<p>If harm was foreseeable - sequence of events by which it was caused – immaterial type of harm which is important – not the way it occurs. <i>Hughes v Lord Advocate</i> <i>Jolley v Sutton LBC</i> <i>Doughty v Turner Manufacturing Co</i></p>				

Problematic Rule – Too General:
which means that judges/court can use it to back up their own beliefs
Smith v Leech Brain