

Negligence

Law

The four elements a claimant must establish.

The elements in order.

1

Duty of care

Did the defendant owe this claimant a duty?

2

Breach

Did they fall below the standard of the reasonable person?

3

Factual causation

But for the breach, would the harm have occurred?

4

Legal causation

Is the harm too remote, or was the chain broken?

5

Damage

Was recognised loss actually suffered?

Educational reference. Establishing four separate elements is why most negligence claims fail on one specific point.