

Psychiatric Injury

Law

Why claims for psychological harm face additional restrictions.

Primary victim

- Within the zone of physical danger
- Ordinary duty principles apply
- Physical injury need not occur
- Foreseeability of physical harm suffices

Secondary victim

- Witnessed harm to another
- Close tie of love and affection required
- Proximity in time and space
- Perceived by their own senses
- Recognised psychiatric illness required

THE DIFFERENCE THAT MATTERS

The restrictions on secondary victims exist to limit an otherwise indeterminate class of claimants.

Educational reference. Grief and distress are not compensable; a diagnosed psychiatric illness is required.