

Name: _____

10 mark test - The tort of negligence: claiming for psychiatric harm ('nervous shock')

1. The claimants in the two early landmarks of psychiatric harm – *Dulieu v White* (1901) and *Hambrook v Stokes* (1925) – were both successful but their reasons for suffering were different. Explain.
2. Q.1 above highlights a distinction between claimants. What names have been given to the two main categories of claimants?
3. Which case illustrates the point that bystanders will not generally be able to claim for psychiatric harm?
4. The cases of *Alcock v Chief Constable of South Yorkshire* (1992) and *White v Chief Constable of South Yorkshire* (1998) followed which shocking incident?
5. List the three *Alcock* criteria and identify the category of claimant to which they apply.
6. In what circumstances will a rescuer be able to claim for psychiatric injury?
7. Why might the cases of *Sion v Hampstead HA*, 1994, and *Walters v North Glamorgan NHS Trust*, 2002, be compared and contrasted?
8. On which of the *Alcock* criteria do the cases of *McLoughlin v O'Brian* (1983) and *Galli-Atkinson v Seghal* (2003) provide guidance?
9. Name a case that can be cited to illustrate the point that psychiatric injury has to be a medically recognised harm rather than ordinary grief, distress, shock or anxiety?
10. The rules of ordinary negligence underpin liability for psychiatric harm. True or false?