

NOVUS ACTUS INTERVENIENS: THE INTERPLAY BETWEEN INTENTION, CONSEQUENCES, AND LIABILITY IN TORT LAW

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ABSTRACT

The concept of Novus actus interveniens, also known as the intervening act, is a fundamental principle in tort law that deals with situations where a third party's actions occur between the defendant's wrongful behavior and the resulting harm. This concept is crucial in determining the defendant's liability and the extent to which they should be held responsible for the outcomes of their actions. The article's objective is to thoroughly explore and analyze the legal principles pertaining to Novus actus interveniens in tort law, with a specific focus on its application and implications in various scenarios. By conducting a comprehensive examination of relevant case law and legal principles, the study aims to identify the factors that courts consider when determining whether an intervening act breaks the chain of causation, thereby relieving the defendant of liability, or if the defendant's original conduct remains a significant and operative cause of the harm. Moreover, the article intends to critically evaluate the effectiveness of the existing legal framework in addressing complex situations where multiple factors contribute to the harm suffered by the plaintiff. By gaining a deep and comprehensive understanding of Novus actus interveniens, the study seeks to provide valuable insights and potential recommendations for legal practitioners, judges, and policymakers to ensure a fair and equitable application of the law in tort cases involving intervening acts.

Keywords: Novus Actus Interveniens, Causation, Tort Law, Intervening Acts.

INTRODUCTION

In the realm of tort law, a defendant can be held accountable if they violate a legal obligation and infringe upon a recognized legal right of the plaintiff, resulting in foreseeable harm. In criminal law, the accused's intention, known as mens rea or guilty mind, holds significant importance. However, a dilemma arises when the consequences of an action deviate from the

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intended outcome. Can the person still be held responsible for the intended act, or does liability hinge on the actual outcome?

When the consequences of an action deviate from the intended outcome, the principle of causation becomes crucial in determining the defendant's liability. Causation involves examining the connection between the defendant's actions and the resulting harm to establish whether there is a direct link.

In the given scenario, individual X intended to commit the crime of kidnapping by using sleeping pills on person Y. However, an unforeseen and intervening act occurred when X unknowingly consumed poisoned food, resulting in Y's immediate death. This raises the question: should X be held responsible for the murder, and attempted kidnapping, or not be held liable at all?

To determine X's liability, the concept of causation needs to be analyzed. The main consideration is whether X's actions were the factual cause and the legal cause of Y's death. Factual causation requires demonstrating that the harm would not have occurred "but for" X's actions. In this case, X lacing Y's water with sleeping pills was a significant factor in the chain of events leading to Y's death¹.

However, legal causation, also known as proximate causation, examines whether it is fair and just to hold X legally responsible for the outcome. The involvement of a third party, the individual who poisoned the food, complicates the analysis. The court would need to assess the foreseeability of such an intervening act and its impact on X's liability.

Ultimately, X's liability would depend on the application of the principles of causation, foreseeability, and the court's evaluation of legal causation. The court would assess the extent to which X's intended act contributed to Y's harm and consider whether it is reasonable to attribute the outcome to X's original conduct, despite the intervening act.

¹ Akshita Jain, Chain of causation needs to be broken for proving innocence vis-a-vis novus actus interveniens (2021), <https://blog.ipleaders.in/chain-causation-needs-broken-proving-innocence-vis-vis-novus-actus-interveniens/>

DOCTRINE OF CAUSATION

The doctrine of causation is a fundamental principle in legal systems, serving as a cornerstone in various areas of law, including tort law and criminal law. It deals with the determination of causality between the defendant's actions and the resulting harm or injury.

In essence, the doctrine of causation seeks to establish a connection between the defendant's conduct and the harm suffered by the plaintiff or the consequences of a criminal act. It aims to answer the fundamental question of whether the defendant's actions were the cause in fact and the legal cause of the harm.²

The concept of causation consists of two elements: factual causation and legal causation. Factual causation, also known as the "but-for" test, examines whether the harm would not have occurred "but for" the defendant's actions. It asks whether the harm would have happened regardless of the defendant's conduct.

Legal causation, also referred to as proximate causation, goes beyond mere factual causation. It focuses on the foreseeability and directness of the consequences resulting from the defendant's actions. It assesses whether it is fair and just to hold the defendant legally responsible for the harm, considering intervening acts or events that may have contributed to the outcome.

Courts often analyse causation by evaluating the sequence of events, the foreseeability of the harm, and any intervening acts that may have occurred. The determination of causation requires a careful examination of the facts, evidence, and legal principles applicable to the specific case.

Overall, the doctrine of causation plays a crucial role in establishing liability and attributing legal responsibility to the party whose actions directly caused harm or injury. It serves as a guiding principle in determining the causal link between the defendant's conduct and the resulting consequences, ensuring a fair and just application of the law.

FACTUAL CAUSATION & LEGAL CAUSATION

Factual causation, also known as the "but-for" test, is a crucial element of the doctrine of causation in legal systems. It aims to determine whether the harm suffered by the plaintiff

² W. Page Keeton, Causation, 28 S. TEX. L. REV. 231 (1986).

would not have occurred "but for" the defendant's actions. In other words, it assesses whether the defendant's conduct was a necessary condition for the harm to occur.

To establish factual causation, the **'But for'** test must be applied and pass the test by which the defendant can be made liable. In simple terms, but the test means that if the defendant had not performed an act, then the plaintiff would not have suffered harm by any means at all. To prove factual causation, it necessarily needs to be proved that the defendant's action was a necessary condition for the consequences faced by the plaintiff.

In the case of *R v. White*³, the defendant tried to kill his mother by putting bane in her drink. His mother failed shortly subsequently from a heart attack. The bane had not taken effect and thus he was not liable or shamefaced of murder. The mother's death still would have passed without the defendant's conduct.

He was held liable for an attempt to murder. So, but for applicability, while trying to poison his mother, she still would have died. Then the defendant was not the factual cause.

In another case *R v. Pagett*⁴, the defendant shot at the police, and when the police fired back at him, he used his girlfriend as a mortal guard. His girlfriend was killed by the shots fired by the police, but he was condemned for manslaughter. The court said that but for the defendant's conduct (using his girlfriend as a human shield) she wouldn't have died. Then the defendant was the factual cause.

In the case of *Barnett v. Chelsea & Kensington Hospital Management Committee*⁵, three men visited a hospital complaining of symptoms such as vomiting and stomach pain after drinking tea. The doctor, mistakenly diagnosing them with gastroenteritis, sent them home. Later that night, one of the men died from arsenic poisoning. The court held that even if the doctor had correctly diagnosed the poisoning, the outcome would have been the same. Therefore, the doctor's negligence in failing to diagnose the poisoning was not the factual cause of the man's death.

The case of *Cork v. Kirby MacLean Ltd*⁶ involved an employee, Cork, who was injured while operating a defective machine at work. The court ruled that the employer's failure to provide

³ *R v. White*, (1999) 2 SCR 417.

⁴ *R v. Pagett*, (1983) 76 Cr App R 279.

⁵ *Barnett v. Chelsea & Kensington Hospital Management Committee*, [1968] 2 WLR 422; [1969] 1 QB 428.

⁶ *Cork v. Kirby MacLean Ltd*, [1952] 2 All ER 402.

proper safety measures and repair the machine was the factual cause of Cork's injury. The harm would not have occurred if the employer had taken reasonable steps to ensure the machine's safety.

These cases highlight the significance of factual causation in determining liability. The "but-for" test helps establish a causal connection between the defendant's actions and the harm suffered by the plaintiff. If it can be shown that the harm would not have occurred in the absence of the defendant's conduct, factual causation is established.

It is important to note that factual causation may sometimes involve complex scenarios with multiple factors contributing to the harm. Courts carefully assess the evidence and apply the "but-for" test to determine whether the defendant's actions were a substantial and operative cause of the harm.



Once factual causation has been proved, also we've to prove legal causation. It asks 'Whether the defendant's act was the 'operative' and 'substantial' cause (Was it the main cause or the real cause) of death?

Legal causation, also known as proximate causation, is an essential component of the doctrine of causation in legal systems. It focuses on assessing whether it is fair and just to hold the defendant legally responsible for the consequences of their actions. Legal causation involves considering the foreseeability and directness of the harm suffered by the plaintiff.

In the *Wagon Mound Case*⁷, oil negligently spilled into a harbour, creating a risk of fire. The defendant failed to take reasonable steps to prevent the fire, and it eventually occurred due to a different, unforeseeable cause. The court held that the defendant's negligence was not the legal cause of the fire because the harm suffered was not reasonably foreseeable. The concept of legal causation in this case emphasized the importance of foreseeability in determining liability.⁸

In the case of *Overseas Tankship (UK) Ltd v. Miller Steamship Co.*⁹, a ship negligently discharged oil into a harbour, and a fire broke out due to welding works nearby. The court held

⁷ Wagon Mound Case (No 1), [1961] AC 388

⁸ M. A. Millner, *Novus Actus Interveniens: The Present Effect of Wagon Mound*, 22 N. IR. LEGAL Q. 168 (1971).

⁹ *Overseas Tankship (UK) Ltd v. Miller Steamship Co.*, [1966] UKPC 10; [1967] AC 617; [1967] 2 All ER 709

that the defendant's negligence was the legal cause of the fire. Although the exact manner in which the fire occurred was not reasonably foreseeable, the general risk of fire was foreseeable. The concept of legal causation, in this case, emphasized the need to consider the scope of the risk created by the defendant's actions.

These cases highlight the significance of legal causation in determining liability. It goes beyond factual causation and involves evaluating whether the harm suffered by the plaintiff was a reasonably foreseeable consequence of the defendant's actions. The courts carefully consider the relationship between the defendant's conduct and the resulting harm to determine if holding the defendant legally responsible is fair and just.

Legal causation ensures that liability is not extended to unforeseeable or remote consequences and focuses on the directness and foreseeability of the harm caused by the defendant's actions. It aims to strike a balance between accountability and fairness when assigning legal responsibility. Another aspect to consider is the concept of "Novus Actus Interveniens," which refers to the effects that can break the chain of causation¹⁰.

When analysing the elements of legal causation, our goal is threefold. Firstly, we must establish that there has been a break in the causal connection between the defendant's act and the plaintiff's injury. Secondly, we need to identify and examine the specific act that has caused this break in the chain of causation. Lastly, we must demonstrate that the aforementioned act, which disrupted the causal link, is a factual contributor to the harm suffered by the aggrieved party.

In summary, legal causation requires us to assess whether the defendant's actions directly and foreseeably led to the harm suffered by the plaintiff. If there is a break in the chain of causation caused by an intervening act, it becomes crucial to evaluate the effects of that act and its factual contribution to the plaintiff's detriment. This analysis is essential for accurately determining liability and ensuring a fair and just legal outcome.

¹⁰ Casson, D. B., Foreseeable Act as Novus Actus Interveniens. *The Modern Law Review*, 33(4), 450–453.

<http://www.jstor.org/stable/1094303>

ILLUSTRATION TO UNDERSTAND THE DOCTRINE OF CAUSATION

Now that we have dealt with the doctrine of causation, let us understand with the help of an illustration how this doctrine can be applied in a practical sense

Let's consider a scenario where Person A is driving under the influence of alcohol and runs a red light, resulting in a collision with Person B's car at an intersection. Person B suffers injuries that require medical treatment.

To determine Person A's liability, the doctrine of causation comes into play. Initially, factual causation is examined using the "but-for" test. This test asks whether Person B's harm would have occurred "but for" Person A's drunk driving and running the red light. It is clear that without Person A's reckless actions, the accident and harm to Person B would not have happened, establishing factual causation.¹¹

However, legal causation, including the concept of *Novus actus interveniens*, must also be considered. *Novus actus interveniens* refers to an intervening act or event that breaks the chain of causation between the defendant's actions and the plaintiff's harm.

For example, if it is discovered that Person B's car had faulty brakes, contributing to the severity of the collision and resulting injuries, the faulty brakes may be seen as a *Novus actus interveniens*. This intervening act could affect the analysis of legal causation, as it introduces a new factor that contributes to Person B's harm.

Ultimately, the court would assess the significance of the *Novus actus interveniens* in relation to Person A's initial actions. If the faulty brakes were not reasonably foreseeable or independent of Person A's drunk driving, they might be considered a separate cause that breaks the chain of causation. However, if the faulty brakes were a foreseeable consequence of the collision or did not significantly contribute to the harm, Person A may still be held liable.

This illustration demonstrates how the doctrine of causation, along with the concept of *Novus actus interveniens*, is utilized to determine liability by examining the connection between the

¹¹Alan Brudner, *Owning Outcomes: On Intervening Cause, Thin Skulls, and Fault-Undifferentiated Crimes*, 11 *CAN J. L. AND JURISPRUDENCE* 89 (1998).

defendant's actions and the harm suffered by the plaintiff. It underscores the importance of analysing intervening acts or events that could impact the causal link.

NOVUS ACTUS INTERVENIENS

Novus actus interveniens is a Latin apothegm for a new intervening act. In the Law of Delict, 6th edition, Neethling states that a Novus actus interveniens is an independent event which, after the malefactor's act has been concluded either caused or contributed to the consequence concerned. Novus actus interveniens break the unproductive chain between the original wrongdoer's reaction and the liability that is imputed on him as a result thereof. The act could be a victim's act or the act of a third party or an act of God.¹²

A demand for an act or omission committed after the original malefactor's act to constitute a Novus Actus Interveniens is that the second act wasn't nicely foreseeable. However, it is not considered to be an act of Novus Actus interveniens, if the posterior event was foreseeable at the time of the original unlawful act.

An intervening act can take various forms, such as the actions of a third party, an unforeseeable event, or the conduct of the victim themselves. For example, if an individual injures someone in a car accident, but a medical error during treatment exacerbates the harm, the medical error may be considered an intervening act.

The impact of a Novus actus interveniens on liability depends on several factors, including foreseeability, causation, and proximity. Courts examine whether the intervening act was reasonably foreseeable or independent of the defendant's actions.¹³ They also assess the causal connection between the defendant's initial act and the harm, as well as the proximity of the intervening act to the harm suffered.

Determining the effect of a Novus actus interveniens can be complex, and courts carefully analyse the circumstances of each case to ascertain its significance. In some instances, the intervening act may break the chain of causation, absolving the defendant of liability. In other cases, the defendant's initial act may still be considered a substantial cause of the harm, leading to continued liability.

¹² Hogan Lovells Publications, Novus actus interveniens (2017), <https://www.hoganlovells.com/en/publications/novus-actus-interveniens>.

¹³ P. Q. R. Boberg, Reflections on the Novus Actus Interveniens Concept, 76 S. AFRICAN L.J. 280 (1959).

In the case *Weld Blundell v. Stephens*¹⁴, the complainant employed the replier, a chartered accountant to probe the affairs of a company. He gave written instructions which contained the matter which was scandalous of two officers of the company. Respondent passed these instructions to his mate, who carelessly left them at the bottom of the company's office. The company's manager found them and communicated the contents to the officials who also recovered damages for the calumny from the complainant.

In the instant action, the complainant could recover nominal damages only. He couldn't recover upon the base of reprisal for his factual loss in the calumny action because the director's action was the voluntary act of a free agent over whom the complainant had no control for whose conduct he was not answerable.

To determine whether or not a circumstance or act will carry the legal weight of *Novus actus interveniens*, it must naturally be moreover:

- A. A mortal action that is duly to be regarded as voluntary; or
- B. A causally independent event, the confluence of which with the unlawful act or omission is by ordinary circumstances so extremely unlikely as to be nominated a co-existence.

The authority for this test is *Haber v Walker*¹⁵. The below two points act as a precedent to know whether a particular case is entitled to *Novus actus interveniens* or not.

An illustration of a voluntary mortal action that could break the chain of causation for negligence may be where a complainant who has suffered a minor leg injury due to the defendant's negligence decides to jump off a roof breaking their leg. Also, the voluntary mortal action of the complainant would break off the connection between the defendant's conduct and the detriment now suffered. Voluntary mortal action by a third party could also break the chain of causation.

An illustration of a causally independent event is if the claimant with a minor leg injury were shot in the leg by a third party, that would also discontinue the connection between the defendant's conduct and the detriment now suffered.

¹⁴ *Weld Blundell v. Stephens*, [1920] UKHL 646; 58 SLR 646.

¹⁵ *Haber v. Walker*, [1963] VR 339.

EXCEPTIONS TO NOVUS ACTUS INTERVENIENS

Novus actus interveniens, or an intervening act is a legal concept that can break the chain of causation between the defendant's initial wrongful act and the resulting harm. However, there are certain exceptions to Novus actus interveniens, where the defendant can still be held liable despite the presence of an intervening act. These exceptions recognize situations where the defendant's original act remains a significant and operative cause of the harm. Let's explore some of these exceptions along with relevant case law:

1. Thin Skull Rule: Under this exception, the defendant is held liable for the full extent of the harm, even if the victim had a pre-existing condition that made them more vulnerable to injury.

Case Law: In the case of *Smith v. Leech Brain & Co. Ltd*¹⁶, the plaintiff had a pre-existing condition, a small benign tumour, on his lip. The defendant's negligence caused a splatter of molten metal to come into contact with the plaintiff's lip, leading to a burn and the subsequent development of cancer. The court held that the defendant was liable for the full extent of the harm suffered by the plaintiff, despite the presence of the pre-existing condition.

2. The Eggshell Skull Rule: This exception states that the defendant is responsible for all the harm caused, even if it is more severe than expected due to the victim's unique susceptibility or fragility.

Case Law: In the case of *Dulieu v. White & Sons*¹⁷, the defendant's negligence caused a horse-drawn carriage to collide with the plaintiff, who was pregnant. As a result, the plaintiff suffered a nervous shock that led to her premature delivery. The court held that the defendant was liable for the harm caused, including the premature delivery, despite it being more severe due to the plaintiff's pregnancy.

3. Rescuers: This exception applies when a third party intervenes to rescue or assist the victim, and the defendant is still held responsible for any further harm caused during the rescue.

Case Law: In *Baker v. Willoughby*¹⁸, the defendant's negligence caused injuries to the plaintiff's leg. While the plaintiff was recovering, he was involved in a separate accident caused by a third party, which worsened his leg condition. The House of Lords held that the defendant

¹⁶ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 QB 405.

¹⁷ *Dulieu v. White & Sons Ltd.*, [1901] 2 KB 669.

¹⁸ *Baker v. Willoughby* [1970] AC 467

remained liable for the ongoing harm caused by the initial injury, despite the intervening act of the third party.

4. Subsequent Medical Treatment: When the defendant's initial act requires medical treatment and further harm is caused by negligent or wrongful medical care, the defendant can still be held liable.

Case Law: In *Barnett v. Chelsea & Kensington Hospital Management Committee*¹⁹, the plaintiff consumed tea laced with arsenic. He felt unwell and went to a hospital, but the hospital staff failed to diagnose and treat him properly.

The court held that the defendant who poisoned the plaintiff was liable for the harm caused by both the poisoning and the subsequent negligent medical treatment.

These exceptions illustrate that *Novus actus interveniens* may not absolve the defendant from liability in certain circumstances. The key is to assess whether the defendant's initial act remains a substantial and operative cause of the harm, despite the presence of an intervening act. Each case is evaluated on its merits, considering the specific facts and legal principles involved, to ensure a fair and just outcome.

APPLICATION OF INTERVENING ACTS TO MEDICAL NEGLIGENCE CLAIMS

The application of 'Novus Actus Interveniens' has become a wide usage for all kinds of negligence, especially pertaining to medical negligence.

In the context of medical negligence in tort law, the doctrine of *Novus actus interveniens*, or intervening act, can play a significant role in determining the liability of healthcare professionals. *Novus Actus Interveniens* refers to an intervening act or event that occurs after the defendant's initial negligent act and contributes to the harm suffered by the patient. It raises the question of whether the defendant should be held responsible for the harm caused by the intervening act or if their liability is absolved.²⁰

¹⁹ *Supra* 6.

²⁰ James Grant, *The Permissive Similarity of Legal Causation by Adequate Cause and Nova Causa Interveniens*, 122 S. AFRICAN L.J. 896 (2005).

When it comes to medical negligence cases, there are several scenarios where *Novus actus interveniens* may be invoked as a defence by healthcare professionals. Some common examples include:

1. **Subsequent Medical Treatment:** If a patient receives further medical treatment from another healthcare provider, and that treatment worsens their condition or causes additional harm, the defendant may argue that the subsequent medical treatment constitutes an intervening act that breaks the chain of causation.
2. **Patient's Own Actions:** If the patient fails to follow the prescribed treatment plan, disregards medical advice, or engages in behaviour that exacerbates their condition, the defendant may argue that the patient's actions constitute an intervening act that relieves them of liability.
3. **Pre-existing Conditions:** If the patient has pre-existing health conditions that contribute to the harm suffered, the defendant may argue that the pre-existing condition constitutes an intervening act that breaks the chain of causation.
4. **Contributory Negligence:** If the patient's own negligence contributes to the harm suffered, the defendant may argue that the patient's actions constitute an intervening act that diminishes or eliminates their liability.

It is important to note that the application of *Novus actus interveniens* in medical negligence cases is fact-specific and requires a careful analysis of the circumstances. Courts consider factors such as foreseeability, causation, and the extent to which the defendant's initial negligence remains a substantial cause of the harm.

It is worth mentioning a relevant case law in this context. In *Wilsher v. Essex Area Health Authority*²¹, the House of Lords addressed the issue of *Novus actus interveniens* in medical negligence. The case involved a prematurely born baby who suffered from retrolental fibroplasia (RLF), resulting in visual impairment. The plaintiff alleged negligence on the part of the defendant hospital in providing oxygen therapy to the baby. The court held that the subsequent development of RLF was not caused by the defendant's negligence but by other independent factors, including the immaturity of the baby's lungs and other unidentified causes.

²¹ *Wilsher v. Essex Area Health Authority*, [1988] AC 1074.

The court concluded that the defendant's negligence was not a substantial cause of the harm suffered, and therefore, *Novus actus interveniens* applied, relieving the defendant of liability.

In the case, *MEC Health, Eastern Cape v. Mkhitha*²², the plaintiff suffered injuries in an automobile collision in June 2011. She was admitted into the Nelson Mandela Academic Hospital to the Bedford Orthopaedic Hospital (BOH) to undergo surgery for her injuries however there was a 'dereliction of duty on the part of the hospital staff as they didn't perform the specified X-rays of the patient's leg, which is why her right femur couldn't heal properly.

The plaintiff brought a suit against both the RAF (Road Accident Fund) and therefore the hospital for damage suffered by her. After contentions were raised by each side, the court reached the choice that, although it had been the actions of RAF's insured driver that cause the initiation of the injury suffered by her but the negligence of the hospital in providing inapt medical care wasn't something that would be anticipated by the RAF nor it couldn't be termed as an 'independent intervening act' because it did disrupt the chain of causes that altered the liability of the RAF significantly.

CASE STUDY

In the case of *Jasbir Kaur v. State of Haryana*²³, The Supreme Court dealt with the doctrine of causation in a case involving medical negligence resulting in the death of a patient. The court held that to establish liability, it is necessary to prove that the negligent act of the medical professional was the direct and proximate cause of the patient's death. The court emphasized the need to establish a clear causal link between negligence and the harm suffered by the patient.

The Supreme Court analysed the principle of causation to determine the liability of the hospital and its medical professionals. The court emphasized that to establish liability, it is essential to establish a direct and proximate causal connection between the negligent act and the resulting harm.

The court held that the doctrine of causation requires the plaintiff to prove that the medical professional's negligence was the cause in fact and the proximate cause of the patient's death.

²² *MEC Health, Eastern Cape v. Mkhitha*, [2016] ZASCA 176.

²³ *Jasbir Kaur v. State of Haryana*, (2003) 7 SCC 484.

It was not sufficient to demonstrate a mere possibility of negligence; there needed to be a clear and direct link between the negligent act and the harm suffered.

In this case, the court examined the medical records, expert opinions, and other evidence to ascertain whether the negligence of the hospital and its staff was the direct cause of Jasbir Kaur's death. The court evaluated whether the medical professionals had adhered to the standard of care expected in similar circumstances and whether any deviation from that standard led to the fatal outcome.

Ultimately, the court concluded that the negligence of the hospital and its staff was indeed the direct cause of Jasbir Kaur's death. It held the defendants liable for medical negligence and awarded compensation to the victim's family.

In summary, the doctrine of Novus Actus Interveniens in medical negligence cases involves assessing whether an intervening act or event breaks the chain of causation between the defendant's negligence and the harm suffered by the patient. It is a complex area of law where each case is evaluated on its own merits, considering the specific facts and legal principles, to determine the extent of the defendant's liability.

SIGNIFICANCE & RELEVANCE IN LAW

Novus actus interveniens, which translates to "new intervening act" in Latin, holds significant importance in the realm of law, particularly in tort law and criminal law. It refers to an act or event that occurs after the initial action of the defendant and has the potential to disrupt the chain of causation or impact the defendant's liability.

The defence is a crucial link in establishing factual and legal causation. There has been a development in its usage as per the evolution of case precedents concerning it. aside from being pleaded as a defence by the defendant, the term also allows the plaintiff to bring a subsequent/second explanation for action against the party that commits the intervening act that leads to an aggravation of his/her injury/damage.

In tort law, Novus actus interveniens plays a vital role in determining the defendant's liability for the harm suffered by the plaintiff. It acknowledges that there may be external factors or unforeseeable events that contribute to the harm and should be taken into consideration when assigning legal responsibility. Its purpose is to ensure fairness and equity by assessing whether

the defendant's original conduct remains a significant and operative cause of the harm, or if an intervening act has interrupted the causal connection.

Similarly, in criminal law, *Novus actus interveniens* carries significance in establishing the accused's liability for a crime. It deals with situations where an unexpected and intervening act takes place between the actions of the accused and the resulting harm or outcome. The principle of legal causation, including *Novus actus interveniens*, aids in determining whether it is just and reasonable to hold the accused accountable for the consequences of their actions, considering the directness and foreseeability of the harm caused.

The significance of *Novus actus interveniens* lies in its role of preventing unlimited liability and ensuring that individuals are not unjustly held responsible for harm that they did not directly cause or that arose from unforeseeable circumstances. It acknowledges the presence of intervening factors or acts that break the causal chain and influence the legal assessment and determination of liability.

In summary, *Novus actus interveniens* is an important legal principle applied in various areas of law. It enables a nuanced examination of causation, liability, and fairness within legal proceedings. By considering the complex interplay of events and factors that contribute to the final outcome, its application helps ensure that legal responsibility is allocated appropriately.

