

The presence of a pre-tort relationship is, we suggest, the best explanation for cases which appear to allow recovery for shock induced by damage to the property of the claimant which, when considered alongside *Alcock* and other decisions disallowing the claims of relatives of the victims of accidents, are otherwise difficult to explain. For example, in *Attia v. British Gas*²¹⁹ the plaintiff's house was burned down as a result of negligence by the defendant's workmen who were carrying out a job in the house; the defendant sought to have the claim struck out, but it was allowed to stand. In this case there was a high level of proximity between the parties as a result of their already being in a commercial relationship prior to the tort being committed.²²⁰ The possibility of recovery for distress at the death of a favourite pet cat or dog was considered in *Owens v. Liverpool Corporation*.²²¹ This case, in which a tramcar hit a hearse with the result that the coffin it was carrying was overturned, causing distress to the mourners, can be regarded as confined to the particular circumstances of distress arising from injury to a corpse, for which there are also precedents in other common law systems.²²² However, a better view would be that the very thing the undertakers were employed to do was to avoid causing anxiety and upset of this kind to those who attended the funeral. The case is analogous to those decisions in the area of recovery for pure economic loss, which enable third parties, external to a contract, to claim compensation for losses which it was the intention of the contract to avoid.²²³

²²⁰ A different interpretation of *Attia* is that the plaintiff suffered a 'shock' as a result of witnessing the destruction, and that there will be no liability in a case where the claimant is merely informed, after the event, of the destruction of his property: *Yearworth v. North Bristol NHS Trust* [2010] QB 1 at [55] (Lord Judge CJ).