

Occupiers Liability:
 Concerned with - **State of the premises** – not activities on it.
eg. is there a loose floorboard.

Where a person enters land of the occupier – gets injured.

Do they have permission to be on the land?	
No = Trespass <u>OLA 1984</u>	Yes = Visitor = Implied or Express? <u>OLA 1957</u>

OLA 1957			
Visitor with Permission.			
What constitutes a...			
Duty?	Occupier?	Premises?	Visitor?
<p><u>s.2(1):</u> <i>'An occupier owes the same duty, "the common duty of care", to all his visitors'</i></p> <p>this applies to personal & property damage.</p>	<p>Look at the common law.</p> <p>Control: who has control of the property? Does not have to be the owner. Can be more than 1 occupier. <u>Wheat v Lacon</u></p>	<p><u>s.1(3)(a)</u> <i>'any fixed or moveable structure, including any vessel, vehicle, or aircraft'</i></p>	<p>Implied <u>Harvey v Plymouth</u> Implied perm. - Through Doctrine of Allurement. <u>Glasgow corp v Taylor</u> <u>Jolley v Sutton</u></p> <p>Express</p>

Establishing a Duty of Care:	
<p>In general - Same as ordinary negligence.</p> <p><u>s.2(2) - visitor must be reasonably safe in using the premises for the purpose for which he is invited'</u></p> <p>Must be a Reasonable System of Safety in Place. If so – occupier might not be liable. <u>Tedstone v Bourne Leisure Ltd</u> where the risk is inherently obvious – <u>Poppleton</u></p>	
Problem Areas – Exceptions:	
<p style="text-align: center;">Children <u>s.2(3)(a)</u></p> <p>impossible to make premises 100% safe for kids – but must be reasonably safe. <u>Glasgow Corp v Taylor</u> <u>Jolley v Sutton</u></p> <p>parents cannot shift their burden of responsibility onto occupiers: <u>Phipps v Rochester Corp.</u></p> <p>Up to Parents to accompany their kids: not occupier. <u>Bourne Leisure v Marsden</u></p> <p>How old is a child no longer a child: <u>Hufton v Somerset CC</u></p>	<p style="text-align: center;">Special Expertise.</p> <p style="text-align: center;"><u>s.(3)(b)</u></p> <p>Occupier will not be liable if the danger/risk should have been obvious to someone in that calling. <u>Roles v Nathan</u></p>
<p style="text-align: center;">Independent Contractors <u>s.2(4)(b)</u></p> <p style="text-align: center;">3 parts:</p> <p>(1) did the occupier entrust the work to ind. Cont?</p> <p>(2) did occ. take reasonable steps to see cont. was competent? <i>Don't need to see the insurance doc – just ask if they have it.</i> <u>Haseldine v Daw</u></p> <p>(3) Did the occupier supervise the work? <i>Where the work of the contractor is too complex – occupier doesn't need to check.</i> (<u>Gwilliam, Maguire</u>)</p>	<p style="text-align: center;">Warnings</p>