

## Occupiers' Liability Acts 1957 and 1984

The Occupiers' Liability Acts are part of civil law in the United Kingdom and deal with the liability that may arise from accidents caused by the dangerous or defective condition of the premises.

Occupiers' Liability Act 1957 is part of the civil law of tort and governs the duty of care that Occupiers owe to lawful visitors to their property e.g. walkers on a Public Footpath, Environment Agency Officials. It focuses on personal injury and property damage caused by the Occupier's negligence.

Occupiers' Liability Act 1984 extends the duty of care owed by Occupiers to include trespassers in circumstances where they - the Occupiers - are aware of a danger or have reason to believe it exists, and if they know or have reason to believe the trespasser is near the danger. Occupiers can avoid liability if the danger was caused by the trespasser's actions or if the trespasser freely accepted the risk of injury.

An Occupier is a person or group of people who have enough control over a property to be responsible for any defects or hazards that they are aware of or should be aware of. This includes:

- Owners: Owners of let properties are Occupiers of the areas they retain control of, such as common staircases.
- Tenants and licensees: Tenants and licensees are Occupiers of the property where they live or, in Alcove AC's case, manage as a fishery.
- Independent contractors: Independent contractors who work on a property may also be considered Occupiers if they have enough control over the premises.
- Managers: Managers can be considered Occupiers under the control test.

Occupiers are responsible for:

- Maintaining and repairing the premises.
- Showing a duty of care to anyone entering the property.
- Erecting warning signs to alert people to potential dangers.