

## Slip And Fall Accident Cases - The Facts

In 1957 the Occupiers Liability Act was introduced not on for slip and fall accident cases but to determine the following: "whether any duty is owed by a person as occupier of premises to persons other than his visitors in respect of any risk of their suffering injury on the premises by reason of any danger due to the state of the premises or to things done or omitted to be done on them".

The occupier of a given premises has a duty in respect of any such risk to make sure that

1. the risk is in all circumstances of the slip and fall accident case and that he is reasonably expected to offer protection.
2. he is aware or has grounds to believe that a member of the public is in the vicinity of the danger or that he or she may come into the vicinity of the danger. This is whether or not he or she has lawful authority for being there or not; and
3. he is aware that the danger exists or has reasonable grounds to believe so

A "duty of care" will also be taken into consideration where the act states "common duty is to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there".

In the act, an occupier is defined as someone who is aware that any failing or carelessness on their part may result in an injury to a visitor for example. The visitor should be kept reasonably safe whilst on the premises for the purpose of that visit to avoid a potential slip and fall accident case

If a landlord is an occupier, he will still be bound under the Defective Premises Act 1972. This outlines his obligation for repair, maintenance and his duty to any persons who may reasonably be affected by any defects on the premises.

If the occupier has grounds, he can call a statutory defence against an independent contractor if the defect causing an injury was a result of shoddy workmanship or another factor placing relevant liability or negligence.

In the case of children, reasonable care will be called into question on the part of the adults; however these slip and fall accident cases are more likely due to the nature of children. In this instance establishments such as schools will have particular obligations for example.

Shopping centres and supermarkets are common areas for slip and fall accident cases for obvious reasons. Any breakages or spillages need to be quickly cleaned up to prevent any mishaps and to avoid liability in the event of a slip and fall accident case. This liability can also be avoided by having the correct signage in place.

In all slip and fall accident cases, common sense and care always prevail. The law is in place to protect both parties against liability which is something we all want to avoid. Watch your step and be careful.

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### About the Author

Julian Hall is the director of <http://www.claimsmastergroup.com>. The personal injury, slip and trip, accident claim, no win no fee, road traffic accidents specialists. Call 08000 71 22 71 for advice.