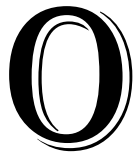


Facilities Management from A to Z

Based on The FM Lexicon by Martin Pickard
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Occupiers Liability

The Occupiers Liability Acts of 1957 and 1984 respectively covers the duty of care that a building occupiers has towards visitors and trespassers in English law. The Occupiers' Liability (Scotland) Act 1960 provides that an occupier will automatically owe a duty to everyone who enters the land, although the duty varies in accordance with the nature of their access to the property.

There is no precise definition of the term “occupier” but the test used relates to the degree of control exercised. Thus a company leasing an office block is clearly an occupier while someone occupying a hotel room on a casual basis will not be. It is possible for a landlord and their tenants to both be occupiers of the same premises.

The term 'Visitors' relates to all lawful visitors including invitees, licensees and all those who have a contractual right to enter. The 1957 law requires occupiers of premises to take such care as is reasonable in the circumstances to ensure that any visitor is safe when using the premises for the purposes for which they have been invited or permitted to be there. A higher duty of care is expected towards higher risk groups like children and disabled people. Extra care should be taken on risk assessment and control.

This extra duty of care may become important for the facility manager who is asked to organise an event such as a Family Day where a different group of visitors and perhaps activities will require a complete review of the normal risk assessments. Organisers of such events will also owe a duty to exhibitors or entertainers. It is important to review the insurance arrangements for such participants.

The 1984 version states that an occupier of land has a duty to take all reasonable and practical steps to warn potential trespassers of any danger or to take all reasonable steps to exclude them from the property. What is considered reasonable depends upon the details of each case. However if occupiers do not take reasonable precautions to ensure the safety of people entering their premises whether invited or not they could be faced with a compensation claim or even prosecution.

Copies of the relevant legislation may be downloaded from the Office of Public Sector Information website www.legislation.gov.uk