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### ***Teenager's fall on derelict building***

*“Miss F, 13, suffered a very severe head injury in 1998 when playing with friends in a derelict building. She fell through a hole in the top floor and fell 15 feet, landing on concrete. Although she was a trespasser, we succeeded in establishing that the occupier was 75% responsible and went on to recover £275,000 damages for her.”*

*(<http://www.thepersonalinjurylawyers.co.uk/success-stories.php>)*

We hope that the following advice from a solicitor regarding the Occupiers' Liability Act 1984 may help to minimise the risk of trespassers and injury to them.

### ***Duties of Occupier to Trespasser***

*“The law concerning an occupier's civil liabilities to trespassers is governed by the Occupiers' Liability Act 1984. It is of course the Health and Safety at Work etc Act 1974 that provides for a commercial occupier's criminal liabilities.*

*The person treated as an “occupier” is the person who would owe a duty of care to visitors and authorised persons on the property . . . and boils down to taking reasonable care to ensure that those the occupier has reasonable grounds for believing may enter the property, whether lawfully or not, are not injured as a result of the condition or use of the property.*

*. . . It is necessary to consider how serious the risk of injury is and who would be likely to trespass. **If an occupier knows that children are likely to trespass on his land, the law expects him to provide a higher standard of care.***

***Increasing the number of patrols and issuing guards . . . might be enough to discharge your duty,** but to ensure you are protected you should [also] carry out a risk assessment, balancing the cost, time and trouble involved in further enhancing risk . . . . Taking both of these steps could help protect from subsequent prosecution should, despite your reasonable efforts, any injury or worse occur.”*

*David Wright & Deborah Jackson, Kennedys Solicitors 20 April 2007  
(posted at: [http://www.workplacelaw.net/forum/thread.php?thread\\_id=1743](http://www.workplacelaw.net/forum/thread.php?thread_id=1743))*