

# **Potential Liabilities** Damage to Property Injury to Persons

Visitors Trespassers Criminals

#### Sources of Law – Guidance

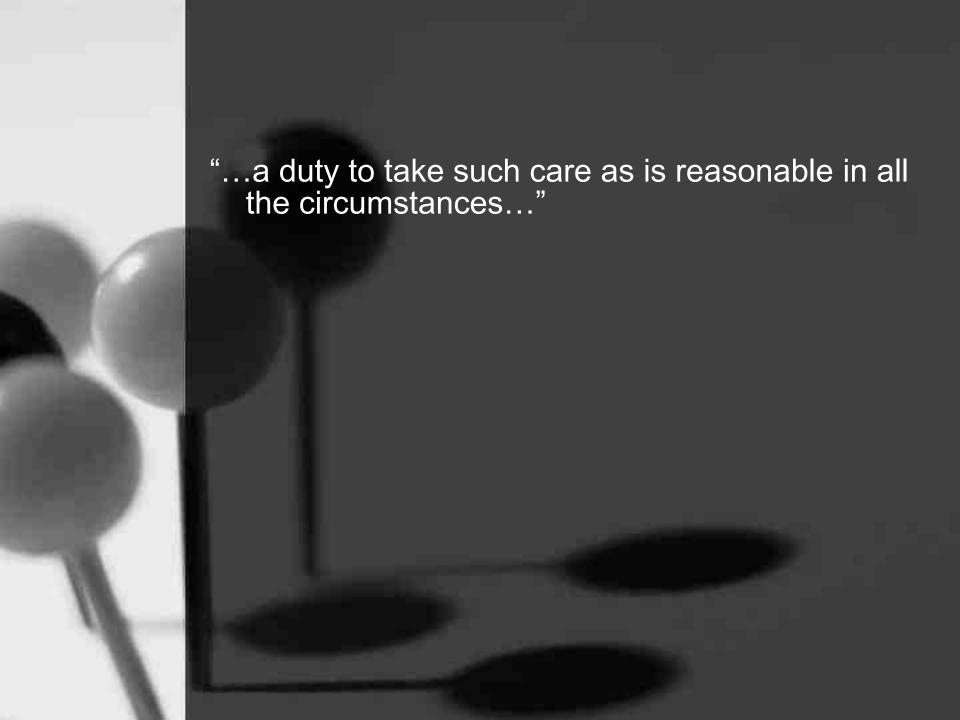
- Common Law
- Occupiers Liability Act 1995
- Smoke Security Devices Code of practice for the manufacture, installation and maintenance BS 7939/99
- Security Fog Devices IPCRes Guidance 2007

# Damage to property Own Third party

### Injury to the person

- Occupiers Liability Act 1995
- Visitors present on the premises:
  - Permission
  - Contract
  - As of right

### Injury to the person **Employees** Security men Police Fire Brigade Keyholders



# Health & Safety Regime Breach of Statutory Duty Duty to provide a safe workplace

#### Smoke Security Devices –

Code of practice for the manufacture, installation and maintenance BS 7939/99 (Issued 15<sup>th</sup> February 1999)

- 8.6 not installed escape routes staircases
- 8.8 "The smoke generator should not be operable when the premises are occupied..."
- Audible Warnings
- Indications / Notices

#### **Trespassers**

"an entrant other than a recreational user or visitor"

- A duty
  - Not to injure the person or property intentionally
  - Not to act with reckless disregard for the person

#### Occupiers Liability Act 1995

Sect. 4(3)(a)

"Where a person enters onto premises for the purpose of committing an offence or while present thereon commits an offence, the occupier shall not be liable for a breach of the duty imposed by subsection (1)(b) [reckless disregard] unless a Court determines otherwise in the interests of justice."

### Occupiers Liability Act 1995

#### Sect. 7

"An occupier of premises shall not be liable to an entrant for injury or damage.....by reason of a danger existing on the premises due to the negligence of an independent contractor......if the occupier has taken all reasonable care...."

