

GCE

LAW: Occupiers' Liability Lawful Visitors

SUGGESTED IDEAS FOR TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	AS Level Law
Topic:	Occupiers' Liability
Session:	Lawful Visitors

Unit:	Unit 2
Ref. to specification:	The Law of Tort
Suggested time allocation:	2 - 4 hours

Aims & Objectives: At the end of these sessions the student will be able to:

- **Name** the two statutes covering occupiers' liability.
- **Identify** the difference in scope of the two statutes.
- **Describe** who is an occupier.
- **Describe** who is a visitor under the Occupiers Liability Act 1957.
- **Explain** the common duty of care under the Occupiers Liability Act 1957.
- **Explain** the meaning of the term 'reasonable'.
- **Explain** the application of the common duty of care to children.

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic with reference to the aims and objectives set out above. Make reference to the fact that there are two statutes that govern this area and they will be dealt with separately:

Occupiers' Liability Act 1957 which covers visitors (often referred to as 'lawful' visitors to distinguish them from trespassers)

Occupiers' Liability Act 1984 which covers persons other than visitors. This will be dealt with in a subsequent lesson plan.

- This lesson deals with just the Occupiers' Liability Act 1957 which covers **the liability of occupiers of the actions of lawful visitors to a property.**

Activity – Board work – who is an 'occupier'?

s1(2) states that common law rules apply as to what is meant by an 'occupier': that is, who has control over the premises?

Wheat v Lacon & Co (1966) is the leading case here and the judge outlined **four categories** of occupier. Discuss these categories as per the PowerPoint.

- If we are saying that an occupier is liable for the actions of visitors to their property, who is a visitor?

Activity – Board work – who might be a 'lawful visitor'?

Under the common law, a lawful visitor is someone who has expressed or implied permission to enter a premises.

- s2 of the Occupiers' Liability Act 1957 confers a duty of care on these occupiers to visitors to their premises. Discuss the wording of this duty of care carefully, and make note of the frequency of the word 'reasonable' – what is meant by reasonable? This is something we will explore later.

- s2(3)(a), s2(3)(b), s2(4)(a) and s2(4)(b) impose some extra guidelines in terms of applying this duty of care – explore these as a class.

- There is frequent reference to the word ‘reasonable’.

Activity – Board work – what is meant by ‘reasonable’?

The answer to this is usually referred to as ‘The Man on the Clapham Omnibus’.

Activity – Board work – what is meant by ‘reasonable’?

Use a multimedia device to access Lord Reed’s explanation of the ‘reasonable man’ test in *Healthcare at Home Limited v The Common Services Agency [2014]*.

- There is also reference to children in the Occupiers’ Liability Act 1957. It states that occupiers must be prepared for children to be less careful than adults.

Activity – Research – look up the key cases in relation to the liability of children and summarise these to present to the rest of the class:

Hasledine v Daw [1941]

Phipps v Rochester [1955]

Wheat v Lacon & Co [1966]

Glasgow Corporation v Taylor [1992]

- To consolidate knowledge, learners can apply the law to the fictional scenarios in the Teacher Guide – this can be a written exercise or an oral presentation.

Student Activities:

- Discussion – explaining and illustrating what is meant by the key terms of ‘occupier’, ‘visitor’ and ‘reasonable’.
- Scenarios – application of the law relating to Occupiers Liability to lawful visitors to given scenarios.
- Research Activity: look at judgments of key cases and discuss the implications of these.

Suggested links / resources:

- PowerPoint presentation
- Teacher Guide
- Case summaries:
Healthcare at Home Limited v The Common Services Agency [2014] UKSC 49 paras 1-4
https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0108_Judgment.pdf
- Flip chart paper (optional)
- Scenario questions from Teacher Guide.

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood the law relating to the Occupiers’ Liability Act 1957.