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Potential Liabilities

- Damage to Property
- Injury to Persons

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- 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



“...a duty to take such care as is reasonable in all the circumstances...”

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 15th 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....”

Q & A

