

# OCCUPIERS LIABILITY



FIRST PRINCIPLE

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## Top Tips

An occupier owes a duty to intruders in relation to risks of which they are aware

An occupier is not automatically absolved by putting up a warning notice

PREVENT CRIME

PROTECT COMMUNITIES



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**The Occupiers Liability Act 1984 has implications for those occupiers of premises who want to implement preventive measures intended to deter intruders from unlawfully entering their premises. Below is the legal opinion as provided by the Home Office Legal Advisers Branch.**

The Occupiers Liability Act 1984 sets out the duties which an occupier of a premises owes to persons, other than visitors, who come onto their premises.

Generally speaking a visitor is someone who has the occupier's permission, whether expressed or implied, to be on the premises.

The duties owed to visitors are regulated by the Occupiers Liability Act 1957.

Following the passing of the 1957 Act, doubts arose as to the extent of the duty owed by an occupier to persons who did not have permission to come onto their premises, in other words trespassers, who might be expected to be found there.

The 1984 Act is intended to put an end to these doubts by placing the occupier's duty to such persons on a statutory basis.

The Act has a clear application to intruders who, because they do not have the occupier's permission, cannot be said to be visitors.

Section 1(3) has the effect that an occupier owes a duty to intruders in relation to risks of which they are

aware, and against which they may reasonably be expected to offer some protection.

Subsection (4) provides that it is their duty to take reasonable steps to ensure that the intruder does not suffer injury; but subsection (3) provides that their duty may be discharged by taking reasonable steps to give warning of the danger or discourage persons from incurring the risk.

Thief resistant devices are clearly contemplated by Section 1(1)(a), whether they take the form of devices which may be said to be part of the state of the premises or come into existence as a result of things done or omitted to be done on the premises.

The terms 'visitors' does not include an intruder, but the act is drafted so as to impose duties in relation to people who are and consequently applies to intruders.

Section 1(5) provides the duty may, in an appropriate case, be discharged by taking such steps as are reasonable to give warning of the danger.

This does not mean that an occupier is automatically absolved by putting up a warning notice, only that a warning notice may, depending on the circumstances, be sufficient to discharge his duty.



So far as crime prevention is generally concerned, the effect of the Act is that an occupier will be liable for injuries sustained by an intruder because of the thief resistant devices, whose existence is not reasonably apparent to the intruder.

For example, a device which gives an intruder an electric shock would probably make the occupier liable, if no warning was given.

The same must apply to razor wire which is very dangerous material.

Things like barbed wire and broken glass are much more obvious risks and the duty to warn intruders against them is much less strong.

However, in terms of crime prevention, it is always advisable to warn potential intruders of the risks they would encounter trying to enter premises without permission.

If this is done in all cases where devices are installed, which may cause injury to intruders, the likelihood is that the occupiers concerned will have discharged their duty pursuant to section 1(5) of the 1984 Act.

## First Principle: Related links

Check out all of our Crime Prevention information using the following links or by using the QR code to take you to the First Principle Pages Alternatively go to our website at <https://www.suffolk.police.uk/> and look in the 1<sup>st</sup> Principle A-Z of Crime Prevention.

Allotment Security  
Anti-Social Behaviour  
ATM Security  
Beach Hut Security  
Boat Security  
Building Site Security  
Business Security  
Caravan Security  
Caravan Storage  
Card Security  
Catalytic Converters  
Church Security  
Cold Callers  
Commercial CCTV  
Counterfeit Banknotes  
County Lines Advice  
for Landlords  
Cyber Crime  
Cycle Security  
Dangerous Dogs  
Dog Fouling  
Dog Theft  
Domestic CCTV  
Domestic Violence  
Farm Security  
Fraud Prevention  
Grooming  
Hate Crime

Heating Oil  
Home Improvements  
Home Security  
Home Security for  
Tenants  
Horses and Stables  
Keyless Vehicles  
Key Safe Security  
Lock Snapping  
Mopeds and Scooters  
Motorcycle Security  
Neighbour Disputes  
Occupiers Liability  
Personal Security  
Power Tool Security  
Products Brochure  
Rural Crime  
Security Alarms  
Sheds and Garages  
Social Media  
Social Media for  
Parents  
Suspicious Behaviour  
Shoplifting  
Taxi Driver Safety  
Vehicle Security  
Windows and Doors



### Other Links you might find helpful

Ask the Police  
Secured by Design  
Sold Secure

Crimestoppers  
0800 555 111

Victim Care  
0300 303 3705