

# Occupiers' Liability

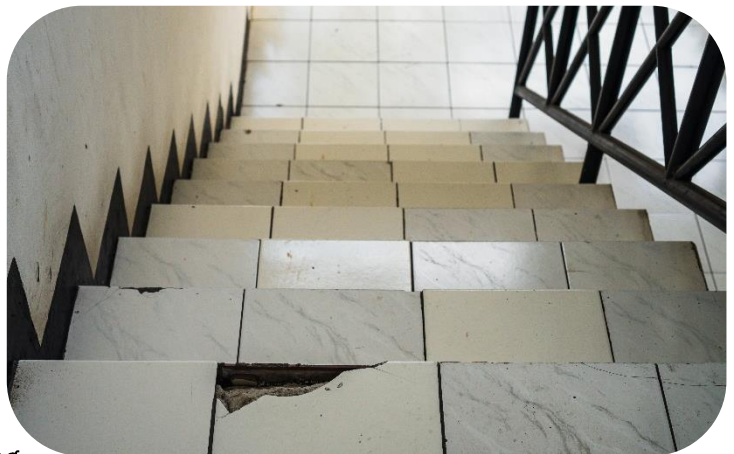
Practical steps the occupier of a building or land can take to manage their legal duties and reduce the likelihood of injury or liability claims.

# Occupiers' Liability

## Introduction

Occupiers liability in the UK is the legal duty owed by those controlling premises to ensure both lawful and unlawful visitors are reasonably safe. It includes the requirement to maintain premises, address hazards and provide warnings to prevent foreseeable harm.

The Occupiers' Liability Act 1957 applies to lawful visitors, whilst the Occupiers' Liability Act 1984 provides a more limited duty of care to trespassers. Understanding these duties is essential for reducing the risk of accidents and claims and for ensuring your premises remain safe for the public, employees, and contractors.



## Who is an occupier?

The Acts do not define “occupier,” but courts have consistently applied the test of control.

An occupier is any person or organisation with sufficient control over premises that failure to exercise that control could result in harm.

There may be multiple occupiers, for example:

- Landowner and tenant
- Shopping centre owner and retail units
- Contractor and client during construction/maintenance works

## What counts as “Premises”?

The term “premises” may include:

- Buildings
- Land
- Vehicles
- Open spaces such as parks or woodland

## Common causes of claims

Accidents commonly arise from:

- **Slips, trips, and falls** caused by spills, weather conditions, uneven flooring
- **Defective premises** such as broken steps, loose handrails, or structural issues
- **Outdoor hazards** such as ice, potholes, or poorly maintained paths
- **Unsafe activities** taking place on the premises
- **Poor signage** or lack of warnings for residual risks

Like public liability claims, these incidents can lead to significant compensation costs. A robust risk management approach is essential.

## **The Occupiers' Liability Act 1957 (OLA 1957)**

Occupiers' Liability under the 1957 Act places a clear legal requirement on organisations to protect people who are lawfully on their premises. This duty applies to any person or business with sufficient control over land or buildings where a failure to manage hazards could result in harm. The purpose of the Act is to ensure that all lawful visitors are kept reasonably safe in using the premises for the purposes for which they are invited or permitted by the occupier to be there, not only through maintaining the physical environment but also through managing activities carried out on the premises. Understanding who qualifies as a lawful visitor and what the duty of care requires is essential for effective risk management.

### **Who is a Lawful Visitor?**

Lawful visitors are individuals who have permission (express or implied) to enter your premises, or those who enter by legal right. They may include:

- People with express or implied permission
- Employees
- Contractors
- Postal workers
- Customers and clients
- People entering under a right conferred by law (e.g., police, fire and rescue, ambulance crews)

### **The Common Duty of Care**

Under the OLA 1957, occupiers must take reasonable care to ensure that lawful visitors “will be reasonably safe in using the premises for the purposes for which they are invited or permitted to be there.” This duty includes, but is not limited to:

- Maintaining the premises in a safe condition
- Identifying and addressing foreseeable hazards
- Providing clear warnings of non-obvious risks
- Ensuring that any activities taking place on the premises are organised and controlled safely

The Act does not require occupiers to remove every possible risk, but it does require that sensible steps are taken to prevent foreseeable harm.

### **The Occupiers' Liability Act 1984 (OLA 1984)**

While the 1957 Act covers lawful visitors, the 1984 Act provides a narrower duty towards people who enter the premises without permission i.e. trespassers. Although the duty is reduced, organisations must still act where dangers are known, where unauthorised access is foreseeable, and where simple protective measures could reasonably prevent harm. This reflects the principle that while trespassers assume some risk, occupiers should not ignore hazards that could cause serious injury.

## **When does the duty apply?**

The lower duty of care under the OLA 1984 applies only when:

- The occupier is aware of the danger or has reasonable grounds to believe it exists
- The occupier knows, or has reason to believe, that a trespasser may come into the vicinity of that danger
- The risk is one against which the occupier could reasonably be expected to offer some level of protection

## **Where this is often relevant**

This duty commonly arises in locations where trespass is more likely or where hazards are significant, such as:

- Remote or disused areas
- Railway lines and related infrastructure
- Construction sites, industrial estates, and disused land
- Leisure sites prone to unauthorised public use

## **Reasonable steps for trespasser safety**

Even though the duty is limited, reasonable precautions may be required, including:

- Installing fencing and physical barriers
- Providing clear and visible warning signage
- Monitoring and reducing known hazards
- Securing access to dangerous or high-risk areas

These measures can demonstrate that the occupier has taken appropriate steps to manage foreseeable risk, even where entry is unauthorised.

## **Ensuring Compliance with OLA 1957 & 1984**

Below is a practical compliance framework occupiers can follow.

### **Risk Assessment**

- Identify hazards associated with the condition, layout or use of the premises
- Assess who may be harmed (visitors, staff, contractors, trespassers, vulnerable users)
- Consider foreseeable misuse of the premises
- Document findings

### **Physical Controls and Maintenance**

- Implement regular inspection schedules
- Keep records of maintenance
- Address defects promptly
- Ensure lighting, flooring, access routes and external grounds are safe

## **Information and Warning**

- Provide clear signage for residual risks
- Use barriers or cordons for high-risk areas
- Ensure emergency exits and access routes are easily identifiable

## **Special Considerations**

### **Children**

Greater care is required because children may be less aware of risks and may be more likely to take them.

### **Contractors**

Provide site inductions and information on known hazards.

### **Visitors with Disabilities**

Ensure reasonable adjustments are made where required.

### **Managing Trespasser Risk**

- Identify areas with a history or likelihood of unauthorised access
- Install fencing, locks, or lighting
- Use compliant warning signs (“Danger – Keep Out” etc.)
- Monitor and review high-risk sites

## **Interaction With Other Legislation**

Several laws interact with Occupiers’ Liability requirements, including:

### **Countryside and Rights of Way Act 2000 (CROW)**

Provides public access to open land but limits occupiers’ liability for natural features.

### **Marine and Coastal Access Act 2009**

Creates coastal access areas where occupiers owe OLA duties for man made hazards but continue to have reduced liability for natural coastal features.

### **Health and Safety at Work etc. Act 1974**

Requires employers to safeguard non employees affected by work activities.

### **Highways Act 1980**

Defines responsibilities for maintaining public footpaths and highways.

### **Defective Premises Act 1972**

Covers landlords and builders, requiring that premises are safe for occupation.

## Equality Act 2010

The Equality Act imposes legal duties on organisations that control premises. These may include making physical or procedural adjustments so that disabled people can access and safely use the premises.

## Summary

The Occupiers' Liability Acts 1957 and 1984 set out what occupiers must do to keep people safe while they are on their premises.

The 1957 Act focuses on the safety of lawful visitors, while the 1984 Act provides a more limited duty of care to unlawful visitors. Together, these laws require occupiers to take reasonable steps to prevent harm from hazards such as poor maintenance, unsafe access routes, or dangerous areas.

Good compliance means good risk management, such as regularly checking the premises, fixing defects, using clear warnings, and managing activities safely.

Overall, the aim is to help occupiers reduce the likelihood of accidents, claims, and disruptions by putting sensible, practical controls in place and ensuring their premises remain safe for everyone who may enter.

## Checklist

A generic Occupiers' Liability Compliance Checklist is presented in Appendix 1 which can be tailored to your own organisation.

## Specialist Partner Solutions

Aviva Risk Management Solutions can offer access to a wide range of risk management products and services at preferential rates via our network of Specialist Partners.

For more information please visit: [Aviva Risk Management Solutions - Specialist Partners](#)

## Sources and Useful Links

- [Occupiers' Liability Act 1957 \(OLA 1957\)](#)
- [Occupiers' Liability Act 1984 \(OLA 1984\)](#)
- [Countryside and Rights of Way Act 2000](#)
- [Marine and Coastal Access Act 2009](#)
- [Health and Safety at Work etc. Act 1974](#)
- [Highways Act 1980](#)
- [Defective Premises Act 1972](#)

## Additional Information

Relevant Loss Prevention Standards include:

- Prevention of Slips
- Prevention of Trips
- Snow and Ice Clearance
- Public Liability

To find out more, please visit [Aviva Risk Management Solutions](#) or speak to one of our advisors.

Email us at [riskadvice@aviva.com](mailto:riskadvice@aviva.com) or call 0345 366 6666.\*

\*The cost of calls to 03 prefixed numbers are charged at national call rates (charges may vary dependent on your network provider) and are usually included in inclusive minute plans from landlines and mobiles. For our joint protection telephone calls may be recorded and/or monitored.

# Appendix 1 - Occupiers' Liability Compliance Checklist

Location	
Date	
Completed by (name and signature)	

	Occupiers' Liability Compliance	Y/N	Comments
1.	<p><b>Understand Who Is an Occupier and What Counts as Premises</b></p> <ul style="list-style-type: none"> <li>• Has the organisation identified all parties who may have “sufficient control” over the premises?</li> <li>• Has consideration been given to shared or dual-occupier scenarios (e.g., landlord/tenant, contractor/client)?</li> </ul> <p>Have all areas considered “premises” (buildings, land, vehicles, moveable structures, open spaces) been included?</p>		
2.	<p><b>Identify and Assess Premises Hazards</b></p> <ul style="list-style-type: none"> <li>• Have all hazards relating to the condition, layout, or use of the premises been identified?</li> <li>• Have you assessed who may be harmed (visitors, staff, contractors, trespassers, vulnerable users)?</li> <li>• Have you considered foreseeable misuse of the premises?</li> </ul> <p>Are findings documented and regularly reviewed?</p>		
3.	<p><b>Maintain the Premises Safely</b></p> <ul style="list-style-type: none"> <li>• Is there a regular inspection schedule in place?</li> <li>• Are maintenance records kept and up to date?</li> <li>• Are defects repaired promptly to avoid risk?</li> </ul> <p>Are lighting, flooring, access routes, and external areas kept safe?</p>		

	Occupiers' Liability Compliance	Y/N	Comments
4.	<p><b>Provide Clear Information and Warnings</b></p> <ul style="list-style-type: none"> <li>• Are warning signs used for non-obvious or residual risks?</li> <li>• Are barriers or cordons used where appropriate for higher risk areas?</li> </ul> <p>Are emergency exits and access routes clearly identifiable</p>		
5.	<p><b>Manage Specific Visitor Groups</b></p> <ul style="list-style-type: none"> <li>• <b>Children:</b> Have additional precautions been taken due to their lower risk awareness?</li> <li>• <b>Contractors:</b> Are they provided with site inductions and information on known hazards?</li> <li>• <b>Visitors with disabilities:</b> Have reasonable adjustments been made where required?</li> </ul>		
6.	<p><b>Manage Trespasser Risks</b></p> <ul style="list-style-type: none"> <li>• Have areas prone to trespass been identified?</li> <li>• Is fencing used to restrict access and/or is lighting used to prevent unauthorised entry?</li> <li>• Are compliant warning signs (“Danger – Keep Out”, etc.) in place?</li> </ul> <p>Are high-risk sites monitored and regularly reviewed?</p>		
7.	<p><b>Review and Monitoring</b></p> <ul style="list-style-type: none"> <li>• Are risk controls regularly reviewed and updated?</li> <li>• Are incidents or near misses investigated and used to improve controls?</li> </ul> <p>Are inspection and maintenance schedules revisited after changes in activities, occupancy, or layout?</p>		

	Occupiers' Liability Compliance	Y/N	Comments
8.	<p><b>Documentation, Training and Communication</b></p> <ul style="list-style-type: none"> <li>● Is all safety documentation controlled and accessible?</li> <li>● Are staff trained on recognising hazards, responding to defects, and maintaining safe areas?</li> </ul> <p>Are contractors and visitors provided with safety information where required?</p>		
9.	Additional comments:		

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