

Occupiers' Liability

Law

The duty owed by those in control of premises.

To lawful visitors

- Duty to keep them reasonably safe
- For the purpose of the visit
- Higher standard for children
- Warnings may discharge the duty
- Independent contractor work can transfer risk

To trespassers

- Narrower duty, if any
- Requires awareness of the danger
- And of likely presence nearby
- Only where protection is reasonable
- Obvious dangers rarely give rise to a duty

THE DIFFERENCE THAT MATTERS

Occupier means whoever has control of the premises, which is not necessarily the owner.

Educational reference. Rules on premises liability differ substantially between jurisdictions.