



## Ask a solicitor: Is it my fault?

“ A delivery driver trips and falls on my uneven driveway outside my house while delivering a parcel, and the delivery company sues me on behalf of the delivery driver. Is it my fault? ”

A. Homeowner

The Occupiers' Liability Act 1957 (OLA 1957) is the legislation in England and Wales that imposes a duty of care on occupiers of land or premises to ensure that visitors are reasonably safe when using the premises for the purposes for which they are invited or permitted by the occupier to be there.

**In this scenario, several key points from the OLA 1957 are relevant:**



### DUTY OF CARE

Legally you are required to take reasonable care to ensure the safety of visitors. This includes taking steps to fix known dangers or at least warn visitors about them. In this case, if you are aware of the uneven driveway and did not take reasonable steps to fix it or warn the delivery driver, this could potentially breach your duty of care.



### LAWFUL VISITORS

Under the Act, a visitor is someone who has the occupiers express or implied permission to be on the premises. This would typically include delivery drivers who are there to deliver parcels.



### REASONABLENESS

It depends on what is considered reasonable in the circumstances. The court would consider factors such as the extent of the risk, the practicality of taking preventative measures, and whether the occupier has acted reasonably to prevent harm.



### CONTRIBUTORY NEGLIGENCE

If the delivery driver contributed to the accident through their own negligence (e.g. not paying attention to where they were walking), this could reduce your liability or negate it entirely.