

Wooldridge v Sumner [1963]

Evidence

The complainant party was a person who worked as a horse show photographer. He was standing on the ring where the performance was being held, not behind the boundary with the rest of the spectators. Then, all of a sudden, one of the riders lost control over the horse and it raced toward the photographer at a high speed. As a result, it knocked a man down. The complainant accused the defendant of being careless.

Problematics

If this case is qualified as carelessness, the defendant still has a chance to avoid responsibility upon appealing to the defense of *volenti non fit injuria*. Such an approach toward justification is used when the complainant admits there was a possibility of physical trauma. But at the same time, it reduces the chances of the complainant to win the case if this risk presupposes refusal to get a duty of care.

The peculiarity of this issue was connected with the question of whether or not the above-mentioned defense can be used while investigating this case, especially taking into account the fact that the complainant was standing not behind the boundary but on the ring where the show was taking place.

Resolution

The High Court rejected the claim and declared the defendant was not guilty.

The High Court held that this case couldn't be qualified as a defense of *volenti non fit injuria*, even if the complainant admitted that the risk of getting injured was considerable. Rather than that, the High Court insisted on the fact that the complainant had to admit his negligence during his work which contributed to unfavorable circumstances and caused risk.

Spectators of sports events are aware and accept the fact that during a sporting event a sportsman can make a mistake and act inaccurately because of the immense speed of racing, except cases when he intended to act carelessly toward spectators.

The High Court stated that in this particular case, the sportsman lost control of the horse, whereas the complainant didn't preserve the necessary distance and, thus made the risk of getting injured high.

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