

Wheat v E Lacon & Co Ltd [1966]

Evidence

The respondents were brewers. They possessed a public house which was managed by a licensee. When the respondents hired him for this purpose/position, they signed a service contract. According to it, he was supposed to sell beverages on the ground floor, which was a part of the licensed dwelling. The complaint was with his spouse in the 'private' part of the public house. They were staying there as paying guests. However, an accident happened one night when the complaint fell down the poorly lit stairs and broke his skull. He died because of the injuries.

Problematics

The Court stated that the respondents were not chargeable for the accident. This decision was based on the fact that they could not have predicted that the complaint would have gone down the stairs in the 'private' part of the house. After the complaint had appealed to the Court, it was stated that the respondents did not possess that part of the dwelling where the stairs were situated. The main issue was to analyze the details of the case and to clarify if the respondents could be regarded as the dwellers of the premises when the accident happened. In addition, it was necessary to state if the respondents were liable to the defunct for the duty of care under those conditions.

Resolution

The Court claimed that the respondents preserved the right to occupy and manage the hotel. Based on the fact that the complaints were guests of the inn, the respondents preserved the duty of care towards them. Regarding the issue of the poorly lit stairs, Denning M.R. claimed that despite the fact there was not enough light in that part of the premises, there was danger in using the stairs. It was necessary to be cautious about personal safety. Hence, the claim was discharged.

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