

Wheeler v Copas [1981]

Evidence

The complaint was a member of a building company. The respondent worked as a farmer. He wanted the employers of this company to build a house on his farm. Hence, he negotiated this issue with the complaint and they made an agreement. According to it, the complaint took the responsibility to deliver the materials and tools needed for the construction. The builders needed a ladder for further work. For this purpose, the complaint chose one ladder from the farm. However, the ladder broke while he was using it. The complaint applied the Court to consider his claim for damages for personal injury. His appeal was based on the fact that the respondent did not follow the duty of care which was fixed in the Occupier's Liability Act, 1957. In addition, the complaint stated that the defendant was careless since he did not deliver the appropriate tools for the construction work.

Problematics

The main issue of this case was to clarify if the respondent was responsible for the complaint for the duty of care. If his responsibility would be admitted, it would be necessary to specify the degree of responsibility of each of the two parties according to their agreement. Additionally, it was needed to clarify to what extent the complaint and the respondent were guilty of the accident that had happened.

Resolution

The Court stated that the respondent was not chargeable under the Occupier's Liability Act, 1957. Though the Act might be regarded as a suitable regulation when investigating the case, the respondent could not be considered to be the 'occupier' after the agreement was signed. Based on this, the Court admitted that it was within the respondent's competence to provide an appropriate ladder for the construction work. But the latter failed to fulfill this part of his duty. However, the obligation of the respondent was restricted due to the fact that the complaint had to notice the deficiency of the ladder he had chosen himself for building. As a result, the issue was qualified as carelessness.

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