8. Negligence: occupiers’ liability

Without assuming prior legal knowledge, books in the Directions series introduce and guide readers through key points of law and legal debate. Questions, diagrams, and exercises help readers to engage fully with each subject and check their understanding as they progress. The claimant has the burden of establishing liability for the tort while the defendant has the burden of establishing the defence. If the claimant establishes a successful cause of action in tort, the defendant must plead one (or more) of the defences available to him. If the defendant establishes a successful defence, either his liability for the damage may be reduced or he may be totally absolved from liability. This chapter examines general defences applicable to all torts but which have particular relevance to claims in negligence, focusing on contributory negligence, volenti non fit injuria, and ex turpi causa non oritur actio.
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