Glasgow Corporation v Taylor

Case Reports: [1922] 1 AC 44; 1922 SC (HL) 1; [1921] All ER Rep 1; [1921] UKHL 2; 1921 2 SLT 254; 29 ALR 846

Facts: A father brought an action for damages for the death of his 7-year-old son who had eaten poisonous berries growing in a park in Glasgow. The plants were easily accessible from a children's play area and it was said that the defender had a duty to warn children against the danger or to prevent them from reaching the shrubs.

Decision: This was a hearing on the issue of whether there was a sufficient cause of action to proceed to trial. The Court said that there was sufficient cause. The berries, which looked like cherries or blackcurrants, were found by the House of Lords to constitute an 'allurement' to the child. Lord Shaw of Dunfermline said that in grounds open to the public, the duty resting upon the proprietors to make them reasonably safe does not include an obligation of protection against dangers which are themselves obvious. However, where there are dangers which are not obvious, they should be made the subject either of effectively restricted access or "of such express and actual warning of prohibition as reaches the mind of the persons prohibited."

See also:
Wright v Nevis Range Development Company ([2006] CSOH 68)