Marshall v North Ayrshire Council

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Kilmarnock Sheriff Court: 30th August, 2005
Scottish Courts Service decision.

The facts: The claimant had been injured when he had fallen from a public footpath onto rocks on the seafront at Saltcoats. He had been walking with a friend, at night, and had leaned against a wall that bounded the path. He claimed that the wall was in disrepair and, as a result, he fell through a gap onto the rocks 20 feet below. He also claimed that the area was not sufficiently lit, and that there was a duty to maintain the wall under the Coast Protection Act 1949.

Decision: The Sheriff was asked to dismiss the case because the danger should have been obvious. However, the Sheriff said that there were public safety issues to be considered, and he would not dismiss the case outright, before hearing the evidence in full. The final outcome is not reported.