Strachan v Highland Council

Case Report: 1999 G.W.D 38 - 1863

Dingwall Sheriff Court, 11th November 1999.

The facts: The claimant was injured when he fell from a cliff top path. He had accessed the path from a car park by stepping over a fence. It was claimed that the fence was in disrepair.

Decision: Following earlier cases, the court said that there was no duty to fence off the cliff because it was a natural and obvious hazard. On the question of the failure to maintain the fence, the court said that the Council had not known of the damage to the fence. However, even if they had known that it was in disrepair, it remained a visible barrier. If an adult deliberately chose to cross such a barrier then any resulting injury was entirely his own fault.