Wright v Nevis Range Development Company

Occupiers' liability: Cases involving 'hazards' in the outdoors · https://scotways.com/ken/wright-v-nevis-range-development-company/

Case Report: [2006] CSOH 68
Scottish Courts Service decision.

Court of Session, Outer House, 4 May 2006

The facts: The pursuer was seriously injured in a skiing accident at Aonach Mor near Fort William, where the defenders provided skiing facilities. The pursuer was an experienced skier who had skied at Aonach Mor many times. A change of weather while he was skiing had resulted in poor visibility and he accidentally went off piste and fell through a cornice over a cliff. The pursuer claimed that there should have been warning signs along the edge of the cliff.

Decision: In line with previous cases, the defenders had no duty to fence off, or give warning of, natural dangers. Even if there had been such a duty, a balance had to be struck, and the Court considered that it was not reasonable to expect signs to be placed at the location of the accident - they could become covered by snow. Signs would also have an impact on the natural beauty and attractiveness of the wilderness site. The area where the accident occurred was only used by experienced skiers and the defenders' literature made it clear that there was a steep slope in this area. The danger also had to be weighed against the fact that there had never before or since been an accident of the type complained about by the pursuer. The defenders weretherefore not liable for the pursuer's injuries.

See also:

Stevenson v Glasgow Corporation 1908 SC 1034.
Glasgow Corporation v Taylor.