

Johnson v University of Bristol (2017) (Civ) 17 October 2017 (unreported) Court of Appeal

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A carpenter who injured his hand whilst repairing a faulty kitchen cupboard in a University flat was unable to rely on the Provision and Use of Work Equipment Regulations 1998 and the Workplace (Health, Safety and Welfare) Regulations 1992 in his personal injury claim against his employer. On appeal, Mr. Johnson sought a wider, purposive construction of "work equipment", "use" at work, and "work place" within the Regulations to adequately cover the kitchen cupboard, the act of repair, and the student accommodation. Accordingly, this is a useful case for workplace injury practitioners engaging with the interpretation of these terms.

The Court of Appeal found that the cupboard was not "work equipment" within reg.2(1) of the 1998 Regulations, and the kitchen of the flat was not a "work place" within reg.2(1) of the 1992 Regulations, because it amounted to domestic premises. Simply working on repairing an item did not make that item "work equipment", or the location of that repair a "work place". The cupboard could not fairly be described as "work equipment" supplied to its workforce or "work equipment" its workforce had to use in the course of their employment. The cupboard itself would only, occasionally, need to be repaired.

Relevant for defending claims involving accidents in student accommodation, whilst the respondent University was found to be both a provider of education services and a landlord of student accommodation, this did not automatically render the student accommodation a "work place". The question of whether a kitchen in the student flat amounted to "domestic premises", thereby being excluded from amounting to a work place under reg.2(1) of the 1992 Regulations, was a mixed question of law and fact for the Judge to consider; the Court of Appeal did not interfere with the Judge's finding. Issues surrounding responsibility for accidents that take place in student accommodation, therefore, will no doubt continue to be debated in Court.

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