

**COMMERCIAL PROPERTY OCCUPIERS  
& THE LIABILITY FOR COMMON PARTS**

Businesses renting accommodation in buildings in multiple occupation could face claims for failing to ensure communal areas are properly maintained.

This follows from a recent case where an office occupier in a building in multiple occupation was sued by an employee who suffered serious injuries when her hand and arm were caught in a lift door situated in the common parts of a shared building.

Safety devices which would have stopped the incident were not in operation. Whilst the employee had no responsibility for maintenance of the lifts, the Court of Appeal held that the employer was liable under the Provision and Use of Work Equipment Regulations 1998 and had to pay substantial damages to their employee.

The employer argued that the lift was not work equipment within their building and that under their lease the landlord was responsible for maintenance of the lift. Under the Regulations, every employer is required to ensure that work equipment is maintained in good order and repair. However, the Court held that “work equipment” extended beyond the range of equipment solely within a tenant’s own office and extended to include items situated in the common parts of a multi-let building.

The follow on from this is that businesses occupying such accommodation need to be certain that their own insurance covers the possibility of such claims for which they have a liability (for further details see PRP Architects v. Reid).

If you need a survey of the premises you lease or an audit on your Landlord’s work then don’t delay, please contact :-

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