

ELIZABETH II



1969 CHAPTER 37

An Act to make further provision with respect to the liability of an employer for injury to his employee which is attributable to any defect in equipment provided by the employer for the purposes of the employer's business; and for purposes connected with the matter aforesaid. [25th July 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 1.—(1) Where after the commencement of this Act—
- (a) an employee suffers personal injury in the course of his employment in consequence of a defect in equipment provided by his employer for the purposes of the employer's business; and
 - (b) the defect is attributable wholly or partly to the fault of a third party (whether identified or not),
- Extension of
employer's
liability for
defective
equipment.

the injury shall be deemed to be also attributable to negligence on the part of the employer (whether or not he is liable in respect of the injury apart from this subsection), but without prejudice to the law relating to contributory negligence and to any remedy by way of contribution or in contract or otherwise which is available to the employer in respect of the injury.

(2) In so far as any agreement purports to exclude or limit any liability of an employer arising under subsection (1) of this section, the agreement shall be void.

(3) In this section—

“business” includes the activities carried on by any public body;

“employee” means a person who is employed by another person under a contract of service or apprenticeship and is so employed for the purposes of a business carried on by that other person, and “employer” shall be construed accordingly;

“equipment” includes any plant and machinery, vehicle, aircraft and clothing;

“fault” means negligence, breach of statutory duty or other act or omission which gives rise to liability in tort in England and Wales or which is wrongful and gives rise to liability in damages in Scotland ; and

“personal injury” includes loss of life, any impairment of a person’s physical or mental condition and any disease.

(4) This section binds the Crown, and persons in the service of the Crown shall accordingly be treated for the purposes of this section as employees of the Crown if they would not be so treated apart from this subsection.

Short title,
commence-
ment and
extent.

2.—(1) This Act may be cited as the Employer’s Liability (Defective Equipment) Act 1969.

(2) This Act shall come into force on the expiration of the period of three months beginning with the date on which it is passed.

1920 c. 67.

(3) Nothing in the Government of Ireland Act 1920 shall prevent the Parliament of Northern Ireland from making laws for purposes similar to the purposes of section 1 of this Act.

(4) This Act, except the foregoing subsection, does not extend to Northern Ireland.

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