



# Employer's Liability (Defective Equipment) Act 1969

## 1969 CHAPTER 37

### 1 Extension of employer's liability for defective equipment.

(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),

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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.