

Visitor Safety in the Countryside Group

Aonach Mor Skiing Case



An experienced skier, familiar with the area, was skiing from the summit plateau at Aonach Mor, near Fort William. He fell over or through a snow cornice on a ridge, sustaining fractures to both arms. He claimed that the company managing the ski area and providing the lifts and tows were in breach of the Occupier's Liability (Scotland) Act 1960 by failing to display such care as was reasonable to see that he did not suffer injury. He suggested that signs should have warned of the danger.



The judge, Lord Turnbull, found that the claimant had failed to establish the underlying factual basis for his case. Notwithstanding his rejection of the claim on these grounds, Lord Turnbull went on to consider whether the ski company might have been liable under Occupier's Liability. It was clear from case law that the duty imposed upon an occupier does not extend to providing protection against obvious and natural features of the landscape. Therefore there was no duty to provide fencing, warning signs, or notices. The judge also referred to the [Tomlinson v Congleton BC \[2004\] 1 AC 46, Brereton Heath Country Park](#) Case.

Interestingly Lord Turnbull went on to consider whether the ski company would have been seen to have acted reasonably in the event that they did owe a duty of care to the skier under the circumstances. Although it would have been feasible to erect signs along the ridge, a balance had to be struck. It was correct to acknowledge that the area was only used by experienced skiers and that the ski company provided literature and advice that warned of the dangers.

Lord Turnbull also accepted that there were a number of issues as to the effectiveness of warning signs placed in the snow. In particular, if skiers came to expect them, then an added danger would be introduced should such a sign be hidden by snow or blown away.

The judge also emphasized that to place warning signs at regular intervals along the summit ridge would have a significant impact upon the natural beauty and character of the landscape. To have taken this step would have constituted a disproportionate response to the risk said to exist.

**Struthers-Wright v Nevis Range Development Co PLC [2006] CSOH 68 4
May 2006**

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