

# Visitor Safety in the Countryside Group

## **Hampstead Heath Swimming Case**

The Hampstead Heath Winter Swimming Club won the right for its members to swim when London Corporation's lifeguards were not on duty at a pond on the heath. The judge ruled that

“if an adult swimmer with knowledge of the risks of swimming chooses to swim unsupervised, the risks he incurs are the result of his decision and not of the permission given to him to swim. The criminal law respects the individual freedom upheld by the House of Lords in Tomlinson.”



**Hampstead Heath Winter Swimming Club v The Corporation of London [2005] EWHC 713 (Admin). See also the [Tomlinson v Congleton BC \[2004\] 1 AC 46, Brereton Heath Country Park Case](#)**

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