

Success for Nigel Lewers in case of Tonkins v Tapp

This case concerned a self-employed carpenter who fell from a tower scaffold suffering severe spinal and head injuries. He claimed against the owner of the scaffold, another self-employed contractor, who he said erected it and supplied it for his use. The claimant also suffered a stroke, which may have caused his fall or arose because of it. At a trial on liability in the High Court, HHJ Gore QC dismissed the claim, finding that the claimant had erected the scaffold himself without the defendant's permission and was therefore the author of his own misfortune. The judge also considered the impact of the duties under the six-pack regulations on the common law duty of care.

Judgment was given on Friday 7th December in the High Court in Exeter.