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## Ice and Snow Accidents

With winter still firmly upon us it is inevitable that the roads, pavements and other areas will become dangerous due to the presence of snow and ice. What do you do if you have such an accident?

There are a number of potential defendants when someone slips on snow and ice:

1. The Highway Authority.
2. Occupiers of Buildings.
3. Employers.
4. Homeowners.

In addition, snow and ice can contribute towards road traffic accidents.

### Public Highways

The Railways and Transport Safety Act 2003 provides that a highway authority has a "duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice".

To succeed in a claim against a highway authority you need to prove they have an ineffective winter maintenance policy or that they failed to comply with that policy.

### Occupiers

Under the Occupiers Liability Act 1957 there is a common law duty of care on the part of the occupier "to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted to be there". This duty of care is subject to the proviso that the occupier must know or ought to have known of the existence of the danger.

### Employers

Under the Workplace Regulations 1992 an employer is under a duty to ensure that floors and traffic routes in a work place are not slippery and are kept adequately drained and free from any substance or articles which may cause someone to slip, trip or fall. Employers should ensure that access to work is safe and that they have resources to grit and clear up.

### Homeowners

Homeowners and occupiers of domestic premises must also take care. They do not have the same duty as an employer, but they may be liable if someone slips and suffers an injury on their property. What should a homeowner do if the access to their property becomes slippery due to ice or snow? If you try to make access to your premises as safe as possible, it is unlikely you will be criticized by the court. For example if you put salt on your path during the day but it snows overnight and someone falls because the path is slippery the next morning it is unlikely the court will find you liable for the accident.

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## Road Traffic Accidents

As mentioned above, it may be possible to claim against a Highway Authority if they have failed to ensure, so far as reasonably practicable, to make the road safe. This does not give an absolute defence in road traffic accident cases. As a driver of a

vehicle you are under a duty to take into account the road conditions and the prevailing weather. The mere fact that the road may be icy or slippery does not absolve you from responsibility if you have not taken the necessary care depending on the prevailing conditions.

What should you keep in your car in the current weather conditions?

1. Warm clothes. Make sure you have a coat, gloves and hat. You may believe, when you set out, that you will not be getting out of the car until you reach your destination but what if you breakdown or get caught in a traffic jam?
2. A blanket to keep warm if you do breakdown in bad weather.
3. A good first aid kit.
4. Food and drink (in case you become stuck in traffic for any length of time).
5. Always ensure you have some basic fluids in your car, such as brake fluid, engine oil and windscreen washer fluid.
6. Keep a good torch in the car.
7. Have a cheap cam era in the glove box in case of an accident. Whilst most mobile phones have cameras it is always good to have another available so you can record the conditions and damage to any vehicles involved in the accident.
8. A shovel so if you ever get stuck in the snow you can dig your way out.
9. Jumper leads so you can get the battery going if it runs flat.
10. A spare tyre and repair tools so that if you do have a puncture you can change the tyre and get back on the road as quickly as possible.
11. A mobile phone charger that runs off the cigarette lighter.
12. Even if you have a satellite navigation device it is always advisable to have maps with you in case you can not get a signal when you are lost or stuck in snow.

What to do if you have an accident

1. Look and see where you fell and what you fell on.
2. Where possible take or arrange for photographs to be taken, as soon as possible after the accident.
3. If you do not attend your GP or a hospital, report your accident to the owner of the property.
4. If the accident happens on the Highway, notify the Council.

For further information or advice on accidents involving ice and snow, please contact Ivan Moody at Nockolds Solicitors on 01279 755777 or [accidents@nockolds.co.uk](mailto:accidents@nockolds.co.uk).

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