



# Occupiers' Liability Act 1957

## 1957 CHAPTER 31

### *Liability in contract*

#### **5 Implied term in contract**

- (1) Where persons enter or use, or bring or send goods to, any premises in exercise of a right conferred by contract with a person occupying or having control of the premises, the duty he owes them in respect of dangers due to the state of the premises or to things done or omitted to be done on them, in so far as the duty depends on a term to be implied in the contract by reason of its conferring that right, shall be the common duty of care.
- (2) The foregoing subsection shall apply to fixed and moveable structures as it applies to premises.
- (3) This section does not affect the obligations imposed on a person by or by virtue of any contract for the hire of, or for the carriage for reward of persons or goods in, any vehicle, vessel, aircraft or other means of transport, or by or by virtue of any contract of bailment.
- (4) This section does not apply to contracts entered into before the commencement of this Act.