

## Westminster City Council v. Select Management Ltd (1984)

Westminster City Council had served improvement notices on Select Management Ltd regarding the lifts and electrical installations in flats which they managed. They argued that section 4 of the **Health and Safety at Work, etc. Act 1974** (s4, **HSWA**) applied to common parts of residential premises, such as lifts, and therefore placed a duty on Select Management Ltd, the controller of the premises, to ensure that the premises were safe and without risks to health.

Select Management Ltd appealed on the grounds that the flats were 'domestic premises' and therefore outside the jurisdiction of s4, **HSWA** which only applied to non-domestic premises.

The Court of Appeal upheld that the common parts of residential premises could be considered non-domestic premises because they were available for use by others as a place of work or where they may use plant such as lifts.

Consequently Select Management Ltd had a duty to persons who "use non-domestic premises made available to them as a place of work or as a place where they may use plant or substances provided for their use there" (s4, **HSWA**) and the notices were upheld.