



Possible Exam Questions



Explain the meaning of the term "so far as is reasonably practicable". (2)

What does the term "so far as is practicable" mean? (2)

Relevance of ACOPs When Deciding What is Reasonably Practicable

Obviously, whether something is reasonable or not is a subjective decision. Students and organisations often struggle when trying to decide whether their controls are "reasonable" and whether the law requires them to do more. Things to consider when trying to determine the reasonableness of an action:

Controls that are required in Approved Codes of Practice are considered reasonable. If an organisation decides not to follow the ACOP, then (if prosecuted) they would need to prove what they did do was reasonable to the Criminal Court.

But if they have followed the ACOP, then that is automatically evidence that they have done what is reasonable in the circumstances. So, it is worth asking the question, "is this control measure required by an ACOP?" or "is there an ACOP which applies to this risk and what does it require us to do?"



Thought Provoker



Are you aware of all of the ACOPs and industry standards that apply to your organisation?

Are you sure you comply with all of them?

Common Law

1.4

What is Common Law?

"Common law" is the body of law developed by judges, tribunals, and courts during court cases. It is also called "case law".



The "duty of care" and "breach of negligence" are common law precedents.

As we have mentioned several times already, the courts can make legal decisions and interpret Statute Law in new ways during court cases. These create legal precedents. To ensure consistency between the courts and judges, these decisions become binding on courts at the same or lower level. They can only be overturned by a higher court. This is Common Law. It is also known as "case law".

Please note decisions can also be overturned by new legislation (Statute Law) enacted by Parliament.

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Phil Hughes MBE, Ed Ferrett



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