

Liability definition changes with Supreme Court ruling

[Laura Henrique](#) explains what has changed and why

Tuesday 8 March 2016



The Supreme Court. Image: Wikipedia

A landmark legal judgement by the Supreme Court has drastically changed a type of liability.

The law of vicarious liability – a legal doctrine which holds that employers can be held liable for omissions or acts performed by their employees – was significantly impacted after the Supreme Court ruled that a contract need not be present for vicarious liability to exist.

Amjid Khan – an employee at a Morrisons petrol station – carried out an unprovoked vicious attack on the claimant, Ahmed Mohamud, consisting of numerous kicks and punches. In an unanimous decision by the Supreme Court, Morrisons was held vicariously liable for their employee's conduct.

As the law currently stands, a close connection test exists in order to establish vicarious liability. First, there must be a relationship between the defendant and the offender and second, a connection between said relationship and the offender's conduct must be present. Mohamud deals with the latter question. Amjid Khan was employed by the defendant; therefore, the first stage is easily satisfied. The second question, however, was the primary one at issue. Lord Toulson in giving the leading judgement reasoned that Khan did not metaphorically remove his apron once he stepped from behind the counter. Furthermore, when he trailed the claimant back to his car while using aggressive language to tell him to "never to come back to the petrol station", he was purporting to act on behalf of his employer.

Employers may have a tough time swallowing this decision as they will struggle to detach themselves

from their employee's actions and consequentially, find it hard to escape vicarious liability. As a result, employers may find themselves being more meticulous regarding who they employ. Moreover, training and model behaviour may be put on a higher pedestal.

Tim Forer, a partner at law firm Blake Morgan, stated "While the Supreme Court took care to say it has not changed the law on vicarious liability, in practice this ruling does extend its scope, as courts will be more willing to say that an employee's actions are 'closely connected' to his or her employment, even if the employer would not have approved of them."



Most Read

Discussed

1. [The York floods 2015: What's the damage?](#)
2. [What does Theresa May's new Brexit plan mean?](#)
3. [An update on the US-China trade war](#)
4. [A workplace revolution: a four-day week?](#)
5. [The University as your landlord: friend or foe?](#)
6. [Managing your finances at university](#)

Write for Nouse Business

[Get in touch with the editors](#)

[Join the Facebook group](#)

More in Business

[What does Theresa May's new Brexit plan mean?](#)

[The University as your landlord: friend or foe?](#)

[An update on the US-China trade war](#)

[A workplace revolution: a four-day week?](#)

[Managing your finances at university](#)

[Tesco launches new discount store chain Jack's](#)

[About Nouse](#)
[Who's Nouse](#)
[Website Credits](#)
[Contact Us](#)
[Advertising](#)
[Archives](#)
[Student Discounts](#)

[Print Editions](#)

[Mini-Sites](#)

[Nouse on Twitter](#)

[Nouse on Facebook](#)

[Nouse on Google+](#)

© 1964–2018 Nouse

[Policies |](#)

