

APIL Guide to Tripping and Slipping Cases

Second Edition

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PREFACE

In some ways, not much has happened in the world of tripping and slipping since the publication of the first edition of this book (in APIL form) back in 2010.

But what has happened has had significant consequences for personal injury practitioners – both those acting for claimants and those acting for defendants. Any highway action founded in the tort of nuisance is now all but dead. The scope of the section 58 Defence has been defined further in the cases of *Wilkinson v City of York* and *AC v Devon County Council*. The National Code of Practice (Well Maintained Highways) briefly reared its head as a potential benchmark against which to judge highways authorities, but quickly went off the radar.

Highways claims are often complex and nuanced. There is still scope for many technical arguments about statutory interpretation, and there are still significant uncertainties about other central issues. Where that is the case, we have indicated so in the main body of this text.

Despite these areas of grey, we hope that we have provided a one-stop, practical guide that helps practitioners to know what the law is, how it is interpreted in practice, the sorts of submissions that will appeal to the court, and those which will be met with judicial ridicule.

As before, the library of precedents contains plenty of advice on case and trial preparation. It includes checklists, letters and statements of case.

Various versions of this book have been published since 1994. In the earliest edition, one of us (CF) wrote that the book's main objective was to help hard-pressed practitioners knock off earlier than they otherwise would. It still is.

The law in the book is, we hope, up to date to September 2015.

Charles Foster
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