



Personal Injury from “Firing”



Over the years we have received several enquiries from Clubs regarding the Legal and Insurance position should a person be injured as a direct result from a Player delivering a Firing Wood.

We have asked several people and their responses are as follows:-

May 2000 – Response from Mr Roopra of Hambros Legal Helpline:

For Personal Injury, the onus is on the injured party to prove Negligence. It could be argued that Firing was part and parcel of the game and as such a player on the same Rink of Play should take this into account.

A Person intending to play a Firing Shot should be encouraged to advise the Players on the Green accordingly. This is especially relevant for adjoining Rinks.

If Injury was caused then the Competitor could be held responsible.

The Clubs Liability is different. The Club has a duty to afford Protection to its Members and Guests. Any Claim would be under the Civil/Public Liability Cover. The Injured party would have to show that the Club was negligent.

The Club should be encouraged to:

- *Post Notices, recommending Players that they should issue a warning to Players on their own and adjoining Rinks, prior to playing a Firing Shot.*
- *The “notice” should be included if possible on all Application/Renewal forms for Membership OR Members Handbooks*

It is however, illegal for a Club to display a Disclaimer Notice in respect of their Liability for Personal Injury.

July 2005 - E-mail response from Patricia Moore of Perrins Solicitors

I do not think that you can ban the firing shot from the sport as it has been a legitimate part for so long. The problems associated with firing usually occur when more force than is really necessary is used and when no warning is given.

Clubs can make it a rule that no one shall fire without warning being given to their own rink the adjoining rink and nearby spectators.

I would think that if no warning is given then the player could well be negligent because it must be incumbent on him to take account of the surroundings and act accordingly. In my view if he gives a warning but can clearly see that someone could be in danger but fires none the less then he will not have discharged his duty to take reasonable care.

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