

# ACCIDENTS:-

## Spectator at a Motor Rally – You must take care for my own safety.

The law expects you to take care for your own safety. In other words, even though a wrong might be done by another person, you need to act in such a way as to protect yourself.

A good example of the above arose in a recent Galway case where a Spectator at a Motor Rally suffered very severe injuries (Murphy –V- Various Motor Clubs etc (High Court)).

In this case, the Spectator and three friends were attending a Motor Rally in Kiltreest. The Rally took place in a restricted area where the roads had been closed off to other drivers. Having entered the restricted area, the Spectator and his friends walked to an area where there was a Marshal but then proceeded beyond this point to another vantage point. The Spectator was in a sitting position in this vantage point, sitting on a rock. This location was only two/three meters away from a "crest/ramp" on the road; they picked this location because the Rally-cars were "tested" at this point (typically the wheels of the cars jumping into the air). The Spectator was in a sitting position and using his camcorder, whereas his friends were in a standing position. Unfortunately, one of the Rally cars left the road and collided into the Spectator, resulting in severe injuries to him (his three friends managed to run out of range).

At the outset, the Judge decided that the organisers of the Rally were negligent in that they did not mark this area off as a hazard and because the Marshal (who would have observed the Spectator and his friends going to the dangerous location) did not warn them. The question then arose as to whether the Spectator and his friends had done enough to protect their own safety. The Judge found that it should have been obvious to the Spectator and his friends that this was a dangerous location in which to place themselves and that the Plaintiff should have known this since he had seen some vehicles passing this "ramp" on the road "with all wheels in the air". The Judge held that the Plaintiff recklessly exposed himself to danger in sitting where he did.

The Judge decided that the organisers of the Rally were liable for the Accident to the extent of one-third and that the Spectator was liable for his injuries to the extent of two-thirds.

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