

## **Rose v Plenty [1976] 1 WLR 141**

<http://lawcasesummarries.com/knowledge-base/rose-v-plenty-1976-1-wlr-141/>

### **Facts**

- A milkman was employed to deliver milk
- As part of his employment contract, he was prohibited from having children help him
- Nonetheless a young boy did help, and was injured.

### **Issue**

- Could they be vicariously liable, even with the express prohibition>

### **Held**

- Yes, because although it was a 'frowned upon' way of conducting business, it was conducting business nonetheless.

“In the present case it seems to me that the course of the milk roundsman's employment was to distribute the milk, collect the money and to bring back the bottles to the van. He got or allowed this young boy to do part of that business which was the employers' business. It seems to me that although prohibited, it was conduct which was within the course of the employment”

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Law case summary from [www.lawcasesummarries.com](http://www.lawcasesummarries.com)