

## Case Details

### Case Details

|               |                                  |
|---------------|----------------------------------|
| National ID   | <a href="#">link</a>             |
| Member State  | United Kingdom                   |
| Common Name   | Gouldbourn v Balkan Holidays Ltd |
| Decision type | Other                            |
| Decision date | 16/03/2010                       |
| Court         | Court of Appeal Civil Division   |
| Subject       |                                  |
| Plaintiff     |                                  |
| Defendant     |                                  |
| Keywords      |                                  |

### Directive Articles

Package Travel Directive, [Article 5, 1](#).

### Headnote

Personal injury, standard of care applicable was that of the state where the accident occurred

### Facts

The claimant booked a six-day learn-to-ski pack as part of a package holiday in Bulgaria. She was injured whilst skiing and claimed compensation under regulation 15(1) of the Package Travel, Package Holidays and Package Tours Regulations 1992. Her claim was rejected at first instance and, on appeal, the key issue was whether the ski instructor had to exercise the standard of reasonable care and skill of a ski instructor in Bulgaria or the standard of a Western European ski instructor.

### Legal issue

### Decision

The court rejected the appeal and dismissed the claim for compensation. The appropriate standard of care under regulation 15(1) was that of the country which the tourist was visiting as it would be impracticable to apply different standards of care to tourists from different countries. The ski instructor had exercised reasonable care by reference to standards applicable in Bulgaria.

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### Related Cases

No results available

### Legal Literature

No results available

### Result

