

Case law

Case Details

National ID: [2012] EWCA Civ 835

Member State: United Kingdom

Common Name: N/A

Decision type: Court decision in appeal

Decision date: 29/05/2012

Court: Court of Appeal, Civil Division

Subject:

Plaintiff: Harrison

Defendant: Jagged Globe (Alpine) Limited

Keywords: consumer, liability, package travel

Directive Articles

Package Travel Directive, [Article 5](#) Package Travel Directive, [Article 5, 1.](#) Package Travel Directive, [Article 5, 2.](#) Package Travel Directive, [Article 5, 2., -](#) Package Travel Directive, [Article 5, 2., -](#) Package Travel Directive, [Article 5, 2., -](#)

Headnote

A staged fall attempted by a traveler does not fall under the Package Travel, Package Holiday and Package Tours Regulations 1992 (the "Regulations") as it was not contemplated by either party at the time the contract was being concluded.

Facts

Sir Ranulph Fiennes, an explorer and mountaineer, and the plaintiff booked with the defendant in March 2004 a self-led expedition to Ecuador for Sir Fiennes to hone his skills prior to an expedition to Everest. The defendant organised the travel and accommodation and engaged local mountaineering guides.

Prior to the expedition, Sir Ranulph informed the defendant that a film crew would be provided by HBO (an American television company) and the defendant's local agent arranged for a cameraman.

On the expedition in October 2004, the plaintiff agreed to stage a fall for the camera. The local guides agreed to assist with the staged fall attempt. When attempting the staged fall, the plaintiff suffered a blow to the head. The plaintiff then agreed to a second attempt causing a further blow. The plaintiff claimed the first blow caused long term headaches and injury to her neck.

The plaintiff claimed against the defendant and the county court held that the defendant was liable for the first fall (with a 40% reduction for the plaintiff's contributory negligence) and not liable for the second fall. The defendant appealed against the decision.

Legal issue

Does a staged fall attempted by a traveler, fall under the Package Travel, Package Holiday and Package Tours Regulations 1992 (the "Regulations")?

Decision

The court held that the Regulations did not apply as the staged fall was not part of the itinerary agreed between the parties to the contract.

The court also held that the guides, in assisting with the fall, assumed personal responsibility for an activity which was not part of the function of the itinerary.

URL: <http://www.bailii.org/ew/cases/EWCA/Civ/2012/835.html>

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

Sorted by [Member State](#) [Title](#) [Author](#) ▼

Member State: United Kingdom

Title: Harrison v Jagged Globe (Alpine) Ltd

Author: Harvy, M.

Result

The appeal was allowed.