

Case law

Case Details

National ID: Clodagh Daly v Irish Group Travel Limited trading as “Crystal Holidays”, Trevor Hamer, Rafting- Centre-Taxenbach Trevor Hamer Keg and Christine Hamer

Member State: Ireland

Common Name: N/A

Decision type: Other

Decision date: 16/05/2003

Court: The High Court

Subject:

Plaintiff: Clodagh Daly

Defendant: Irish Group Travel Limited trading as “Crystal Holidays” (the “First Named Defendant”) Trevor Hamer, Rafting- Centre-Taxenbach Trevor Hamer Keg and Christine Hamer (the “Second to Fourth Named Defendants”)

Keywords: contract for the provision of accommodation, transport, catering or leisure services, jurisdiction, liability, package travel, travel

Directive Articles

Package Travel Directive, [link](#)

Headnote

Claims against travel agents and suppliers from different jurisdictions will not be heard together due to similarity alone. This will only be allowed where it necessary to avoid conflicting results.

Facts

The Plaintiff instituted proceedings when her husband died while on a white river rafting trip on an excursion which was encouraged by the First Named Defendant and provided by the Second to Fourth Named Defendants. The Second to Fourth Named Defendants contested the jurisdiction of the High Court to hear the claim against them in Ireland.

It was alleged, inter alia, that the First Named Defendant was liable for the improper performance of its obligations under and by virtue of s. 20 of the Package Holidays and Travel Trade Act 1995, irrespective of whether such obligations were to be performed by the Second to Fourth Named Defendants as suppliers of the river rafting service.

The Court considered whether the Plaintiff could bring proceedings in Ireland against both the Irish and Austrian defendants, and whether there were prima facie grounds for alleging a breach of an obligation by the First Named which could have contributed to the plaintiff's injuries.

Legal issue

Is there an overlap of issues as between the claims against the travel agent and service supplier that require connecting the proceedings?

Decision

The Court found that a plausible prima facie case did lie against the First Named Defendant in these proceedings, from an alleged failure to check the competence of the persons involved in guiding the trip and warn the plaintiff and/or her deceased husband of the dangers involved in the trip. Travel agents are obliged to take all reasonable steps to ensure the safety and well-being of their customers.

The claims against the respective defendants were must be so closely connected that it was expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings in different jurisdictions, rather than just similarity of claims.

URL: [N/A](#)

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Legal Literature

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Result

The Plaintiffs' application was refused.