

Watch this space on breach of contract, vicarious liability and assumption of responsibility

The concept of Assumption of Responsibility is on many stakeholders' minds at the moment following the Supreme Court decision in *CN & GN v Poole*.

22 July 2019

The concept of Assumption of Responsibility is on many stakeholders' minds at the moment following the Supreme Court decision in *CN & GN v Poole*.

We anticipate that asserting a cross over between Assumption of Responsibility and Vicarious Liability could become increasingly prevalent. With the outsourcing of public services, contractual issues will also enter the mix.

Last month in *Ohoud Al Najar & Ors v Cumberland Hotel Ltd* [2019] EWHC 1593 (QB) the court found that an hotel assumed a responsibility to take reasonable care to protect guests from the criminal acts of third parties. In this case a thief had been disturbed and had violently attacked these guests. However the court found that the assumed duty was not absolute; it was simply to take reasonable care. On the facts the Defendant had not breached any duty to these claimants; its security systems and procedures were sufficient but would not exclude every unfortunate eventuality.

Next week the Supreme Court will be handing down judgement in *X v Kuoni Travel*. X was raped by a uniformed hotel electrician who had offered to show her a shortcut to reception, but had led her to an engineering room where the rape had taken place. The issue the Supreme Court will rule on is whether a travel company can be liable for 'improper performance' of the contract and **Package Travel, Package Holidays and Package Tours Regulations** (SI 1992/3288). We suspect the outcome will be dependent on a detailed analysis of the pleaded facts. Our briefing note on the case and the possible impact on Defendants facing assault and abuse claims will follow next week.

Contact



Sarah Erwin-Jones

Partner

Sarah.Erwin-Jones@brownejacobson.com

+44 (0)115 976 6136

Related expertise

Abuse and social care claims

Delegated authority claims resolution