

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

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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.

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