

A LUXURY HOLIDAY? MILDEW ON THE WALLS. STAINS IN THE TOILET.

Mr Jackson booked a family holiday for himself, his wife and his twin boys with Horizon Holidays at the Pegasus Beach Hotel, Sri Lanka. He was very specific about what he wanted: connecting rooms; a balcony facing the sea; four course meals with a choice of 3 or 4 dishes at each course; and an English speaking doctor on call if necessary. This would cost £1,432.



Brown's Beach Hotel, Sri Lanka

But Horizon informed him that the Pegasus Reef Hotel was not finished and they offered him the Brown's Beach Hotel instead which they assured him was of the same quality. The price for this was only £1,200

When they arrived they were greatly disappointed. Their room had not got a connecting door with the room for the children at all. The room for the children was mildewed—black with mildew, at the bottom. There was fungus growing on the walls. The toilet was stained. The shower was dirty. There was no bath. They could not let the children sleep in it. So for the first three days they had all the family in one room. The two children were put into one of the single beds and the two adults in the other single bed. After the first three days they were moved into what was said to be one of the best suites in the hotel. Even then, they had to put the children in to sleep in the sitting room and the parents in the bedroom. There was dirty linen on the bed. There was no private bath but only a shower; no mini-golf course; no swimming pool, no beauty

salon, no hairdressers' salon. Worst of all was the cooking. There was no choice of dishes. On some occasions, however, curry was served as an alternative to the main dish. They found the food very distasteful. It appeared to be cooked in coconut oil. There was a pervasive taste because of its manner of cooking.

After a fortnight they moved to the Pegasus Beach Hotel which was almost finished although some building work was still going on.



On his return Mr Jackson sued Horizon Holidays. The Court of Appeal awarded him £1,100 damages to cover the difference in price and also a sum for distress and disappointment. The important point about the case was that Lord Denning decided that he could claim not only for his own distress and disappointment but also for that of his wife even though she was not a party to the contract. [This is the case of *Jackson v Horizon Holidays Ltd* [1975] 3 All ER 92]

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