

**IN THE COURT OF APPEAL**  
**ON APPEAL FROM**  
**THE HIGH COURT OF JUSTICE**  
**BETWEEN: -**

**DAVIDSON**

Appellant

**and**

**ISLINGTON BOROUGH COUNCIL**

Respondent

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**ADVOCACY ALLOCATION 2019**  
**MOOT PROBLEM**

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Rachel Davidson, a seven-year-old girl, went on a coach trip with her Islington Girl Guides, ran by Islington Borough Council, in May 2013. Islington Girl Guides hired a coach from Perfect Travel, a local coach firm they had used many times before. Despite widespread parental concern, the coach was not fitted with seatbelts. It would have cost around fifty pounds more to hire a coach with seatbelts.

During the coach trip, Rachel's coach was involved in an accident with a car, the driver of which was never traced. Rachel was severely injured in the accident and will be confined to a wheelchair for life.

Both parties accept that Rachel's injuries would not have been so severe if she had been wearing a seatbelt. Rachel's parents admit, however, that they had not considered whether the coach had seatbelts or not until after the accident.

In the High Court, Rachel's parents sued Islington Borough Council in negligence, but lost on two grounds:

- 1. Islington Borough Council did not breach the duty of care they owed Rachel**
- 2. If there was a breach, Rachel's injuries were unforeseeable**

Rachel's parents now appeal against both determinations.

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**LIST OF AUTHORITIES**

**(1) Islington Borough Council did not breach the duty of care they owed Rachel**

- *Williams v Eady* (1893) 10 TLR 41
- *Haley v London Electricity Board* [1964] 3 ALL ER 185
- *Caparo Industries v Dicman* [1990] AC 465
- *Stovin v Wise* [1996] 3 ALL ER 801
- *Watson v British Boxing Board of Control* [2001] QB 1134

**(2) If there was a breach, Rachel's injuries were unforeseeable**

- *Overseas Tankship (UK) Ltd v Morts Dock and Engineering Co Ltd (The Wagon Mound No 1)* [1961] AC 388
- *Bolton v. Stone* [1951] AC 850
- *Hughes v Lord Advocate* [1963] AC 837
- *Jolley v Sutton London Borough Council* [2000] 1 WLR 1082
- *Miller v Jackson* [1977] QB 966