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COURT OF APPEAL CIVIL DIVISION (UK)

***LEVISON and ANOR v PATENT STEAM CARPET CLEANING CO LTD***

Lord Denning MR, Orr LJ and Sir David Cairns

9, 10, 11 March, 22 April 1977 — (1977) 3 All ER 498; [1978] QB 69; [1977] 3 WLR 90

**CONTRACT – FUNDAMENTAL BREACH – EFFECT ON EXCEPTION CLAUSE – CLEAR WORDS NECESSARY TO EXCLUDE LIABILITY FOR FUNDAMENTAL BREACH – BAILMENT OF GOODS – CLEANING COMPANY – CLAUSE PROVIDING ALL MERCHANDISE ACCEPTED AT OWNER'S RISK – VALUABLE CARPET LOST BY CLEANING COMPANY – WHETHER CLAUSE SUFFICIENTLY CLEAR TO EXEMPT CLEANING COMPANY FROM LIABILITY FOR LOSS IN CONSEQUENCE OF FUNDAMENTAL BREACH OF CONTRACT.**

**CONTRACT – EXCEPTION CLAUSE – BAILMENT – EXCLUSION FROM EXCEPTION CLAUSE OF LOSS IN CONSEQUENCE OF FUNDAMENTAL BREACH – BURDEN OF PROVING FUNDAMENTAL BREACH – BURDEN OF PROOF ON BAILEE TO SHOW LOSS NOT OCCURRING IN CONSEQUENCE OF FUNDAMENTAL BREACH – VALUABLE CARPET LOST BY CLEANING COMPANY – OWNERS ALLEGING LOSS DUE TO FUNDAMENTAL BREACH OF CONTRACT BY CLEANING COMPANY – BURDEN ON CLEANING COMPANY TO SHOW HOW LOSS OCCURRED.**

[RECOMMEND, Magistrates read this case. JE Wallace SM, Ed.]

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