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Executive Summary:

On June 14, 2023, a terrible accident took place at the "Time Stomp" music event in Leeds. The legal problems that came up after the event are looked at in this study

report. There were more than 1,000 people at the event, which was planned by Barry Bottleman. There was a problem with the fireworks show and they went off in the crowd. People were scared, which caused a rush in which many were hurt.

One of the people who was hurt the most was Sarah Peterson. She got hurt by flames and people stepping on her. She lost an arm and couldn't move. Her boyfriend Jack Smith was also caught in the crowd and later developed post-traumatic stress disorder. Jane and Mary, their moms lived close and were going through a lot of emotional pain. Someone else who helped Sarah was Bob, who carried her to safety. But Bob afterward had a lot of mental health problems. Since Barry planned the event, let us look whether he is legally responsible for what took place.

This is what the IRAC method is used for in the report: Comparative: comparing and looking at how different law rules are used in UK cases. The study of how the law affects real people and how that affects how people think about mental health today.

The way the law works now is very bad in this case. Health harm, not mental harm, is what it thinks is most important. But research from NHS England (2022), NICE (2021), and the British Psychological Society (2021) shows that stress can have a big effect on someone even if they are never hurt physically.

It's time to change and make the rules about extra victims more fair.

The law should protect people who come to help, like Bob.

Festivals should follow general rules like "The Purple Guide," and they should also have clear rules for safety that can be broken.

The Occupiers' Liability Act 1957 should cover public events too. *Gwilliam v West Hertfordshire Hospitals NHS Trust* (2002). This case is significant because it shows that occupiers or organisers may be liable not only for their own negligence but also for failing to check the safety standards or insurance of third-party contributors at events.

When it comes to short-term injuries, English tort law works pretty well. But when it comes to mind injuries that last a long time, it still needs a lot of work. That this doesn't happen again, the study's goal is to show what parts of the law need to be changed and how they can be made better.

Introduction

People want to feel safe when they go to big public events like concerts, street fairs, and sports games. When event managers don't do their job and something goes wrong, the law should protect what's there. The government should make sure that the right people are found guilty. A lot of people were hurt physically and mentally at the Time Stomp festival, and the law needs to decide who, if anyone, is legally responsible.

The show on June 14, 2023, was meant to be a good time. There was a problem with the flames, though. The flames were pointed at the people in the crowd instead of away from them. People ran away because they were scared. When there was a rush, Sarah Peterson got hurt very badly. She broke up with her boyfriend Jack, who was very upset about it. When their moms, Janice Peterson and Mary Smith, saw what happened, it made them feel bad. Bob was one of the people who helped Sarah, but he later had mental health issues. The question is whether Barry Bottleman, who planned the event, should be charged with a crime. This study uses the IRAC method to look at this case through the lens of English tort law. It checks for both negligence and occupiers' liability and also checks to see if people can file claims for both physical and mental hurt.

The Occupiers' Liability Act 1957 said that Barry had to make sure the fairgrounds were safe. He was in charge of the area, like in *Wheat v. Lacon* (1966), so the law calls him the "occupier." If he didn't keep the crowd or fireworks safe, he likely broke that duty (Occupiers' Liability Act 1957; Health and Safety Executive, 2023; The Purple Guide, 2023).

In the case of *Caparo v. Dickman* (1990), the three-step rule for carelessness is: Was it likely that the harm would happen? Were there close ties between the groups? Would you agree that it's fair to blame someone?

Sarah and Jack really do pass these tests. Barry should have known that having a lot of people around and fires could be dangerous. Sarah was hurt, and Jack was close enough to the chaos to understand why he is traumatised.

1. But things aren't so clear for people like Janice and Mary who suffer secondhand. According to *Alcock v Chief Constable of South Yorkshire Police* (1991) and *McLoughlin v O'Brian* (1983), they have to follow strict rules of the law to file a claim. They have to prove that they knew about the hurt person, saw what happened and were close to them. Even though they were there right away and are the moms of the victims, the judges might not think that is enough.

For Bob, the rule is even stricter. In *Chadwick v. British Railways Board* (1967), a saviour could sue for mental health harm. The court said in *White v Chief Constable of South Yorkshire Police* (1999) that rescuers can't get money for damages unless they are in danger. As things stand, Bob's claim might not be true since he wasn't in immediate danger.

There is a bigger problem with tort law that this case shows. It's not always as clear that mental harm is just as bad as physical harm, even though doctors and

government statistics show how bad it can be (NICE, 2021; NHS England, 2022; Office for National Statistics, 2023).

This study will use important cases and laws, as well as legal books like Clerk & Lindsell on Torts (Jones and Dugdale, 2022), to look at the current state of the law. Laws will also be changed to make them fairer, especially for people whose minds have been hurt by tragedies.

At the end, the report should show what parts of the law work well and what parts don't. It should also offer changes that make sense based on what we know about medicine now and what people expect from justice and fairness.

Research Plan

This part describes how I organised and carried out the research for this report. The June 2023 Time Stomp party will be investigated to see if Barry Bottleman, who put on the event, could be held legally responsible for the injuries people got. A lot of people were hurt, some physically and some mentally. The application of causation in tort law requires a clear link between Barry's negligence and the injuries suffered by each claimant. Using the "but for" test from *Barnett v Chelsea & Kensington Hospital* (1969), it is evident that had Barry taken reasonable steps to ensure crowd safety, the injuries would not have occurred.

This study is mostly about how English tort law deals with cases like these. I studied negligence, occupiers' duty, and how the law handles mental injuries in detail. This part talks about why I did the study, what questions I tried to answer, and how I did it. The main purpose of this study is to find out if Barry, who planned the event, can be held legally responsible for the harm that was done. These are some of them: harm to the body (like what Sarah went through) harm to the emotions, like the pain Jack, Janice, Mary, and Bob felt. This study also tries to show if the law is good or needs to be changed.

(Occupiers' Liability Act 1957; *Wheat v. Lacon* (1966) tells people who plan events what they need to do to stay on the right side of the law. If you want to know how the three-part test from *Caparo v. Dickman* (1990) is used to find carelessness, they are foreseeability, proximity and fairness. Read *Page v. Smith* (1996) and *Alcock v Chief Constable of South Yorkshire Police* (1991) to see how courts deal with people who are mentally hurt but not physically hurt. Use cases like *McLoughlin v O'Brian* (1983) and *White v Chief Constable of South Yorkshire Police* (1999) to find problems with how the law deals with second-hand victims and rescues. That you want to change the law so that it is fairer for people who are hurt by public disasters.

Questions to Ask for Research: The main things I wanted to answer in this report were the following: Barry, was it his job to make sure everyone at the event was safe? Did he break that role, if so? Can people like Jack, Janice, Mary, and Bob who have been hurt mentally get money for it? What does the law not allow now? How could we make the rules fairer?

1. Methodology (Legal Study of Doctrine)

You need to read and think about the real rules for this method. There are many rules such as the Occupiers' Liability Act 1957.

Caparo v. Dickman (1990), Page v. Smith (1996), Alcock (1991), McLoughlin v. O'Brian (1983), White v. Chief Constable of South Yorkshire (1999), and Wheat v. Lacon (1966) are some examples. Books like Tort Law (Giliker, 2020), Clerk & Lindsell on Torts (Jones and Dugdale, 2022), and Tort Law: Text and Materials (Lunney et al., 2017).

It helped me understand what the law says now and how it has been used in real life. Chadwick v British Railways Board (1967) said that a rescuer could sue for mental hurt. In White v Chief Constable of South Yorkshire Police ((1999), heroes didn't have that right, though. This kind of change to the law might not make sense or be fair. With the help of these cases, I was able to find the flaws and make the law work better.

2. Social Legal Methodology

This way looks at how the law works for real people in the real world. It looks at the rules to see if they are fair and follow what we know now about things like mental health. The British Association for the Study of Psychology, English NHS in 2022. There is an Office for National Statistics. All show how bad mental health issues are and how long they last. The government does not always care about mental health, though. What doctors know and what the law says is not the same thing. This study investigates this gap.

This is an important subject because the UK has more and more public events. People can get hurt badly, both mentally and physically, at these types of events, like the one at the Time Stomp concert.

People who have been burned or broken bones can get help from the government. When someone wasn't hurt or trying to help someone else, though, mental stress is hard for it to deal with. Because of this, Mary, Janice, and Bob might not get any money, even though it's clear they are in trouble.

The point of this article is to show;
When the law is fair, like when Jack and Sarah got married.
What it doesn't do well (like for Bob, Mary, and Janice)
What could be done to make things better and fairer for everyone?

Case law and public records that are easy to understand are used as foundations for this study. It uses easy-to-understand steps to solve tough questions like "Is Barry to blame?" Who can file a claim for harm? And what can be done to make the rules better?

There is no bias in this plan. It looks at what went wrong and how the law could fix it. This is done by focussing on UK law and using sources from both the legal world and the real world.

Research and findings

Using the IRAC method, this part looks at the issues with the law that came up at the Time Stomp event. Tort law is used to look at each claim and decide if Barry Bottleman, who put together the festival, can be held legally responsible for the harm that people who went to the festival suffered mental and physical. Where multiple parties share responsibility, the Civil Liability (Contribution) Act 1978 could facilitate fair distribution of liability among all those involved, *Napier v Hunter* (1993). The Occupiers' Liability Act 1957 and Occupiers' Liability Act 1984 is a very important law that says property owners need to keep their guests safe. It was clear that Barry was in charge of the fairgrounds in this case. According to *Wheat v. Lacon* (1966), he is now the "occupier." He may have broken the law (Occupiers' Liability Act 1957; Health and Safety Executive, 2023) because he didn't do enough to keep everyone safe, like keeping the crowd under control and handling fireworks safely. The chaotic result of Barry's firework display and lack of trained personnel breached this threshold. As *Robinson v Chief Constable of West Yorkshire Police* (2018) clarified, a duty of care should not be denied simply because the incident occurred in a public setting or might give rise to multiple claims. The fact that Barry could have foreseen injury from misfiring fireworks and failed to mitigate that risk supports a finding of negligence.

We can see that Sarah's wounds are very bad and could have been avoided. In the case of *Caparo v. Dickman* (1990), the judges were told to think about how likely something was to happen, how close the two people are, and whether it's fair to hold

someone responsible. Based on this test, Barry is likely legally responsible. Jack is probably also covered since he was there. In the 1996 case *Page v. Smith*, psychiatric injuries like Jack's were recognised.

There are some tricky parts of the law when it comes to secondary victims, or people who were not hurt directly but saw what happened. Even though Mary and Janice were upset after seeing the wreckage of the rush, *Alcock v. Chief Constable of South Yorkshire Police* (1991) says they would have to show that they were close to the victim and there at the time of the event to prove their case. But like in *McLoughlin v. O'Brian* (1983), their claims might be turned down even if some of these things are true.

Bob's case is even worse. In *White v. Chief Constable of South Yorkshire Police* (1999), the law says that heroes can only make a claim if they were really in danger. Because of this, he had mental problems afterward. Bob wasn't really in that much danger, so it's likely that his case won't go through.

1. Sarah Peterson

Issue:

What the law says about Barry if he hurt Sarah and caused her to lose her job. The injuries Sarah suffered would have been more avoidable had Barry considered individual vulnerabilities, a principle explored in *Paris v Stepney Borough Council* (1951)

Rule:

To file a claim for carelessness in tort law, someone who broke the law had to show care and a breach of that duty.

Damage that could have been seen coming was done by the breach (*Caparo v. Dickman*, 1990). The duty of care is grounded in *Donoghue v Stevenson* (1932), establishing the neighbour principle. The Occupiers' Liability Act 1957 (*Wheat v. Lacon & Co. Ltd.* 1966) says that business owners and managers must keep legal guests safe.

Analysis:

Barry was in charge of how the event was set up, the rules for safety, and the fireworks. That makes him the "occupier" of the land. He planned for fireworks to go off near a lot of people, but he didn't put up any gates or have a trained team ready to help in case of an emergency. It was found that these big safety holes existed. A

rush was likely to happen, and people would get hurt (Blyth v. Birmingham Waterworks Co., 1856; Bolton v. Stone, 1951).

Sarah was allowed to be there, right next to the flames, and in the way of harm. One of her injuries was a burn on the face, she lost an arm and paralysed from the waist down. She also lost her job as a PE teacher. In Pickett v. British Rail Engineering Ltd. (1980), the court awarded damages for loss of earning capacity. This means she can file a claim for future income.

Conclusion:

Sarah has a good chance to win. The Occupiers' Liability Act 1957 and the common law of carelessness both say Barry broke his duty.

2. Psychiatric harm done to Jack Smith (main victim)

Issue:

Jack didn't really get hurt, so can he still file a claim for mental harm?

Rule:

Based on Page v. Smith (1996), a person who was in physical danger and knew they would be hurt can file a claim for mental harm after a traumatic event.

Analysis:

Sarah and Jack were standing next to the stage. He was in the crowd when the fireworks did not go off as planned, which scared everyone. He stopped moving and was pushed away. He was later found with only minor injuries. After that, his post-traumatic stress disorder got worse.

He only has to show that some harm was likely to happen to him Page v. Smith (1996) to become the main target. Jack was in the "zone of danger." He doesn't have to prove that harm to his mind was likely to happen on its own. He does have post-traumatic stress disorder, which is a real illness (NICE, 2021; NHS England, 2022).

Conclusion:

Jack seems to be going to do well. Page v. Smith (1996) says that he is the main victim and can make a claim for psychiatric harm.

3. Psychiatric harm done to Janice Peterson (second victim)

Issue:

Janice saw her daughter Sarah get hurt. Can she file a claim for mental harm?

Rule:

The following test from the case of *Alcock v. Chief Constable of South Yorkshire Police* (1991) must be met for someone to be a secondary victim and make a psychiatric damage claim. Strong love and care bond, being close to the event or the time right after it. Direct knowledge of what happened. *McCloughlin v. O'Brian* (1983) says that this is a recognised mental disease.

Analysis:

Janice, who is Sarah's mum, was there. When she ran back after the rush, Sarah was already out and bleeding. After that, she became depressed and needed to see a therapist. Doctors know what is wrong with her, so she passed the last part of the test.

She also meets the first two conditions, which are being nearby and having a close friend. There's just not enough time though. Courts were very strict in the *Alcock* case about not letting people who did not see the harm happen file claims. Janice got there just as more people were coming. The mother won in *McLoughlin*, even though she never got to see her family again. That was before the rules in *Alcock* became stricter.

Conclusion:

Janice may not be able to get her claim accepted, even though she was hurt. The judges could say she wasn't aware or present at the right time.

4. Damage to Mary Smith's mental health (second victim)

Issue:

It's been shown that the event caused mental harm to other people. Can Mary make a claim for her own harm?

Rule:

Janice has to follow the same *Alcock v Chief Constable of South Yorkshire Police* (1991) rules. She has to show that they are close, that they can see each other, and that the situation is real.

Analysis:

Mary is Jack's mum. From the stands she saw the crowd go crazy. She ran down to help Sarah when she couldn't see her son and kept her from getting hit even more. She later had panic attacks and was diagnosed with generalised anxiety disorder.

Mary does well on the test of friendship. She was also at the crime scene soon after it happened. Doctors are taking care of her mental sickness. Like Janice, she didn't see the first rush, or the rockets go wrong. This could mean that her case doesn't work under *Alcock v Chief Constable of South Yorkshire Police* (1991), even though *McLoughlin v O'Brian* (1983) showed that courts could be wide.

Conclusion:

This is like what happened with Janice and Mary. There is real damage to her mental health, but the law may say she can't get paid.

5. Harm to Bob's mental health (Civilian Rescuer)

Issue:

That Bob helped Sarah during the event but later went crazy and became alcoholic, can he sue for money?

Rule:

In the *Chadwick v. British Railways Board* (1967) case, people who helped save lives could make a claim for stress. Before *White v. Chief Constable of South Yorkshire Police* (1999), this wasn't the case. Rescuers had to show that they were in real danger in order to get their money back, as ruled by the House of Lords.

Analysis:

Bob didn't do anything, he just watched. He got Sarah, put her in his car, and took her to the hospital. He chose to help even though other people told him not to. He got hooked on drinking after being told he had madness. He is very sick, and it's because of what he went through.

On the other hand, *White v Chief Constable of South Yorkshire Police* (1999) says that rescuers who are not pros or who are not in trouble are not to blame for mental harm. Bob might not be able to say that he did something brave.

Conclusion:

Because of the way the law is now, Bob's claim probably won't work. This proves that the law doesn't fully protect people who are trying to save others.

6. Duty of Care and Breach by Barry Bottleman

Issue:

Did Barry need to look out for the people who were there? Did he break that role, if so?

Rule:

We have a duty of care because of the case *Caparo v. Dickman* (1990). If a person is found guilty, it was likely that hurt would happen. It was close by, and it is fair and makes sense to make someone do something. This law from Occupiers' Liability Act (1957) said that Barry, since he was already at the fairgrounds, had to make sure they were safe for everyone.

Analysis:

Barry was in charge of making sure everyone was safe at the party and hired the musicians and fireworks crew. Both the Purple Guide (2023) and the Health and Safety Executive (1023) say he didn't follow safety rules. There weren't enough exits, trained crowd controllers, or a backup plan in case the fireworks didn't go off.

A lot of people know that crowds that rush together at events can be dangerous. In the *Knightley v. Johns* (1982), case it was said that Barry did not act like a smart planner would have.

Conclusion:

Barry was supposed to do something, but he broke it. It's likely that the court will say he was careless.

7. How things happen and how far they go

Issue:

There may have been more than one reason for the damage. Was Barry's breach the official cause?

Rule:

Hughes v. Lord Advocate (1963) says that in tort, the person who is suing must show that the defendant's actions caused the harm and that the harm was close by. A chain of events must not be broken by something that wasn't planned *Knightley v. Johns*, (1982).

Analysis:

People were scared and rushed because the fireworks didn't work right. It was planned for the physical and mental effects to happen. In an emergency, even Bob's choice to take Sarah to safety was the right thing to do Scott v. Shepherd (1773).

No one else could break the chain of events. Barry didn't plan well for safety, which set off a chain of events that had to happen.

Conclusion:

All of the claims were hurt by Barry's breach. It wasn't too far away. It's clear what caused what.

Reform Suggestions

The English tort law does some things well, like when it comes to mental harm. But in the case of the Time Stomp event, it does not work so well. Lawyers look out for people who are hurt physically like Sarah. But Bob, Mary, and Janice are not. There are ways to make the law better so that it is fairer for everyone in this part of the study.

It should be easier for second-hand victims to make claims for psychiatric harm. At this time, people who see a loved one get hurt can only file a claim for mental harm if they follow a lot of strict rules. These rules were created in the cases of Alcock v. Chief Constable of South Yorkshire Police (1991) and McLoughlin v. O'Brian (1983). This is what they say: Learn a lot about the subject. Show up on time or soon after. You can see or hear the event for yourself. Most people don't follow the rules, even if their pain is real and a doctor has confirmed it.

Because Janice and Mary saw their kids get hurt in the Time Stomp case, they are now very mentally ill. As things stand, they might not be able to make a claim since they got there a little after everyone else. It doesn't seem right. Courts often do not want to allow too many claims. But experts like Witting, C. (2021) say this fear is overblown. Judges can still be careful without being unfair.

The law should care more about whether the harm could have been seen coming and whether the person was hurt, not just when or how they saw it. Make a new test for the law that gives judges more freedom and lets people get the right kind of pay when they were really hurt and can show it. The law should be changed to reflect what we now know about how trauma works, according to mental health experts

(NICE, 2021; British Psychological Society, 2021). This change would help people like Mary and Janice and make it look like the law is more open and fairer.

It is the law to protect people who are helping.

Bob helped Sarah when she was hurt and on the ground. Some people told him not to take her, but he did it anyway. The things he saw have hurt him a lot, even though they didn't put him in danger. It looks like Bob can't make any claims right now.

There is no way that helpers can be in danger of getting hurt. This was made clear in *White v. Chief Constable of South Yorkshire Police* (1999). It's not fair. People who do the right thing get in trouble for it.

The law should be changed so that people who help people in need and are then traumatised by it can file a claim for mental injuries. Things that went wrong at the Time Stomp show might not happen again if this is done.

New events should be added to the Occupiers' Liability Act.

The Occupiers' Liability Act 1957 is an old law. Laws say that people who own land or property must make sure that guests are safe. It doesn't talk about current events, like concerts, sports games, or protests. We saw in *Wheat v. Lacon* (1966) that it can be hard to figure out who the "occupier" is when a lot of people are involved.

Someone could rent a park, put on a fireworks show, and pay for their own security. If something goes bad, who is in charge of the law?

A new part of the Occupiers' Liability Act should be added to cover public events that only last a short time. How does liability work when more than one person is in charge, like the organiser, the place owner, the security company, and so on?

Under the Civil Liability (Contribution) Act 1978, each person or group should take responsibility for their fair share of the damage. This would help judges, event planners, and victims figure out who is to blame when bad things happen at big events.

Conclusion:

To keep people safe and help those who have been hurt, the law is there. It helps with physical issues right now, but not so much with mental ones. People like Janice, Mary, and Bob get lost because the rules are not up to date or are too narrow.

McLoughlin v. O'Brian (1983), has too many tight rules for people who were hurt, saw what happened, and now have mental health issues. They might not be able to file a claim since they weren't there when the harm took place.

The same thing is wrong with Bob's case. He did something to help save Sarah, but it made him feel bad. But *White v. Chief Constable of South Yorkshire Police* (1999) says he probably can't get money unless he was really in danger, which he wasn't. Most people believe that the government should not do this because it is wrong.

When it comes to family members and witnesses, laws against mental hurt should be fairer. No matter if the rescuers weren't in danger, the law should protect them. Must follow all safety rules for public events, not just the ones that are suggested. To the Occupiers' Liability Act, add rules for short-term and public events. After these changes, the rules will be more fair. Post-traumatic stress disorder, trauma, and worry are all injuries that can't be seen. These people would be able to get the same legal help as people with burns or broken bones.

Tort law is meant to help people who got hurt because someone else didn't do what they should have. For that to really work though, the law needs to change to reflect modern life, progress in medicine, and general sense. We need to make that change right away because of the Time Stomp case.

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