

## **Appeal Court Overturns Damages Award**

Three appeal Judges have upheld the appeal by Timothy and Catherine Perry after an earlier High Court ruled that they were responsible for an accident in which 13 year old Sam Harris was kicked in the head by an older teenager whilst playing on a bouncy castle. The tragic accident has left Sam severely brain damaged.

The Appeal Court ruling has been hailed as a 'victory for common sense'.

Lord Chief Justice Lord Phillips, sitting with Lord Justice May and Lord Justice Wilson at the Court of Appeal, overruled Mr Justice Steel's decision by declaring that it was a '[freak and tragic accident](#)'.

Legal experts hailed the decision a victory for those supervising bouncy castles who had been left open to compensation claims by parents over even minor accidents.

The accident happened at a tenth birthday party the Perrys were holding for their triplets in a playing field in Strood, near Rochester, Kent, in September 2005.

Sam Harris, then aged 11, asked Mrs Perry if he and another boy, Sammy Pring, 15, could have a go.

The Perrys had also hired a bungee run and while Mrs Perry had her back turned, Sammy accidentally kicked Sam in the head when performing a somersault.

Sam suffered a 'very serious and traumatic brain injury', and now needs round-the-clock care.

His parents, Janet and David Harris, who are separated, sued the Perrys.

The High Court ruled that Mr and Mrs Perry should pay an immediate £100,000 to the Harris family and were liable to pay up to as much as £1million more in damages.

But yesterday the High Court ruling was overturned.

Sam will not receive any compensation and his parents are expected to take their case to the House of Lords.

Neil Addison, a barrister specialising in civil law, said: '[This appeal simply marks common sense](#)'.

['It is a tragic accident and one obviously feels sorry for the boy and his parents but I am not at all surprised at the outcome.'](#)

During the appeal hearing, Lord Phillips said Mrs Perry was under no obligation to keep the bouncy castle under continuous observation, and it was not '[foreseeable](#)' that it posed a '[significant risk of harm](#)'.

He added that Mrs Perry had acted '[reasonably](#)' in believing she could supervise the castle and the bungee run at the same time.



## NEWS RELEASE

Whilst the courts decision is welcomed by the inflatable play industry, Peter Grand, Editor of Inflated News said, "Whilst we all feel extremely sorry for the injuries sustained by this youngster the court ruling is definitely a victory for common sense.

However, operators and supervisors need to ensure that they continue to constantly supervise bouncy castles and the like as per ETIS 7 and BS EN 14960:2006. This ruling does not negate the need for constant supervision. It is also important that they continue to advise their customers of the need to supervise inflatable activities. In the event of an accident occurring, if it is proved that either the Hirer or the Hiree has been negligent and contributed towards the accident, then they will have to pay any damages awarded."

He continued, "Children at play is a risky business and accidents will occur. In most cases common sense prevails and those involved accept that it is just an accident. There are instances where proceedings are instigated for the most minor of injuries and it is these cases that need fighting.

Let us hope that this ruling will lead various venues and Local Authorities that have banned bouncy castles and the like to review their earlier decision. "

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