

## HUGH PRESTON QC

Year of call 1994    Silk 2012



Hugh Preston QC (*ranked as a "Star Individual" by Chambers & Partners 2022*) is a leading silk in the fields of clinical negligence, personal injury, consumer law and product liability and has particular expertise in all aspects of group litigation.

He was awarded the title "Barrister of the Year" at the PI Awards 2013 and was shortlisted for Barrister of the Year at The Lawyer awards in 2017. He is ranked as a leading silk in Group Litigation (new category in Chambers & Partners 2022), and in Clinical Negligence and Product Liability by Chambers & Partners and the Legal 500 (Tier 1 in the Legal 500, and "Star Individual" in Chambers & Partners).

Hugh's clinical negligence practice involves complex and maximum severity claims on behalf of Claimants. He is currently instructed in over 20 ongoing obstetric and/or neonatal brain damage claims and is regularly instructed in complex birth injury claims involving all aspects of antenatal and neonatal care including failures to respond to CTG indications, excessive bilirubin levels leading to kernicterus, chronic partial and acute asphyxia cases and all aspects of obstetric, midwifery and neonatal management. He also has particular expertise in clinical negligence claims involving medical devices and is currently instructed in the TVT/TOT/TVM Mesh Implant (Consent) arising from allegations of inadequate advice when obtaining consent to vaginal mesh implantations.

Hugh's product liability practice includes instructions in the highest profile medical device group actions in recent years including the PIP Breast Implant litigation, the Pinnacle Metal Hip Implant litigation and several other metal hip group actions. He is currently instructed by Leigh Day in a group of claims arising from BIA-ALCL cancer caused by textured breast implants. He is also instructed in claims arising from personal injury and/or property damage following major fire damage incidents, and for claimants in group litigation arising from defeat devices used in VW, Audi, SEAT and Skoda motor cars.

He has longstanding wide experience of all aspects of personal injury litigation including historic sexual and physical abuse (particularly group actions involving child abuse and claims against religious and state institutions), claims arising from overseas accidents in the private security industry involved in combat operations in Iraq and Afghanistan, and the full range of maximum severity claims. More recently he has been consulted in respect of claims arising from the administration of Covid 19 vaccines to vulnerable

persons/children.

Hugh is also instructed in a wide variety of commercial and consumer contract disputes including consumer credit, sale of goods, supply of services and claims under the Consumer Rights Act 2015. He is currently instructed in litigation arising from University industrial action concerning a dispute as to whether a statutory right to a refund arises. He advises both commercial and consumer clients on force majeure clauses and contractual issues arising from the coronavirus / Covid 19 emergency.

He is currently instructed by Kennedys in a number of Covid 19 related multi party claims including wedding cancellation claims and a variety of Covid related consumer and human rights law group actions.

Hugh is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

## LEGAL EXPERTISE

---

### Clinical Negligence

Hugh is ranked as a leading silk in clinical negligence by Chambers and Partners 2022 and Legal 500 2022. He is described in the Legal 500 as having a *"Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight.... An excellent, absolutely outstanding silk"*. In Chambers & Partners 2022 he is described as *"A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren't obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level."*

He is currently instructed in over 20 ongoing obstetric and/or neonatal brain damage claims and is regularly instructed in complex birth injury claims involving all aspects of antenatal and neonatal care including failures to respond to CTG indications, excessive bilirubin levels leading to kernicterus, chronic partial and acute asphyxia cases and all aspects of obstetric, midwifery and neonatal management.

He also instructed in cases involving novel legal and complex legal issues, e.g. in 2017 a ground-breaking HIV misdiagnosis claim involving an alleged duty of care to wider family members (F S & D v University Hospitals Bristol NHS Foundation Trust [2017]). More recently he has been consulted in respect of claims arising from the administration of Covid 19 vaccines to vulnerable persons/children.

He has particular expertise in clinical negligence claims involving medical devices and is currently instructed in

the TVT/TOT/TVM Mesh Implant (Consent) Litigation, a large group of claims arising from allegations of inadequate advice when obtaining consent to vaginal mesh implantations for treatment of stress urinary incontinence and pelvic organ prolapse.

Hugh also receives instructions from overseas in clinical negligence claims including the Isle of Man and further afield.

He has a particular strength in putting clients at their ease, and explaining the issues arising throughout the case at a pace and in terms that are appropriate to the client.

## Selected Cases

### [SXM v North West Anglia Healthcare NHS Trust \(2021\)](#)

£25m damages claim. Failure to diagnose significant placenta previa leading to vaginal delivery of brain damaged claimant following acute hypoxic insult the precise timing of which was unknown. Issue as to whether competent management of placenta previa issue would have led to earlier delivery and if so whether brain damage would have been avoided. Instructed by Bolt Burdon Kemp. Trial listed in 2022.

### [Nupponen v North Middlesex University Hospital NHS Trust \(ongoing\)](#)

Alleged sonographer negligence in failing to identify abnormalities in fetal anomaly scanning resulting in birth of child with multiple abnormalities including severe micrognathia and atrial septal defect gastro-oesophageal reflux, requiring tracheostomy, gastrostomy, jaw distraction surgery, and long term ventilation.

### [ABC v Barnsley Hospital NHS Foundation Trust \(ongoing\)](#)

Very severe brain damage as a consequence of an admitted breach of duty. Dyskinetic cerebral palsy, fully tube fed and cannot lift head from prone. Unable to crawl, walk or speak. Loss of control of micturition reflex and requires intermittent catheterisation and will require indwelling catheter. Significant gastroenterological and neurological complications requiring interventions and prolonged periods of hospitalisation. Severe uncontrollable involuntary muscle spasms.

### [TVT/TOT Mesh Implant \(Consent\) Litigation \(2021\)](#)

Large number of claims managed by Master Cook alleging failure to give appropriate advice as to risks of vaginal mesh implant surgery for treatment of stress urinary incontinence / pelvic organ prolapse.

### [Pace v Mid Essex Hospital Services NHS Foundation Trust \(2021\)](#)

Unusual complex causation claim. Negligent treatment of neck fracture leaving claimant vulnerable to trauma in the neck, followed by road accident a year later in which claimant then suffered cord damage to neck leading to maximum severity injury injuries. Issue as to whether defendant liable for consequences of road accident.

### PQR v Calderdale and Huddersfield NHS Foundation Trust (2021)

Acute profound hypoxic ischaemic injury in perinatal period requiring nasogastric feeding. Cerebral palsy and epilepsy with ongoing seizures. Generalised dystonic movement disorder and right sided spasticity. Settled 2021.

### IS v North Bristol NHS Trust (2020)

Claimant suffered IVH during first few days of life as a consequence of negligent management leading to ventricular dilatation and long-term neurological damage. Complex causation issues. Instructed by Thompsons.

### TVT/TOT Mesh Implant (Consent) Litigation (2020)

Large number of claims managed by Master Cook alleging failure to give appropriate advice as to risks of vaginal mesh implant surgery for treatment of stress urinary incontinence / pelvic organ prolapse.

### Pace v Mid Essex Hospital Services NHS Foundation Trust (2020)

Unusual complex causation claim. Negligent treatment of neck fracture leaving claimant vulnerable to trauma in the neck, followed by road accident a year later in which claimant then suffered cord damage to neck leading to maximum severity injury injuries. Issue as to whether defendant liable for consequences of road accident.

### Sanderson v Guy's and Thomas' NHS Foundation Trust (2019)

Claim arising from delay in delivery following fetal bradycardia leading to severe long term brain damage. Trial in November 2019. Instructed by Simpson Millar.

### ABC v Calderdale Royal Hospital (2019)

Failure to delivery claimant by urgent caesarean section following hypoxic insult. Claimant has dyskinetic cerebral palsy and maximum severity injuries. Settled in 2019 for lump sum equivalent of £15m. Instructed by Irwin Mitchell.

### Sanderson v Guy's and Thomas' NHS Foundation Trust (2019)

Claim arising from delay in delivery following fetal bradycardia leading to severe long term brain damage. Trial in November 2019. Instructed by Simpson Millar.

### ABC v Basildon & Thurrock University Hospitals NHS Foundation Trust (2019)

Birth injury cerebral palsy claim, Claimant born severely acidotic. High value claim. Settlement 2019.

### ABC v Whipps Cross University Hospitals NHS Trust (2018)

Neonatal injury as a result of elevated bilirubin levels left untreated leading to permanent severe brain damage.

### CCC v Wrightinton, Wigan and Leigh NHS Foundation Trust (2018)

Severe brain damage following failure to respond to CTG trace and excessive dosage of Syntocinon.

### F, S & D v United Hospitals Bristol NHS Foundation Trust (2017)

Failure to screen pregnant mother for HIV, resulting in vertical transmission to child D during birth and delayed diagnosis for husband and son (both already HIV positive). Novel issue as to whether Trust owed duty of care to family members who were not its patients. Settlement in 2017.

## Personal Injury

Hugh is ranked as a leading silk by Chambers and Partners 2022 and Legal 500 2022. He has also been ranked in the "Spotlight" table in the new Group Litigation practice area by Chambers and Partners 2022. He is described in the Legal 500 as having a *"Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight.... An excellent, absolutely outstanding silk"*. In Chambers & Partners 2022 he is described as *"A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren't obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level."*

Hugh has longstanding wide experience of personal injury litigation involving maximum severity claims, head injuries, stroke victims and the full range of health and safety litigation resulting from industrial accidents including fatal accidents and complex amputation injury claims.

He has particular expertise in historic child sexual and physical abuse litigation, and is currently instructed in two major group actions in this field against alleged abuse over many years at Roman Catholic affiliated educational institutions in the 1970s and 1980s. Hugh has particular strengths in handling the difficult issues that arise in such cases with sensitivity and tact, and is able to put clients at their ease.

Hugh also has a specialist interest and practice in claims against the Ministry of Defence and against private security companies. This includes Non-Freezing Cold Injury claims against the MOD and litigation resulting from accidents abroad in the private security industry operating in international conflict zones e.g. Iraq/Afghanistan.

He has recently been consulted in respect of claims arising from the administration of Covid 19 vaccines to vulnerable persons/children.

## Selected Cases

### St William's Group Litigation (ongoing)

Large group action involving c. 300 claims of serious sexual and physical abuse at a Catholic approved school in the 1960s – 1980s. Court of Appeal ruling on limitation (2018). Individual cases currently proceeding at the Leeds District Registry following the resolution of preliminary issues at the Supreme Court.

### Manchester Children's Homes (ongoing)

Application for third consecutive group action involving multiple claims of historic sexual abuse.

### St. Anne's Group Litigation (ongoing)

Large group action involving allegations of historic child sexual abuse at Catholic primary school.

### Kenyan Emergency Group Litigation

Instructed on behalf of a cohort of Kenyan Claimants claiming damages for personal injury suffered in Kenya in the 1950s.

### Walker v Finnimore (ongoing)

Moderate brain damage / head injury resulting from road accident. Claimant lacks capacity. Complex future loss claim.

### Gundry v White (2021)

Severe multiple injuries including severe traumatic brain injury resulting from road accident. Claimant lacks capacity. £7m claim. Settled in 2021.

### Williamson v Armorgroup (2014)

Claim against private security company following psychiatric injuries sustained during mortar attack in Iraq.

### Ahmed v Ministry of Defence & Kellogg Brown & Root (2013)

Claim against MOD and private security company involving allegation of injuries sustained in Afghanistan.

### Cardy v Erinys (Iraq) Ltd (2012)

£1.6m claim against private security company following injuries sustained on convoy protection work in Iraq.

### O'Byrne v Aventis Pasteur C-358/08, [2010] UKSC 23

The only case under the Consumer Protection Act 1987 ever to have reached either the ECJ or Supreme Court. Landmark ruling on interpretation of the EC Directive / CPA / product liability limitation.

### Smith v Northamptonshire County Council [2009] UKHL 27

Leading House of Lords case on PUWER 1998 and the EC Work Equipment Directive.

### Hodges v Northamptonshire County Council [2004] EWCA Civ 526

Court of Appeal judgment concerning date of knowledge of injury for limitation purposes in historic sexual abuse claim.

## Product Liability

Hugh has been ranked as a "Star Individual" in product liability by Chambers and Partners 2022 (for the second consecutive year), and as a tier 1 leading silk by Legal 500 2022. He has also been ranked in the "Spotlight" table in the new Group Litigation practice area by Chambers and Partners 2022. He is described in the Legal 500 as having a *"Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight.... An excellent, absolutely outstanding silk"*. In Chambers & Partners 2022 he is described as *"A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren't obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level."*

Hugh has longstanding expertise in product liability litigation having been involved in some of the highest profile group actions involving medical devices in recent years. He represented the claimants in the PIP Breast Implant Litigation (concluded in Supreme Court 2019), the DePuy Pinnacle Metal on Metal Hip Litigation (14 week trial in 2017-18) and several other metal hip groups including Adept, BHR Resurfacing and combination hip prostheses. He is currently instructed by Leigh Day in a group of claims arising from BIA-ALCL cancer caused by textured breast implants. He is also instructed in claims arising from fire damage causing personal injury and/or property damage, and for claimants in group litigation arising from defeat devices used in VW, Audi, SEAT and Skoda motor cars. More recently he has been consulted in respect of claims arising from the administration of Covid 19 vaccines to vulnerable persons/children.

He is regularly instructed in individual product liability claims. An example of his current work in a single product liability case is a continuing fatality claim arising from a helicopter crash in the North Sea, involving complex jurisdictional and applicable law issues. Hugh has a particular interest in cross-border product liability litigation having been involved in two recent landmark decisions in this field involving ASR hip claimants from New Zealand and South Africa bringing claims in England against an English defendant.

Before taking silk Hugh appeared in the ECJ in *O'Byrne v Aventis Pasteur*, a major product liability ruling, subsequently returning to the Supreme Court in 2010. This was the first product liability claim under the

Consumer Protection Act 1987 ever to have reached this level.

Hugh is a former contributing editor to Miller's Product Liability and Safety Encyclopaedia.

## Selected Cases

### BIA-ALCL textured breast implant litigation (ongoing)

Group of claims involving BIA-ALCL cancer injuries following supply and implantation of textured breast implants by clinics in England & Wales.

### NOx emissions claims against VW, Audi, Skoda and SEAT (ongoing)

Instructed by Bond Turner and LGWP for a large group of claimants bringing claims arising from the supply of VW, Audi, SEAT and Skoda motorcars containing defeat devices.

### PIP Breast Implant Litigation (ongoing)

Major product liability group action concerning defective breast implants. Ongoing costs issues now before the Supreme Court following settlements/judgments in 2016 and Court of Appeal ruling in 2018. Instructed by GLO Lead Solicitor.

### DePuy ASR Hip Implant Group Litigation (ongoing)

Instructed for the claimants in multiple claims from claimants in the UK and elsewhere in the EU, alleging defective hip implants under the Consumer Protection Act 1987.

### Transvaginal POP Mesh Litigation (ongoing)

Instructed by large number of women in campaign group Sling the Mesh. Group litigation alleging defective/unfit for purpose vaginal mesh products used for treatment of pelvic organ prolapse.

### PIP Breast Implant Litigation (2019)

Large group action arising from the supply of defective silicone breast implants manufactured by PIP in France. Damages claimed in breach of contract from various private cosmetic surgery clinics.

### Finsbury Adept group litigation (2019)

Instructed for the claimants in multiple claims alleging defective hip implants.

### Depuy Pinnacle Metal on Metal Hip Litigation (2018)

Seminal product liability case before Andrews J. – 14-week trial involving comprehensive review of the law relating to defect and causation in claims under the Consumer Protection Act 1987. Instructed by GLO Lead



Solicitor.

### Birmingham Hip Resurfacing group litigation (2018)

Instructed for the claimants in multiple claims alleging defective hip implants.

### Combination Hip Prosthesis group litigation (2018)

Instructed for the claimants in multiple claims in which unauthorised combinations of hip components were used. Issue as to whether NHS Trust in assembling hip prostheses in these circumstances was a producer of a product.

### Biomet AES Ankle Litigation (2016)

Multiple claims alleging defective ankle prostheses.

### Allen & Others v Depuy International Ltd [2014] EWHC 753 (QB)

Landmark ruling as to territorial scope of Consumer Protection Act 1987, and as to applicable law in cross border product liability claims. Further judgment in 2015 concerning effect of New Zealand law provisions in cross-border claims.

### Allen & Others v Depuy International Ltd (2013)

Dismissal of defendant's application to contest jurisdiction for ASR hip claims brought in England by overseas claimants.

### O'Byrne v Aventis Pasteur C-358/08, [2010] UKSC 23

Landmark ruling at Supreme Court following ECJ reference as to interpretation of EC Directive & Consumer Protection Act 1987 / limitation.

## Consumer Contract

Hugh is ranked as a leading silk by Chambers and Partners 2022 and Legal 500 2022. He has also been ranked in the "Spotlight" table in the new Group Litigation practice area by Chambers and Partners 2022. He is described in the Legal 500 as having a *"Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight.... An excellent, absolutely outstanding silk"*. In Chambers & Partners 2022 he is described as *"A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren't obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level."*

Hugh has longstanding expertise in all aspects of consumer contract law and has been involved in some of the highest profile actions in this field. He represented the claimants in the PIP Breast Implant Litigation (concluded in Supreme Court 2019) in which claims were made for damages in breach of contract relying upon statutory implied terms. He is currently instructed by Leigh Day in a large group of claims arising from BIA-ALCL cancer caused by textured breast implants, claiming damages in breach of contract relying upon statutory rights under the Consumer Rights Act 2015.

He is currently instructed by Kennedys in a number of covid 19 related multi party claims including wedding cancellation claims and a number of Covid related group actions. He is also involved in litigation involving cancelled goods and services as a result of industrial strike action by university lecturers and whether a right to a partial refund arises.

Hugh is able to give urgent advice by telephone or by video either to solicitors or to non-lawyer clients directly.

## Selected Cases

### [Covid 19 Wedding cancellation claims \(ongoing\)](#)

Instructed by Kennedys in subrogated insurance claims seeking refund of sums paid for wedding reception events cancelled during 2020 lockdown.

### [BIA-ALCL textured breast implant litigation \(ongoing\)](#)

Large group of claims involving BIA-ALCL cancer injuries following supply and implantation of textured breast implants. Claims in breach of contract under Consumer Rights Act 2015.

### [University Strikes / Industrial Action Refund Litigation \(ongoing\)](#)

Issue as to whether entitlement to a refund arises following cancellation of tuition services as a result of academic staff industrial action.

### [PIP Breast Implant Litigation \(2019\)](#)

Large group action arising from the supply of defective silicone breast implants manufactured by PIP in France. Damages claimed in breach of contract from various private cosmetic surgery clinics. Supreme Court hearing June 2019.

### [Baybut and others v Eccle Riggs County Park Ltd \(Ch D\) \(2006\)](#)

Large group action concluding with trial of test cases at Liverpool District Registry in breach of contract claims by holiday caravan owners against holiday park relying upon contractual implied terms, and challenges to park standard terms under Unfair Terms in Consumer Contracts Regulations 1999.

## Commercial

Hugh is ranked as a leading silk by Chambers and Partners 2022 and Legal 500 2022. He is described in the Legal 500 as having a *“Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight... An excellent, absolutely outstanding silk”*. In Chambers & Partners 2022 he is described as *“A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren’t obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level.”*

Hugh has longstanding expertise in all aspects of commercial litigation.

He is currently advising both commercial and consumer clients as to contractual disputes and statutory and legal rights and claims for refunds as a result of cancelled goods and services caused by the Covid-19 / Coronavirus national emergency (e.g. Force Majeure clauses and corporate events cancellations). Hugh is able to give urgent advice by telephone or by video either to solicitors or to non-lawyer clients directly.

Hugh has particular experience of civil fraud and commercial contract disputes including construction disputes.

## Selected Cases

### Re. STU (2020)

Urgent advice to commercial events organiser concerning Force Majeure contractual clauses and rights and remedies under commercial events contract as a result of Covid-19 / Coronavirus national emergency / pandemic.

### CIGA v Tebway Ltd (ongoing)

Ongoing commercial dispute involving cavity wall insulation guarantee scheme operated by CIGA.

### Polypearl Ltd v BRE Scotland (ongoing).

£5m contract / breach of confidence dispute

### Ranby-Gorwood v Chattertons (ongoing)

Professional negligence claim against solicitor – alleged failure to ensure sufficient ATE cover and to ensure compliance with ATE terms and conditions resulting in substantial losses for claimant acting as trustee of bankrupt’s estate.

## Polypearl Ltd v E.ON Energy Solutions Ltd (2017)

£9m commercial contract dispute

## Muthana v Yafai (2012)

Trial at Leeds DR and Court of Appeal. £5m+ partnership dispute on behalf of Yemeni client involving allegations of dishonesty.

## Court of Protection

Hugh specialises in complex cases involving all aspects of healthcare, including controversial mental health issues. He has a particular interest in decisions involving clinical treatment and welfare decisions on behalf of individuals who lack capacity by reason of mental capacity, thus involving the Mental Capacity Act 2005, and on behalf of children, having regard to the Children Act 1989 and the inherent jurisdiction. This includes end of life decisions and decisions regarding withdrawal of treatment. His wider practice includes the most complex brain injury cases including birth injury claims and adult brain damage cases.

## Data Protection

Hugh is ranked as a leading silk by Chambers and Partners 2022 (where he is ranked as a “star individual”) and Legal 500 2022. He has also been ranked in the “Spotlight” table in the new Group Litigation practice area by Chambers and Partners 2022. He is described in the Legal 500 as having a *“Massive intellect and phenomenal work ethic. Will always come up with a genius point... Hugh is fantastic to work with. He is creative, approaches issues laterally and does so with an eye for detail combined with masterly strategic oversight.... An excellent, absolutely outstanding silk”*. In Chambers & Partners 2022 he is described as *“A fantastic advocate. He is ambitious and very good at lateral thinking – he sees connections that aren’t obvious to others and is not afraid of taking novel arguments forward. He is a really approachable and affable barrister ... A brilliantly nice man ... He has the ear of the court whenever he makes a submission because he is so eminently reasonable. His submissions are always pitched at just the right level.”*

Hugh has longstanding expertise in all aspects of consumer law and in particular consumer law group litigation.

Following the Supreme Court decision in *Lloyd v Google* (2021), Hugh has a particular interest in the potential development of data protection claims under the alternative umbrella of consumer law claims in breach of contract where the statutory remedy sought is the remedy of a partial refund under s.56 Consumer Rights Act 2015, and the extent to which such claims may be remain viable as representative actions under CPR 19.6.

Hugh has been involved in some of the highest profile consumer law actions in this field. He represented the claimants in the PIP Breast Implant Litigation (concluded in Supreme Court 2019) in which claims were made for damages in breach of contract relying upon statutory implied terms. He is currently instructed by Leigh Day in a large group of claims arising from BIA-ALCL cancer caused by textured breast implants, claiming damages in breach of contract relying upon statutory rights under the Consumer Rights Act 2015.

He is currently instructed by Kennedys in a number of covid 19 related multi party claims including wedding cancellation claims and a number of Covid related group actions. He is also involved in litigation involving cancelled goods and services as a result of industrial strike action and/or Covid and claims for statutory remedies under the Consumer Rights Act 2015.

## Selected Cases

### Covid 19 Wedding cancellation claims (ongoing)

Instructed by Kennedys in subrogated insurance claims seeking refund of sums paid for wedding reception events cancelled during 2020 lockdown.

### BIA-ALCL textured breast implant litigation (ongoing)

Large group of claims involving BIA-ALCL cancer injuries following supply and implantation of textured breast implants. Claims in breach of contract under Consumer Rights Act 2015.

### University Strikes / Industrial Action Refund Litigation (ongoing)

Issue as to whether entitlement to a refund arises under Consumer Rights Act 2015 following cancellation of tuition services as a result of academic staff industrial action.

### PIP Breast Implant Litigation (2019)

Large group action arising from the supply of defective silicone breast implants manufactured by PIP in France. Damages claimed in breach of contract from various private cosmetic surgery clinics. Supreme Court hearing June 2019.

### Baybut and others v Eccle Riggs County Park Ltd (Ch D) (2006)

Large group action concluding with trial of test cases at Liverpool District Registry in breach of contract claims by holiday caravan owners against holiday park relying upon contractual implied terms, and challenges to park standard terms under Unfair Terms in Consumer Contracts Regulations 1999.

## Memberships

---

- AvMA
- PIBA