

Year called 1978

Silk 2003

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“He’s very personable and very good on technical engineering cases – he has a good understanding of the evidence.”

Chambers & Partners

Colin McCaul is a Fellow of the Chartered Institute of Arbitrators and an RICS Accredited Mediator, recognised by the Chartered Institute of Arbitrators, the Civil Mediation Council and Scottish Mediation.

He was called to the English Bar in 1978, became a QC in 2003 and is a Bencher of Gray’s Inn.

He is a member of 39 Essex Chambers but now acts solely as an Arbitrator and a Mediator.

As an advocate, his practice fields included professional liability, damage to property and to persons, toxic torts, insurance, consumer protection and sports related disputes. His clients were drawn from a wide range of sectors, including: Formula 1, engineering, construction, shipping, health, tourism, hospitality, manufacture, energy and telecommunications. He was lead Counsel in a group pharmaceutical action and has an in depth knowledge and understanding of biostatistics and epidemiology.

In relation to toxic torts, he was instructed in numerous asbestos cases involving oil refineries, ships, docks, power stations, railways, aircraft, factories, construction sites, telecommunications and hospitals. Cases included contractual disputes involving identification of asbestos, its encapsulation and removal, performance of surveys and air monitoring. He also acted in associated claims involving contaminated stock and loss of profits caused by asbestos contamination and suspension of trading. He advised in relation to one of the largest former asbestos sites in the UK as regards the responsibilities and potential liabilities in the development of that site.

In 2014, he was appointed by the Lord Chancellor on behalf of the Ministry of Transport to sit as an Arbitrator to hear appeals brought under the Motor Insurers’ Bureau Untraced Drivers Agreement. He continues to act in that capacity.

He is a panel member of the Chartered Institute of Arbitrators Business Arbitration Scheme and is a member of the Scottish Arbitration Centre.

He has written in excess of 200 Arbitration awards.

He has a particular interest in sports and sports Arbitration. He is a Sport Resolutions Panel Member, appointed as an Arbitrator (Legal). He is a Chair and Panel Member of the England Boxing National Disciplinary Panel and is also a Member of the Integrity Committee of British Cycling. He is a member of the Sports Law Association of Malaysia and completed the AIAC Certificate Programme in Sports Arbitration in 2017 (course directors Professor Richard McLaren and Paul Hayes SC), recording the highest mark ever awarded in the Award Writing Assessment of 93%.

Marked out by both Claimant and Defendant solicitors for the integrity and common sense that he brought to cases during his career at the Bar, he has excellent credentials to assist parties to settle their disputes in a fair and constructive manner by way of mediation. He is an RICS Evaluative Mediator and is thus qualified to conduct an evaluative mediation if the parties so desire.

He is a past Chairman of Advocacy at Gray's Inn. His seminal work, "Teaching Advocacy without Tears" has been adopted in numerous jurisdictions as an essential part of their teaching programmes. He has taught advocacy in Malaysia, India, South Africa and Germany. He has served on a number of committees of the Inns of Court College of Advocacy, having most recently been involved in the ICCA's work on expert evidence and its joint production with the Royal Statistical Society of "Statistics and Probability for Advocates". His most recent article, "The Challenge of Expert Evidence", was published in Counsel Magazine in February 2018.

Click [here](#) for a copy of a Mediation Agreement with Colin McCaul QC

Click [here](#) for a Schedule of UK Mediation fees charged by Colin McCaul QC

PRACTICE AREAS

- Health & Safety
- Professional Negligence
- Environmental & Planning
- Personal Injury & Clinical Negligence
- Common

PRACTICE AREAS

HEALTH & SAFETY

R v Hertfordshire Partnership NHS Foundation Trust [2012]

PROFESSIONAL NEGLIGENCE

(1) Ashok Jain (2) Nisha Jain v Trent Strategic Health Authority (House of Lords) [2009] 1 AC 853,(Court of Appeal [2008] QB 246, [2008] 2 WLR 456)

No duty of care owed by a public health authority to the proprietor of a nursing home whose registration was cancelled.

ENVIRONMENTAL & PLANNING

De La Mare v Chief Land Registrar (ChD) 1 May 2003 Lawtel 1/5/2003

The defendant's appeal from a master's order releasing the claimant from certain sanctions was dismissed as the master had reviewed the factors in CPR 3.9 and reached a decision that he was entitled to reach.

Thames Water Utilities Ltd v Digginwell Plant & Construction Ltd (TCC) 24 June 2002 (2003) Env LR 433

A remedy under s.20 Water Act 1989, where available, was not intended to preclude any other remedy, either under some other statute or arising because what amounted to a breach of a requirement to which s.20 of the Act applied also gave rise to other rights.

PERSONAL INJURY & CLINICAL NEGLIGENCE

Groves V Studley [2014] EWHC 1522 (QBD)

Road Traffic – negligence; apportionment of liability

Devoy & William Doxford & Sons Ltd (QB) [2009] EWHC 1598

Fatal Accidents Act, damages

Knott v Newham Healthcare NHS Trust (CA) [2003] EWCA Civ 771

Nurse succeeded in a claim for damages for back injuries where the employer hospital had inadequate arrangements for lifting patients and where the precipitating cause of the injury was a non-work related injury.

Sheriff v Klyne Tugs (Lowestoft) Ltd (CA) 24 June 1999 [1999] IRLR 481; [1999] ICR 1170

The employment tribunal had jurisdiction to award damages for a claim for personal injury which had been sustained by the appellant arising out of his employment. Under the principle of public policy, claims that have been or could have been litigated in one tribunal, should not be allowed to be litigated in another.

COMMON

Trent Strategic Health Authority v Jain & Anor 15 February 2013 [2009] UKHL4

Carlo Saulle v Olivier Nouvet (QBD) [2008] LS Law Medical 201, [2007] EWHC 2902

In determining whether a claimant had capacity to manage his own property and affairs and to conduct the litigation, the court was required to apply the definition of capacity within the Mental Capacity Act 2005 in deciding whether he was a protected party.

(1) E H Humphries (Norton) Ltd (2) Thistle Hotels Plc v Fire Alarm Fabrication Services Ltd (CA) 10 November 2006 [2006] EWCA Civ 1496, [2007] 1CR 247

Represented Thistle Hotels in a successful appeal to the Court of Appeal concerning the duty of care of the occupier of a building to the employee of a sub-contractor.

(1) Thames Trains Ltd (2) Railtrack Plc v Michael Adams (QBD) 20 January 2004 [2006] EWHC 3291 (QB)

Offer and acceptance re enhanced offer to settle a claim for injuries incurred in the Paddington rail crash in the sum of USD 9.8million; Solicitors' powers and duties; unconscionability; unilateral mistake.

Hewison v Meridian Shipping Pte and others (CA) 11 December 2002 [2003] 1CR 247

A merchant seaman whose claim for loss of earnings or for loss of his congenial sea-going career following a work-related accident depended on the proposition that he would have continued deliberately to conceal his epilepsy from his employer was, as a matter of public policy, prohibited from pursuing that claim.

Rowtree v Commissioner of Police for the Metropolis (QBD) 26 October 2001

A police officer was awarded damages for two mental breakdowns caused by her employer's negligence.

RECOMMENDATIONS

He is consistently recommended for Personal Injury in Chambers & Partners, where he is praised for his client-handling skills, and ranked as a leading silk. He is recommended in the Legal 500 for Environmental law, Health & Safety law, Personal Injury and Clinical Negligence and Healthcare.

"Tactically astute, and approachable." Legal 500 2015

"Highly regarded for his experience in asbestos-related cases both in the UK and abroad." Legal 500 2015

"Tactically astute, approachable and delightful with clients. He is full of common sense and excellent on particularly complex RTAs." Chambers & Partners 2015

"Extensively experienced pair of hands" Legal 500 2014

"Extremely intelligent." Legal 500 2014

"Recommended for asbestos-related litigation." Legal 500 2014

"He provides clear, well-thought-out advice." Legal 500 2014

"He's very personable and very good on technical engineering cases – he has a good understanding of the evidence." Chambers & Partners 2014

'meticulous' and 'always accessible', and has 'an astounding grasp of the technical detail'. Legal 500 2013

"very good technical skills and attention to detail" legal 500 2012

"tactically astute and approachable," and "delights clients with his excellent bedside manner." Chambers & Partners 2012

"A good, solid performer in catastrophic injury cases" Chambers & Partners 2011

"approachable and knowledgeable." Chambers & Partners 2010

A "delightful opponent" Colin McCaul QC has "good client rapport, excellent advocacy skills and a remarkable knowledge of the relevant litigation" Chambers & Partners 2009

APPOINTMENTS

Bencher of Gray's Inn
Past Chairman of Advocacy, Gray's Inn
Committee member of the Advocacy Training Council

MEMBERSHIPS

The London Common Law & Commercial Bar Association

ADDITIONAL INFORMATION

Seminar Papers:

"The End of the Road" (June 2004), Colin McCaul QC
"Accommodation Claims in Personal Injury & Clinical Negligence Cases" (Sept 2008)
"Causation in Disease Cases" (Feb 09)
"Limitation in Asbestos Disease Claims" (CLT Conference Nov 09)
"Proper use of Reconstruction Experts" (MASS Conference Nov 09)
"Divisibility of Injury" (DAC Disease Conference Nov 2013)
"Employers' Liability Update" (APIL March 2014)
"NHS Outsourcing – who to sue?" (April 2014)

Publications

Journal of Personal Injury Law Sweet & Maxwell 14 October 2009
"Pulling the Trigger" Building Magazine 20 June 2008
"Kicking up a Dust" Building Magazine 11 April 2008
"Pleural Plaques are Back" 157 NLJ 1564, cited with approval by Gillen J in Fryers v Belfast Health and Social Care Trust [2008] NIQB 123 2008
"Holtby and the End Game" J.P.I.L. Issue 1/06 2006
"Ill-Gotten Gains" Personal Injury Law Journal March 2003

Languages

Speaks Italian.

Qualifications

University College London LLB

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