

Year called 2006

edmund.townsend@39essex.com



Edmund undertakes work across the spectrum of Chambers' practice areas including insurance, product liability, professional negligence, clinical negligence, personal injury, property damage and nuisance claims.

PRACTICE AREAS

- Product Liability
- Professional Negligence
- Property Damage
- Commercial
- Clinical Negligence
- Personal Injury
- Fraud

PRACTICE AREAS

PRODUCT LIABILITY

Edmund undertakes Product liability work (with particular experience in relation to medical / pharmaceutical products, products for the motor industry and consumer retail products).

PROFESSIONAL NEGLIGENCE

Edmund has experience of acting and advising in professional negligence claims. In particular, Edmund has undertaken work in relation to legal professionals, the construction industry and insurance brokers. Edmund also advises in relation to associated issues arising out of professional indemnity insurance.

PROPERTY DAMAGE

Edmund undertakes work arising out of property damage caused by fire, flood, pollution and other risks.

COMMERCIAL

Edmund has a particular interest in insurance related cases. Edmund is regularly instructed to advise or appear in court in relation to the construction of insurance policy wordings, avoidance of policies of insurance for misrepresentation and non-disclosure, breach of warranty, claims by Third Parties or in relation to subrogated claims. Edmund has experience in relation to all types of liability insurance, Critical Illness and life assurance, Motor indemnity, Cargo insurance and Construction All Risks insurance.

Edmund is a Teaching Fellow at University College London where he is the course convener for the insurance law module on the LLM.

Before coming to the Bar Edmund spent two years working as a research assistant in the Commercial and Common Law team of the Law Commission, where he was assigned to the review of insurance contract law. Edmund has since undertaken work for the Law Commission on a consultancy basis assisting with their insurance law project. Edmund is therefore familiar with the provisions of the Consumer Insurance (Disclosure and Representations) Act 2012 and the Insurance Act 2015.

CLINICAL NEGLIGENCE

Edmund undertakes clinical negligence work and has recent experience of matters involving oncologists, optometrists, ophthalmologists, orthopaedic consultants and General Practitioners including matters such as delayed diagnosis, surgical errors and failure to provide aftercare.

PERSONAL INJURY

Edmund regularly attends Court, joint settlement meetings and mediations in multi track matters. In addition, Edmund has a busy paperwork practice advising in relation to liability, evidence and quantum or drafting statements of case or applications.

Edmund's experience covers the full spectrum of personal injury work including: Brain injuries; Complex Regional Pain Syndrome claims; Claims brought pursuant to the Fatal Accidents Act 1976; Road Traffic Accidents (including motor insurance issues and fraud); Employer's liability (experience of all the regulations); Defective products; Defective premises; Occupier's liability; Highways claims; Claims brought pursuant to the Animals Act 1971; and Claims involving rail companies (including CAHA).

FRAUD

Edmund regularly deals with both personal injury and insurance claims where fraud is suspected.

In the context of personal injury claims Edmund has been involved in cases relating to:

- Exaggerated claims
- Fake accidents
- Staged accidents
- Phantom passengers
- Fundamental dishonesty hearings
- Costs arguments arising from fraudulent claims

In the context of insurance claims, Edmund has been involved in cases relating to:

- Claims which are materially fraudulent

- The use of fraudulent devices
- Exaggerated claims

Edmund undertook work as a consultant for the Law Commission whilst they were developing their policy in relation to fraudulent claims in the context of insurance contracts.

CASES

NOTABLE CASES:

Kudox Ltd v NIG

Successfully defended, at trial, claim in respect of goods that were alleged to have been stolen during the course of a robbery. Whether goods taken by 'violent and forcible means'.

Swinglehurst v Battersby

Nuisance claim brought in the High Court. Claim in the region of £1,000,000 settled at mediation.

Sturt v St James Place UK Plc

Successfully recovered in the region of £500,000 under critical illness policy.

Warner Midland Plc v New India Insurance Assurance Company Ltd

Successfully resisted £2.5 million claim brought pursuant to the Third Parties (Rights Against Insurers) Act 1930. Led by J Watt Pringle QC.

Re Swanton

Obtained award in excess of £500,000 for Claimant in successful CICA eligibility appeal.

LC v Grab & Skip Hire

Significant claim for personal injury leading to a dispute between EL and Motor insurers.

A v New India Assurance Company Limited

Fatal Accident claim with issues surrounding exclusions contained within EL policy of insurance.

IBCO Ltd v CNA Insurance Company Ltd

Claim in excess of £500,000 under marine cargo policy. Case concerned with whether frozen foods damaged by temperature abuse.

A Retailer v A and B

Acted pro bono for the defendant defeating civil recovery claim by a major high street retailer against a shoplifter for administrative and staff costs alleged to be due following their apprehension by security staff. Nominated for the Sydney Elland Goldsmith Bar Pro Bono Award.

OTG Ltd v Luke

Case overturned *Oakland v Wellwood (Yorkshire) Ltd* [2009] IRLR 250. EAT determined that Administration proceedings are not capable of constituting bankruptcy or analogous insolvency proceedings with a view to the liquidation of the assets of the transferor within the meaning of reg 8(7) of TUPE and Art 5.2 of the consolidated Acquired Rights Directive. Consequently, Regs 4 and 7 of TUPE apply.

MEMBERSHIPS

- British Insurance Law Association
 - London Common Law & Commercial Bar Association
 - Professional Negligence Bar Association
 - Personal Injuries Bar Association
 - South Eastern Circuit
 - Teaching Fellow at University College London
-

QUALIFICATIONS

- Major Scholarship, Middle Temple
 - BVC, Inns of Court School of Law
 - LLM, University College London
 - LLB, Warwick University
-

LONDON

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085
