



David Platt KC



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"One of the best QCs of his generation."  
(Chambers & Partners)



+44 (0)20 7797 8100

platt@crownoofficechambers.com

David Platt QC specialises in occupational disease, personal injury, insurance, health and safety, sports, abuse and inquest work. He also undertakes most forms of common law, environmental work and employment related claims.

His occupational disease practice involves all aspects of asbestos litigation, stress at work, NIHL claims, upper limb disorder litigation, asthma, dermatitis, VWF, cancer, COSHH and now Covid-19 claims. He also is regularly instructed in abuse claims involving local authorities and sports bodies. He has been involved in emerging litigation areas such as pilot and aircrew aerotoxicity, passive smoking, DVT, and toxic mould litigation. He also undertakes all aspects of personal injury work (including sports, harassment and related claims) and acts for both claimants and defendants. This often involves injuries of utmost severity and major disaster claims. He has been frequently instructed in Channel Islands litigation and on the Isle of Man.

David undertakes a wide range of health and safety and inquest work. Often this is linked to his disease and personal injury practice given his experience in industrial accidents, asbestos, hazardous substances and fatal claims. Clients value the integrated service which he can therefore provide.

He is also heavily involved in insurance work, particularly that linked to his main areas of practice. He was instructed in the group EL "Trigger" litigation involving mesothelioma claims and has wide experience in EL, PL and general policy construction.

He is recognised as a "leading silk" in all the major legal directories in both Personal Injury and Industrial Disease. He was nominated for the 2020 Personal Injury Silk of the Year award by The Legal 500 and is top tier rated in this directory.

David accepts licensed and public access work in appropriate cases.

## Industrial Disease

David specialises in all forms of industrial and occupational disease, in particular: all types of asbestos cases (described as "brilliant on asbestos claims" in the Legal 500), stress and harassment at work, abuse



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cases, NIHL and cancer claims, upper limb disorder litigation, asthma, dermatitis, VWF, and COSHH claims. He undertakes discrimination related claims, and associated disputes involving the Employment Tribunal.

He has been involved in emerging litigation areas such as aircrew and pilot “aerotoxicity” claims, Covid-19 claims, passive smoking, DVT, and toxic mould litigation.

His abuse work involves claims against local authorities and individual private sector organisations.

He is highly experienced in group litigation and is currently instructed in the *British Steel Coke Oven Workers Litigation* (GLO).

He undertakes all aspects of personal injury work and acts for both claimants and defendants. This often involves injuries of utmost severity and other catastrophic claims. He has considerable experience in claims for “subtle brain injury” and other neurological litigation. He frequently deals with psychiatric claims and all forms of somatic disorders. He has been instructed in major rail crash litigation (Ladbroke Grove) and in other disaster litigation (such as the Battersea Crane Collapse). He is regularly instructed in substantial road traffic claims, sports injuries, and general employer liability work, and also specialises in local authority and police liability. Related product liability work is undertaken.

As a former broadcaster for the BBC, he has undertaken litigation work for both ITN and the BBC in several high profile media injury claims.

He is frequently consulted in personal injury and other common law claims in the Channel Islands and has considerable experience of Jersey and Guernsey procedure and litigation. This has frequently involved issues related to discount rates for future loss. He often travels to the Islands for conferences and mediations. He has also been instructed on claims in the Isle of Man, most recently in *Yoxall v Moore* [2015].

He also specialises in associated Health & Safety work, and acts in both the crown and magistrates courts and at major inquests. He has undertaken a number of major inquests arising from aerotoxicity claims by airline cabin staff (2015-17), the Callagher inquest (food poisoning and clinical negligence, 2016), the M25 Beaconsfield crane collapse [2014], the Avonmouth Bridge fatalities and Gloucester BHS inquests. He regularly appears in linked environmental prosecutions and pollution claims and in both the civil and criminal aspects of such cases. As a strong forensic performer, he is a natural jury advocate.

He is rated in all the major Directories as a leading silk in this field. He has been nominated for the 2020 Personal Injury Silk of the Year award by The Legal 500.

## Selected Cases

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- *Bannister v Freemans Plc* [2020] EWHC 1256 (QB). Landmark judgment on low exposure claims, de minimis concepts and materiality in asbestos litigation. Judgment [here](#). The Claimant’s application for permission to appeal was refused by the trial judge [2020] EWHC 1625 (QB) – judgment [here](#). The application before the Court of Appeal was likewise refused.
  - *Turner & Others v Ministry of Defence* [2019-2021]. Instructed by MoD in ongoing group NIHL claims brought by some 3,000 former and current service personnel against the MoD. The claims are for alleged noise damage whilst in training and on active service in a variety of theatres over several decades.
  - *Collective Aerotoxicity Litigation* [2017-2021] EWHC 543 (QB); *Re Richard Westgate Deceased*; *Re*
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- Matthew Bass Deceased [Inquests, 2017-18] – Instructed by BA and other airlines in leading claims by air crew for “aerotoxic” injury caused by organophosphates in cabin air.
- Goldscheider v Royal Opera House [2019] EWCA Civ 711; [2018] EWHC 687: High profile noise claim against the Royal Opera involving an allegation of “acoustic shock” by an orchestra member. Appeal to Court of Appeal succeeded in part.
  - British Steel Coke Oven Workers GLO (Hutson v TATA Steel) [2016-2021] EWHC 1608; [2018] EWHC 107; [2017] EWHC 2647; [2016] EWHC 3031- Major group litigation involving large numbers of cancer and respiratory claims against the former British Steel.
  - Clements Smith v Berryman Lacey Mawer [2019] EWHC 1904 (QB). Precedent judgment on the entry of judgment in default of defence (on appeal).
  - X Children v Minister for Health and Social Services [2016-2018] Royal Court of Jersey. Major child abuse litigation involving a consideration of very substantial future care losses on an enhanced Helmot v Simon discount rate. Largest PI claim ever to be heard in a Court in British Isles.
  - McGowan v AMEC [2017] WL 02212899, Manchester High Court, Andrews J – Mesothelioma and evidential inferences.
  - Heneghan v Manchester Dry Docks & Others [2016] 1 W.L.R. 2036 – Court of Appeal affirmed the first instance judgment of Jay J. on causation and damages in asbestos-induced lung cancer claims and gave definitive guidance in this area.
  - Humphrey v Aegis Defence Services [2017] 1 W.L.R. 2937– Claim arising from activities in Iraq and the application of a “desirable activity” defence under the Compensation Act 2006.
  - Ross v Lyjon [2016] – Leading first instance claim on latency and causation in Noise Induced Hearing Loss claims.
  - Sloper v Lloyds Bank [2016] EWHC 483 (Spencer J) – A complex mesothelioma claim where Lloyds Bank were successful in defending allegations of asbestos exposure at their branches.
  - Yapp v Foreign Office [2015] I.R.L.R. 112 (Contract, Employment & Personal Injury) – In overturning an award of damages for psychiatric injury, the Court of Appeal gave detailed advice on claims for breach of contract and personal injury.
  - Yoxall v Moore [2015]– Discount rate and catastrophic personal injury. Instructed as advisory counsel to Isle of Man advocates for the Defendant on the appropriate discount rate to be applied on the Island. The Defendant was successful in resisting a move to a negative common law rate.
  - Siddiqui v University of Oxford & Balliol College (2015-17)– A highly unusual claim by a former undergraduate for personal injury following allegedly deficient tuition.
  - Lloyd v Humphries & Glasgow [2015] EWHC 525 (QB) – Abuse of process litigation involving successive disease claims against different defendants in different actions.
  - Collins v Secretary of State for Business and Stena Lane Ferries [2014] P.I.Q.R. P19; [2014] EWCA Civ 717 (Limitation) – The leading Court of Appeal decision on the assessment of prejudice in long-tail disease claims.
  - Davidson v Aegis Defence Services (BVI) Ltd [2014] 2 All E.R. 216; [2013] EWCA Civ 1586 (Limitation) – An important appellate authority on Section 33 of the Limitation Act 1980 and its application to a personal injury claim arising from the conflict in Iraq.
  - Longthorn v NPower [2013] – HHJ Richardson (Harassment, discrimination and stress at work). A major claim for allegedly discriminatory behaviour at work failed on the facts applied to decided case law.
  - Matthew v Collins et al [2013] EWHC 2952 (QB) – Precedent judgment on tissue samples in asbestos claims.
  - Sayers v Chelwood [2013] 1 WLR 1695; [2012] EWCA Civ 1715; (Limitation & NIHL) – Leading appellate authority on burden of proof in S33 applications under Limitation Act 1980.
  - The Employers’ Liability “Trigger” Litigation [2012] 1 WLR 867; [2011] 1 PIQR P2 & [2009] Lloyd’s Rep

IR 295 – The major multi-party asbestos / insurance litigation. He acted at first instance before Burton J, in the Court of Appeal and in the lengthy hearing before the Supreme Court in December 2011.

- MacLennan v Hartford Europe [2012] EWHC 346 – Stress at work and Chronic Fatigue Syndrome.
- Bristow v Barts & London NHS Trust [2010] EWHC 1969 (QB) – A substantial claim by a Consultant for serious personal injury in his own operating theatre.
- Darg v Metropolitan Police & Venson Plc [2009] EWHC 684 (QB) – Complex Regional Pain Syndrome and credibility.
- Williams v Jervis [2008] EWHC 2346 – Subtle brain injury.
- Majrowski v Guys & St. Thomas' NHS Trust [2006] UKHL 34 – The leading case on statutory harassment under the 1997 Harassment Act. Majrowski also dealt with important issues of vicarious liability); House of Lords [2007] 1 AC 224; Court of Appeal reported at [2005] QB 848; [2005] 2 WLR 1503.
- Hartman v South Essex Mental Health Trust et al [2005] ICR 782 (group stress at work litigation)

## Personal Injury

David undertakes all aspects of personal injury work and acts for both claimants and defendants. This often involves injuries of utmost severity and other catastrophic claims. He has considerable experience in claims for “subtle brain injury” and other neurological litigation. He frequently deals with psychiatric claims and all forms of somatic disorders. He has been instructed in major rail crash litigation (Ladbroke Grove) and in other disaster litigation (such as the Battersea Crane Collapse). He is regularly instructed in substantial road traffic claims, sports injuries and general employer liability work, and also specialises in local authority and police liability. Related product liability work is undertaken.

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- *Clements Smith v Berrymans Lace Mawer* [2019] EWHC 1904 (QB). Precedent judgment on the entry of judgment in default of defence (on appeal).
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- Hartman v South Essex Mental Health Trust et al [2005] ICR 782 (group stress at work litigation)

## Insurance & Reinsurance

David has been instructed in many policy construction and contested indemnity cases. He undertakes a wide range of PL and EL related policy work, particularly where integrated with other areas of expertise.

Rated as a “New Silk” in Insurance work by Legal 500 (2011/12).

### Selected Cases

- Instructed in the group EL “Trigger” litigation involving mesothelioma claims and historic EL policies: The Employers’ Liability “Trigger” Litigation [2012] 1 WLR 867; [2011] 1 PIQR P2 and [2009] Lloyd’s Rep IR 295.
- Acted for insurers in Blanchard v Kiln & Well Operations UK Limited (2011) CLCC, in which the Court was asked to give a precedent judgment on marine diving insurance.
- Appeared in a number of major fire claims e.g. Cornhill Insurance v Stamp Felt Roofing, [2002] Lloyd’s Rep IR 648, Court of Appeal (policy construction / insurance).
- Ferngold Plant Hire v Wenham [2000] CL 1474, LTL 13/3/2000 (CA).
- Ferngold Plant Hire v Crowe Underwriting Services Ltd (CA).



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## Inquests & Public Inquiries

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### Inquests

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David undertakes a wide range of Inquest work. Often this is linked to his disease and personal injury practice given his experience in industrial accidents, asbestos, hazardous substances and fatal claims. Clients value the integrated service which he can therefore provide.

These cases have involved fatalities arising from alleged “aerotoxic poisoning”, liquid nitrogen, industrial accidents, construction fatalities and all forms of inquest arising from an employment or public context.

### Public Inquiries

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David has been instructed in a large number of major public inquiries, in particular relating to non-domestic local authority planning. He has appeared in inquiries involving large waste applications (both incinerator and landfill operations), mineral applications, strategic manufacturing operations, together with both highway and local plan inquiries. Many of these were for Kent County Council.

### Selected Cases

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- Re Matthew Bass Deceased [2018]. Inquest into the death of a BA member of staff raising further possible issues over aerotoxicity
- Re Richard Westgate [2017] – High profile Inquest into alleged death of a BA pilot from so-called “aerotoxic syndrome”.
- Callagher Inquest [2016] – High profile food poisoning and clinical negligence.
- Chelsea & Westminster Hospital Bowen Inquest [2016–17] – Scientist found dead in a laboratory working with liquid nitrogen.
- M25 Beaconsfield Crane Collapse Inquest [2014] – Fatality following a crane collapse across the M25 motorway leading to a lengthy inquest and prospective prosecution.

## Sports Law

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David undertakes all aspects of personal injury related sports work and has advised a number of sports bodies and governing organisations (frequently on a confidential basis) on matters related to injury, disease and sexual abuse claims. Often these cases have the potential to form class actions or precedent litigation, and he has considerable general experience in group litigation (*cf* recently the Collective Aerotoxicity Litigation [2020] EWHC 543 (QB); British Steel Coke Oven Workers GLO (Hutson v TATA Steel) [2019] EWHC 1608 and the MoD Military Deafness Claims [2020]).

He has advised both on the existence of duties of care (when sought to be imposed on sports bodies) and on the appropriate standard of care. He also undertakes more straightforward injury claims, particularly in professional football, where damages have the potential to be very substantial. Again, he is often retained on a confidential basis.



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His background in all forms of industrial and occupational disease gives him very extensive experience in neurological, epidemiological, toxicological and orthopaedic matters and he is well accustomed to working with large teams of litigation and medico-legal professionals.

His abuse work has historically involved claims against both local authorities and individual private sector organisations.

As a former broadcaster for the BBC, he has undertaken litigation work for both the BBC and ITN in several high profile media injury claims.

He is frequently consulted in personal injury and other common law claims in the Channel Islands and has considerable experience of Jersey and Guernsey procedure and litigation.

He is rated in all the major Directories as a leading silk in both personal injury and occupational disease. He has been nominated for the 2020 "Personal Injury Silk of the Year" award by The Legal 500.

## Criminal Regulatory & Environmental

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### Health & Safety

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David undertakes a wide range of health and safety work. Often this is linked to his disease and personal injury practice given his experience in industrial accidents, asbestos, hazardous substances and COSHH claims. Clients value the integrated service which he can therefore provide.

These cases have involved fatalities arising from alleged "aerotoxic poisoning", liquid nitrogen, industrial accidents and all forms of injury arising in an employment or public context.

He acts in both the Crown and Magistrates Courts and at major Inquests.

Given his experience in environmental and pollution matters, he appears in linked prosecutions and pollution claims and in both the civil and criminal aspects of such cases. He has considerable experience of water pollution claims against the Environment Agency.

### Environmental

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David has been involved in environmental matters for many years. He has been instructed in a large number of major public inquiries, in particular relating to non-domestic local authority planning. He has appeared in inquiries involving large waste applications (both incinerator and landfill operations), mineral applications, strategic manufacturing operations, together with both highway and local plan inquiries. Many of these were for Kent County Council.

He also undertakes general tortious pollution claims, in particular oil and other hazardous substance spillage claims. He has also wide experience of water pollution claims, both in a criminal and civil context. He is frequently instructed in nuisance claims.

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## Selected Cases

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- Re Richard Westgate; Re Matthew Bass [2017] – High profile Inquests into alleged death of a BA pilot from so-called “aerotoxic syndrome”.
- HSE v Street Crane Co [2017] – HSE prosecution for alleged workplace contractions of HAVS by a number of employees.
- Callagher Inquest [2016] – Food poisoning and clinical negligence.
- Chelsea & Westminster Hospital Bowen Inquest and prosecution [2016-17] – Scientist found dead in a laboratory working with liquid nitrogen.
- M25 Beaconsfield Crane Collapse [2014] – Fatality following a crane collapse across the M25 motorway leading to a lengthy inquest and prospective prosecution.
- Odedra v Ball [2012] EWHC 1790 (TCC) – The Court considered issues of privilege and the obligations governing disclosure of expert evidence in a pollution claim.
- EA v NB Real Estate – Water pollution claim.
- EA v Quill International – Water pollution claim.

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## Clinical Negligence

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David has been involved in a wide range of Clinical Negligence matters, in particular orthopaedic, spinal and emergency cases. He also undertakes dental and ophthalmic negligence disputes.

Related product liability claims are also undertaken.

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## Professional Liability

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### Legal Professional Negligence

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He undertakes both solicitors and barristers’ negligence claims and has been instructed by the Bar Mutual Indemnity Fund. He is frequently instructed in professional negligence claims involving underlying personal injury claims.

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### Surveyors’ Negligence

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He has considerable experience of residential surveying claims, and has drafted the standard exclusion clauses for the Architects and Surveyors’ Institute. He appeared in the lead case of *Smith v Eric S. Bush*; *Harris v Wyre Forest District Council* [1989] 2 WLR 790, House of Lords.

He also undertakes claims involving architects, insurance brokers and accountants.



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## Qualifications

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- MA (Law) Trinity Hall, Cambridge (scholar)

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## Memberships

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- London Common Law & Commercial Bar Association
- Personal Injuries Bar Association
- Professional Negligence Bar Association

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## Recommendations

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"He is an incredibly intelligent person who offers logical advice. He is pragmatic, down to earth and very effective."

Chambers & Partners, 2022

"David is without doubt the finest silk in practice in respect of his asbestos work."

Legal 500, 2022

"Superb to work with - the advice he provides is clear, commercially sensible and tactically astute."

Chambers & Partners, 2022

"He is a very good advocate who is always on top of his game and is well respected by both clients and opponents." "He is bright, enthusiastic and extremely experienced in high-level disease cases."

Chambers & Partners, 2021

"A real expert when it comes to dealing with complex medical and scientific issues and handling multiple experts on these issues."

Legal 500, 2021

"A top-quality barrister who really knows his area."; "He's a very impressive advocate and has a good head for complex issues."

Chambers & Partners, 2020

"Always immaculately prepared, demonstrating mastery of the papers. He has a prodigious intellect and is also highly personable and approachable. He understands the value of relationships."

Chambers & Partners, 2018

"His courtroom manner is confident. He presents the arguments in a clear and logical fashion."

Chambers & Partners, 2018

"He never wastes a word and just instinctively knows what the pressure points are for a judge."

Chambers & Partners, 2016

"His knowledge of the relevant areas dealing with asbestos litigation is second to none."

Chambers & Partners, 2016

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"He is the consummate tactician and a natural negotiator."

Legal 500, 2016

"A persuasive advocate who is excellent at assimilating the detail of a case in a short space of time."

Chambers & Partners, 2015