



Hamish Fraser



Contents

Commercial	1
Construction & Engineering	2
Clinical Negligence	3
Criminal Regulatory & Environmental	4
Inquests & Public Inquiries	4
Insurance & Reinsurance	4
Professional Negligence	5
Product Liability	6
Property Damage	6
Personal Injury	7
Qualifications	7



Hamish accepts instructions across the span of Chambers' core areas, including commercial disputes, construction, clinical negligence, criminal regulatory, inquests and inquiries, insurance, property damage, professional negligence, product liability, and personal injury.

He has a busy court practice, appearing in a variety of hearings and applications every week, through which he has refined his advocacy skills.

Hamish originally read English at Lady Margaret Hall, Oxford, where he graduated with a First Class degree. After turning to law, he gained a Distinction in every subject on the GDL and was graded Outstanding on the BPTC. He has been awarded a number of prizes and scholarships, including the Crowther Shield for public speaking and the Tancred scholarship from Lincoln's Inn.

Before commencing pupillage, Hamish undertook research work for King's College London in the field of business and human rights law, with a focus on group tort actions against multinational companies and their subsidiaries.

Hamish recently represented the successful Second Defendant in Reeves v Drew & Ors [2022] EWHC 159 (Ch), one of the most valuable probate claims to have been determined in this jurisdiction, and in which it was successfully proved that the solicitor who prepared the will file had done so incompetently, recklessly and quite probably dishonestly (led by Constance McDonnell QC and Maurice Holmes).

Commercial

Hamish welcomes instructions across a broad range of commercial disputes, including sale of goods and supply of services, breach of contract, misrepresentation, bailment, commercial fraud, insolvency, and financial services. Examples of his recent work include:

- Representing a group of insurers who underwrote a buyer-side W&I Policy in respect of the acquisition of a company by a publicly listed company. The buyer claimed £4m under the policy alleging that the seller had breached a number of warranties under the share purchase agreement meaning the company was less valuable than it had understood (led by Daniel Shapiro QC).

- Representing a firm of insurance brokers in regard to a £4m claim by the insured company alleging it had suffered losses which were not covered by its insurance policy due to the defendant's negligence in failing to arrange an appropriate scope of cover and/or failing to disclose material facts such that the insurer avoided the policy for non-disclosure and misrepresentation (led by Daniel Shapiro QC).
- Advising and drafting particulars of claim to enforce a without prejudice settlement agreement made in relation to a defamation claim.
- Advisory work pertaining to the presentation of a winding up petition by a creditor to a construction firm.
- Representing a fertility clinic against a contractual claim brought by a staffing agency alleging they had employed a nurse directly in order to avoid fees.
- Representing a holiday park company in an insolvency dispute resisting an application by creditors to place the company into administration.
- Successfully representing a firm of estate agents against a contractual claim that they had failed to repay a commitment fee to a prospective tenant.
- Successfully striking out a claim brought against an insurance company for a failure to provide cover to a taxi driver which he alleged had caused him £100k of losses.
- Defending a letting agent against a contractual claim brought by a landlord alleging poor service.
- Defending an insurance company against a contractual claim from a policy holder alleging he should have been paid his vehicle's salvage value.
- Representing a local council against a claim in contract and tort alleging the council was liable for possessions which had been stolen from the claimant's car left in the council-run car-park.

During pupillage, examples of Hamish's work included:

- Drafting a skeleton argument and assisting preparations for the Court of Appeal proceedings in *Spire Healthcare Ltd v Royal & Sun Alliance Insurance Ltd* [2022] EWCA Civ 17. The matter concerned the interpretation of aggregation clauses in insurance contracts and arose from multiple claims brought against a private hospital by patients injured by the disgraced breast surgeon, Ian Paterson.
- Advice in relation to an alleged breach of a share purchase agreement in relation to a private equity backed acquisition of a pharmaceutical company. Valued at supra £10 million.
- Preparing defence and advice in a sale of goods dispute concerning allegedly defective steel rolls which were manufactured in Germany. Involved difficult jurisdictional issues.
- Advice in relation to an £2m sale of goods claim by the purchasers of allegedly defective articulated trailer movers after an operator was killed by a crushing injury.
- Preparing advice on the contractual interpretation of a major infrastructure contract awarded by the City of Westminster council in relation to a dispute over the value of the work completed.
- Drafting defence in a contractual claim relating to the installation of a security system which allegedly failed during a heist, allowing circa £1m of stock to be stolen.
- Prepared written points of claim on behalf of Lloyd's syndicate for an arbitration against a managing agent for breach of the binding authority agreement.

Construction & Engineering

Hamish's experience in this area is complemented by his regular exposure to insurance disputes, professional negligence claims against engineers and surveyors, and employers' liability claims in the context of construction contractors.

Examples of Hamish's work in this area include:

- Preparing a defence and advice on behalf of a construction company who had allegedly sprayed concrete onto a neighbouring companies' property causing damage.
- Acting for a contractor in relation to a dispute arising out of the construction of a residential extension.

Whilst on pupillage:

- Preparing an advice in relation to a claim brought by Network Rail against structural engineers after improvements works allegedly caused a landslip which derailed a train causing substantial damage and serious personal injury. Valued at supra. £10 million.
- Preparing advice on the contractual interpretation of a major infrastructure contract awarded by the City of Westminster council in relation to a dispute over the value of the work completed.
- Written advice in relation to a claim brought by Network Rail against an adjacent property owner after sludge spilled onto the railway causing circa £1m of damage and disruption.

Clinical Negligence

Seats with Farrah Mauladad QC and David Myhill during pupillage means Hamish has had exposure to clinical negligence cases in a range of different areas.

Examples of Hamish's work in this area include:

- Drafting the Defence for an NHS Trust alleged to have negligently performed a caesarean section leading to mobility and urogynaecological issues.
- Drafting the Defence for an NHS dentist alleged to have negligently undertaken the extraction of a tooth leading to an oral-antral communication and sinusitis.

Whilst on pupillage his work included:

- Advice in relation to a claim brought against an NHS Trust alleging a negligent failure to refer him for HIV testing.
- Advice in relation to a claim brought against a dental practice after allegedly negligent dental care led to the development of severe periodontal disease and a brain abscess.
- Preparing a defence against a claim in relation to an alleged failure to diagnose haemophilia before a knee operation which led to serious complications and an above knee leg amputation.
- Advice on behalf of an NHS Trust on the prospects of bringing a claim against a funeral services company who had failed to return the ashes of cremated children to their parents, resulting in claims for psychiatric harm being brought against the NHS Trust. Complex issues of limitation and duties in bailment and tort considered.
- Defence on behalf of a GP in relation to a claim brought by the estate of a deceased woman alleging a negligent failure to identify signs of congestive heart failure.
- Preparing a defence and counter-schedule in relation to a claim against an NHS trust for secondary

- psychiatric harm allegedly caused by witnessing their partner's deterioration in health in hospital.
- Preparing a skeleton argument defending an application for wasted costs brought against an expert witness in a clinical negligence trial.

Criminal Regulatory & Environmental

Hamish is keen to develop his environmental, criminal regulatory, and health & safety practice further. He is currently instructed (led by Dominic Kay QC and Malcolm Galloway) on a long-running Environmental Agency prosecution of a water company concerning a series of alleged illegal water discharge activities and contraventions of environmental permits.

Inquests & Public Inquiries

Hamish gained wide-ranging experience of this area whilst undertaking pupillage with Farrah Mauladad QC, assisting on a variety of cases including:

- Preparing written submissions to the coroner in relation to whether the procedural obligation under Article 2 European Convention on Human Rights for a Middleton inquest was triggered. The inquest concerned a mentally ill man who had died whilst being restrained by security guards after he had started assaulting members of the public.
- Aiding preparations for an inquest into the death of a young woman who died from a drug overdose. Farrah Mauladad QC represented the therapist who last saw her before she died.
- Aiding preparations for an inquest into the suicide of a woman directly after she had just visited a counselling service.

Insurance & Reinsurance

Pupillage seats spent with James Sharpe and David Myhill mean Hamish is comfortable with insurance and reinsurance related disputes in a diverse set of circumstances.

His recent work includes:

- Representing a group of insurers who underwrote a buyer-side W&I Policy in respect of the acquisition of a company by a publicly listed company. The buyer claimed £4m under the policy alleging that the seller had breached a number of warranties under the share purchase agreement meaning the company was less valuable than it had understood (led by Daniel Shapiro QC).
- Representing a firm of insurance brokers in regard to a £4m claim by the insured company alleging it had suffered losses which were not covered by its insurance policy due to the defendant's negligence in failing to arrange an appropriate scope of cover and/or failing to disclose material facts such that the insurer avoided the policy for non-disclosure and misrepresentation (led by Daniel Shapiro QC).
- Defending an insurance company against a contractual claim from a policy holder alleging he should have been paid his vehicle's salvage value.
- Successfully striking out a claim brought against an insurance company for a failure to provide cover

to a taxi driver.

During pupillage, examples of Hamish's work include:

- Drafting a skeleton argument and assisting preparations for the Court of Appeal proceedings in *Spire Healthcare Ltd v Royal & Sun Alliance Insurance Ltd* [2022] EWCA Civ 17. The matter concerned the interpretation of aggregation clauses in insurance contracts and arose from multiple claims brought against a private hospital by patients injured by the disgraced breast surgeon, Ian Paterson.
- Advice on a circa £10m claim against an insurance broker alleging that insufficient cover was procured so as to indemnify an investment company in respect of a claim brought in the US for alleged breach of fiduciary duty and interference with contract.
- Drafting defence in an action concerning the tortious duties owed by a placing broker to a producing broker and to the insured.
- Prepared written points of claim on behalf of Lloyd's syndicate for an arbitration against a managing agent for breach of the binding authority agreement.
- Preparing a defence and advice in relation to a coverage dispute after an insurer refused to indemnify a partnership for flooding damage caused by an automatic sprinkler system in a factory.

Professional Negligence

Hamish has experience in claims brought against an assortment of different professionals, including architects and engineers, solicitors, financial advisors, accountants, and insurance brokers.

His recent work includes:

- Representing a firm of insurance brokers in regard to a £4m claim by the insured company alleging it had suffered losses which were not covered by its insurance policy due to the defendant's negligence in failing to arrange an appropriate scope of cover and/or failing to disclose material facts such that the insurer avoided the policy for non-disclosure and misrepresentation (led by Daniel Shapiro QC).
- Preparing a defence on behalf of a firm of solicitors who were alleged to have negligently prepared and advised on an option agreement.
- Preparing defence for a lettings management agency who were alleged to have provided a poor standard of service.

Whilst on pupillage Hamish's work included:

- Drafting defence in relation to a claim against financial advisors alleging negligent advice which had caused a multi-million tax liability and loss of investment opportunity.
- Advice in relation to a professional negligence claim brought by Network Rail against structural engineers after improvements works allegedly caused a landslip which derailed a train causing substantial damage and serious personal injury. Valued at supra. £10 million.
- Advice on a circa £10m claim against an insurance broker alleging that insufficient cover was procured so as to indemnify an investment company in respect of a claim brought in the US for

-
- alleged breach of fiduciary duty and interference with contract.
- Drafting defence in an action concerning the tortious duties owed by a placing broker to a producing broker and to the insured.
 - Drafting a defence to a multi-million pound claim brought by a property development company against its solicitors alleging a negligent failure to exercise an option.
 - Drafted defence to a professional negligence claim against a mortgage broker who advised an interest only product.
 - Drafting particulars of claim and advice in relation to a solicitors' negligence claim after a third party pretended to be the Claimant and defrauded him.

Product Liability

Hamish has experience of product liability disputes in contract, tort, and under the Consumer Protection Act 1987, and in both industrial and consumer contexts.

Examples of Hamish's work during pupillage include:

- Preparing particulars of claim and advice concerning an allegedly defective washing machine which caught fire causing damage to a residential property.
- Advice in relation to an £2m breach of contract claim by the purchasers of allegedly defective articulated trailer movers after an operator was killed by a crushing injury.
- Assisting preparations for trial of a claim against a manufacturer of pressure regulating valves which had allegedly malfunctioned causing circa £1m damage in a residential property.
- Drafting an advice in relation to a claim brought in contract and under the Consumer Protection Act 1987 against a supplier of forestry and agricultural machinery. The claimant was claiming contribution for liability to an employee who had suffered a serious injury whilst using a firewood processor.

Property Damage

Hamish welcomes instructions in property damage matters across a broad spectrum of areas, including fire and flood damage, negligent building work, road traffic accidents, and tree root encroachment.

Hamish's recent instructions include:

- Drafting Particulars of Claim for owners of a bridge which had been completely destroyed by a motorist who had been swept downstream whilst attempting to cross a river.
- Successfully representing at trial a firm of motor mechanics who had allegedly destroyed a car engine due to negligent fitting of a turbocharger.
- Preparing a defence and advice on behalf of a construction company who had allegedly sprayed concrete onto a neighbouring companies' property causing damage.
- Representing a local council against a claim in contract and tort alleging the council was liable for possessions which had been stolen from the claimant's car left in the council-run car-park.
- Acting for a contractor in relation to a dispute arising out of the construction of a residential extension.



Whilst on pupillage, Hamish assisted with a number of cases including:

- Advice in relation to a professional negligence claim brought by Network Rail against structural engineers after improvements works allegedly caused a landslip which derailed a train causing substantial damage and serious personal injury. Valued at supra. £10 million.
- Assisting preparations for trial of a claim against a manufacturer of pressure regulating valves which had allegedly malfunctioned causing circa £1m damage in a residential property.
- Preparing a defence and advice in relation to a coverage dispute after an insurer refused to indemnify a partnership for flooding damage caused by an automatic sprinkler system in a factory.
- Written advice in relation to a claim brought by Network Rail against an adjacent property owner after sludge spilled onto the railway causing circa £1m of damage and disruption. Issues included non-delegable duties in the context of an independent contractor defence and potential liability under *Rylands v Fletcher*.

Personal Injury

Hamish has broad experience advising, drafting and acting on personal injury matters. He appears regularly in the County Court on behalf of defendants and claimants on small claims and fast track matters. As a pupil, he assisted members of Chambers on a variety of personal injury matters including in respect of psychiatric claims as a secondary victim, and claims under the Fatal Accidents Act 1976, the Occupiers Liability Act 1957, and the Protection from Harassment Act 1977.

Examples of his recent work include:

- Representing at trial a driver who had pulled out of a junction into the path of a speeding motorcycle causing fatal injuries to the motorcyclist and minor injuries to the pillion passenger. Liability split 25:75 in favour of the defendant driver.
- Advising a company running catering services at an Army base in relation to a claim brought by an Army chef alleging he was attacked with a knife by one of the company's employees.
- Advising and successfully representing at trial a hirer of inflatable play equipment after a child was injured when a bouncy castle suddenly deflated at a school 'fun day'.
- Representing a public house after an employee cut herself on broken glass whilst emptying a rubbish bag.
- Representing an events company after a guest slipped on a bathroom floor and injured herself at a party.

Qualifications

- BPTC (Outstanding), BPP
- GDL (Distinction), City University
- English Language & Literature (First Class), University of Oxford