



Jack Macaulay



---

# Contents

---

Personal Injury .....	1
International Injury and Travel Law .....	2
Clinical Negligence .....	2
Industrial Disease .....	3
Professional Liability .....	3
Property Damage .....	4
Commercial .....	4
Qualifications .....	5
Memberships .....	5
Recommendations .....	5

"Jack roots out the nub of a case and deploys a strategic and commercial approach to litigation."  
(Legal 500, 2022)



Jack Macaulay practices in the core areas of Chamber's work, with particular focus on personal injury, professional negligence, and property damage.

## Personal Injury

Personal injury work forms the cornerstone of Jack's practice, and he is regularly instructed on behalf of both Claimants and Defendants, at all stages of litigation. His extensive experience encompasses:

- Fraudulent and exaggerated claims, from claims which have been entirely concocted, all the way to cases of discrete dishonesty over individual heads of loss, where the claim is dismissed under s.57 of the Criminal Justice and Courts Act 2015. Jack has dealt with most forms of motor fraud, including low velocity impact cases, ghost passenger claims, and staged or induced accidents, as well as fraud in the EL/PL context. He is also familiar with other mechanisms for attacking suspicious or exaggerated claims where fundamental dishonesty cannot be established, such as securing costs orders against credit hire companies.
- Cases of serious permanent injuries, with damages well into seven figures.
- Brain injury claims.
- Psychiatric injuries from primary and secondary victims.
- Fatal accidents (including Coroner's inquests).
- Accidents in the workplace, and,
- acting for the emergency services.

Recent cases of interest include:

- *Fryatt v Nottingham Forest FC*. Jack acted for the well-known football club at the interlocutory stages of a claim by one of its former players, who alleged that the club failed to manage his ankle injury, resulting in the premature end of his career.
- Advising a nationally recognised entertainment company on the implications of the end of the Brexit transition period on a potential claim against a Spanish equipment supplier, following a fatal accident in England.

- A claim against a large hotel chain following the death by suicide of one of its employees on hotel premises.
- Acting for the Defendant in a case of alleged diffuse axonal injury (led by Shaun Ferris). The claim at one point was pleaded in excess of £10m, but eventually settled for a small fraction of its pleaded value. Additionally, a favourable settlement was achieved in contribution proceedings, after earlier negotiations had collapsed.
- Acting for the Defendant theme park operator in a claim by one of the passengers of the “Smiler” rollercoaster following the high-profile crash of that ride.
- Acting for a Claimant who developed PTSD, depression, and chronic pain having been injured while restraining young patients at the Defendant’s child and adolescent mental health unit. Liability was initially vigorously disputed before it was conceded just before the PTR for the liability trial. The case eventually settled for a seven-figure sum.

## International Injury and Travel Law

Jack has a particular interest in cases with an international dimension, of whatever character. Past cases include:

- Advising a nationally recognised entertainment company on the implications of the end of the Brexit transition period on a potential claim against a Spanish equipment supplier, following a fatal accident in England.
- Accidents at airports in the course of embarking/disembarking aircraft (including under the Montreal Convention).
- An Athens Convention claim by a passenger who slipped on returning to the car deck of a ferry.
- Road traffic accidents in France and Italy.

Jack is also able to bring to bear his knowledge of private international law acquired through involvement in non-PI cases, including:

- representing buyers of land situated in The Gambia in a dispute against the sellers; and,
- advising a shipping company in a dispute arising out of the import of instant noodles into Scotland.

## Clinical Negligence

Jack enjoys the particular medical and scientific challenges posed by clinical negligence litigation. He acts for the NHS, medical defence organisations, and claimants. His experience covers cases of:

- Mis/delayed diagnosis
- Inadequate consent
- Injuries caused by or in the course of surgery
- Obstetric/birth injuries
- Inadequate nursing care, leading to e.g. pressure sores

Jack’s recent cases include:

- A claim arising out of negligent treatment of the claimant’s breast cancer, as a result of which the

cancer recurred. Jack's client, the MPS, represented the histopathologist, who had failed to identify that the surgeon had not obtained clear margins around the tumour. The claimant was represented by leading counsel and sought damages against the surgeon, Jack's client, and the NHS trust. A satisfactory settlement was eventually achieved at a hard-fought virtual JSM.

- *Fryatt v Nottingham Forest FC*. Jack acted for the well-known football club at the interlocutory stages of a claim by one of its former players, who alleged that the club's doctors and medical staff failed to manage his ankle injury, resulting in the premature end of his career.
- A case of alleged injury to the mother caused by the use of forceps during delivery, requiring the input of both obstetric and surgical experts.

## Industrial Disease

Jack has dealt with most forms of occupational disease claim, at all stages of litigation, including early advice/drafting of pleadings, representation at CCMCs/interlocutory applications, through to final hearings. His experience includes claims in respect of:

- Mesothelioma and asbestosis
- NIHL
- HAVS
- Asthma and other respiratory diseases

Recent noteworthy cases include representing the fire service in a case where a firefighter alleged he had suffered acoustic trauma from exposure to the siren of a fire engine. The case was defended to trial at which the experts attended for cross examination on the complex issues of what noise levels are capable of causing tinnitus/acoustic trauma. HHJ Baucher accepted Jack's submissions on both breach of duty and causation and dismissed the claim.

## Professional Liability

Jack's professional negligence experience includes:

- Accountants' negligence, for example a multi-million pound claim dealing with the tax treatment of a solicitor's CFA work-in-progress (junior to Ben Quiney QC).
- A TCC case in Liverpool arising out of the collapse of a wall on neighbouring land due to lateral pressure exerted by the defendant's land; the defendant in turn claimed against a third party which provided a geo-environmental engineering report on the land which (allegedly) negligently failed to identify the risk to the wall. The client achieved a very favourable settlement.
- Claims relating to the negligent conduct of personal injury actions, for example advising in a case where the claimant's solicitors allegedly failed to protect her against adverse costs consequences following late acceptance of Part 36 offers in her personal injury claim.



---

## Property Damage

---

Jack's experience includes:

- Claims under the Water Industry Act 1991 following escapes of water from pipes, and for compensation for damage caused by the exercise of statutory powers under the Act.
- *Glenluce Fishing Co v Watermota* [2016] EWHC 1807 (TCC), a dispute over the fitness for purpose of a marine diesel engine. The case gave rise to a novel dispute concerning the interaction between the rules on payment of court fees and the provisions of the Limitation Act 1980.
- A TCC case in Liverpool arising out of the collapse of a wall on neighbouring land due to lateral pressure exerted by the defendant's land; the defendant in turn claimed against a third party which provided a geoenvironmental engineering report on the land which (allegedly) negligently failed to identify the risk to the wall. The client achieved a very favourable settlement.
- Acting for the defendant security company in a six-figure claim for property damage following a series of criminal incidents at the claimant's car showrooms. The case settled for less than half its pleaded value.
- *Smith & ors v South Eastern Power Networks* [2012] EWHC 2541 (TCC): junior (to Michael Kent QC and Simon Howarth) for the Claimants in a series of test cases determining the liability of the electricity distribution industry for fires caused by overheating mains cut-out fuses.
- Advising and drafting proceedings in fire, flood, and other property damage cases, arising from a variety of causes including defective electrical equipment, domestic appliances, inadequately made plumbing, and tradesmen's works.
- Disputes over insurance coverage and non-disclosure.
- Construction cases, including party wall disputes and cases of defective workmanship by contractors and sub-contractors.
- Pro bono representation of a retired claimant whose investment property required substantial repair work following a hopelessly negligent attempt at a loft conversion.

---

## Commercial

---

Much of Jack's work is based, at heart, on an understanding of the underlying contractual, tortious, and commercial principles governing the relationships between the parties. This enables him to provide rigorous and commercially realistic advice. Jack's particular experience includes:

- Disputes in relation to financing agreements, for example a multi-million pound dispute over the provision of finance to enable the purchase of domestic solar panels (junior to Ben Quiney QC).
- Disputes concerning the payment of commission to estate agents.
- Individual and corporate insolvency cases for creditors and debtors.
- Cases giving rise to private international law issues, including:
  - representing buyers of land situated in The Gambia in a dispute against the sellers; and,
  - advising a shipping company in a dispute arising out of the import of instant noodles into Scotland.
- Advising victims of online fraud in relation to the purchase of iPads.
- Successfully representing a claimant roofing company in a claim for unpaid fees that was defended on the basis that the debt had been settled by the provision of free curry.



---

## Qualifications

---

LLB, Law with European Legal Studies (First Class) King's College London, 2003-7

ERASMUS year at Uppsala University, Sweden, 2005-6

LLM (Cantab) 2007-8

BVC (Very Competent) BPP London, 2008-9

Lord Denning Scholar, Lincoln's Inn

Languages: French (intermediate), Spanish (improving), Swedish (basic)

---

## Memberships

---

- PIBA
- PNBA

---

## Recommendations

---

"Jack roots out the nub of a case and deploys a strategic and commercial approach to litigation."  
Legal 500, 2022