



Margaret Bickford-Smith KC



---

# Contents

---

|   |   |
|---|---|
| Mediation .....                                     | 2 |
| Clinical Negligence .....                           | 3 |
| Selected Cases .....                                | 3 |
| Nuisance, Noxious Escapes and the Environment ..... | 4 |
| Industrial Disease & Accident .....                 | 5 |
| Selected Cases .....                                | 5 |
| Qualifications .....                                | 5 |
| Memberships .....                                   | 5 |
| Recommendations .....                               | 6 |

"Highly experienced in clinical negligence as well as injury and disease work."  
(Legal 500)



+44 (0)20 7797 8100

bickfordsmith@crownofficechambers.com

## Practice Overview

Margaret took silk in 2003 having developed a broad practice encompassing high-value and complex negligence cases as well as construction, commercial and environmental enforcement disputes.

She initially practised in the then leading North-Eastern Circuit set of Lord (Peter) Taylor of Gosford, from London where the set (as then customary) had its premises. From it she developed a specialist mining and industrial disease and injury practice, starting in the North East and spreading nationwide: she principally acted for British Coal, for whom she was the first woman to be a standing junior. She acquired substantial experience of group litigation.

She undertook a wide range of further work on circuit, including arbitration work. She was also instructed for specialist mining, minerals and rating work in the Lands Tribunal; and in work in the areas of professional negligence, commercial landlord/ tenant, property, trusts and planning. She also undertook a breadth of work in London originating from the North East, which saw her (among other things) appear in Chancery.

Margaret's skills as advocate and cross-examiner led to a high and continuing level of professional recognition. She has appeared in courts at all levels, and at tribunals and public enquiries (planning, health).

She moved chambers in 1997 to continue her specialist work in London, with an emphasis (in clinical negligence work) on birth injury cases, and (in environmental work) on pollution issues in industrial enterprises, foundries and steelworks.

Fuller details of her past work and experience can be found in the pages below.

## Professional Recognition, Offices and Service

Margaret took silk in 2003. She served as a member of the Executive Committee of the Professional Negligence Bar Association (2009-2011).

She sat as a Recorder in civil and criminal cases from 1997 until 2020.



---

She served 2012-14 as Chair of Inns of Court Conduct Committee (previously Vice-Chair 2009-2012) dealing with the administration of bar student disciplinary matters for all 4 Inns of Court. She also chaired individual student disciplinary panels.

Governing Bencher of the Inner Temple 1993-

Formerly a General Commissioner of Income Tax (Temple, 1996 – 2009)

Private Dispute Resolution: Mediation and Arbitration

Since taking silk Margaret has been increasingly active in private dispute resolution. An accredited mediator since 2004, and appointed a member of the Mediation Panel of the Chartered Institute of Arbitrators in 2007, she has mediated a wide variety of claims. She has published and lectured on ADR.

She was Mediator/ Judge at the ICC International Commercial Mediation Competition, Paris 2009-2015. In 2013 she was lead Judge at the Final of the Competition.

She served as Chair of the London Branch of the CIArb from 2012 to 2015. She was Master of the Worshipful Company of Arbitrators 2019 – 2021.

Other roles and interests

From the outset of her career Margaret has at the same time pursued an interest in medical, mental health and social issues.

Outside the bar, she served for 8 years on a local authority, in particular on its social services, education and finance committees, and as a school and college governor.

She is a Freeman of the City of London, and she has been a Member of the Financial Services Group of the Modern Livery Companies of the City of London (2016-2019; 2023-).

## Mediation

---

Accredited as a mediator since 2004, she has been a member of the Chartered Institute of Arbitrators Mediation panel since 2007. She is a member of ADR Group, and a mediator currently registered with the Civil Mediation Council.

Margaret was Mediator/ Judge at the ICC International Commercial Mediation Competition, Paris 2009-2015. In 2013 she was lead Judge at the Final of the Competition.

Her experience as a mediator includes:

- Construction contracts and subcontracts, including multi-partite disputes
- Flooring subcontract of a large housing development project, main contractor a major construction company.
- Commercial Landlord & Tenant: dilapidations, tenancy breach
- Residential Landlord & Tenant
- Real Property
- Boundary and neighbour disputes

- Party walls
- Tree roots
- Subsidence
- Business disputes: claims for monies due; offshore trust setup
- Business disputes: property and licensing
- Personal injury: industrial, office, and general accident claims
- Clinical negligence: gynaecological and general treatment, diagnostic failure
- Actions against the police

## Clinical Negligence

Experience in major cases includes:

- appearance in the Normansfield Inquiry (mental handicap hospital crisis)
- hip dysplasia (birth / congenital / developmental)
- Erbs Palsy and shoulder dystocia sustained at birth
- anaesthetic accident at surgery to fit elderly hospital patient resulting in tetraplegia
- meningitis resulting in brain damage with major impairment of locomotor function
- erroneous diagnosis of life-shortening illness
- GP diagnostic failures / delays
- delay in treatment of myocardial infarction, with psychological sequelae and personality change
- infant gastro-oesophageal reflux resulting in permanent digestive problems
- malignant testicular tumour with failure in follow-up (fatal)
- malpositioning of prosthesis on orthopaedic surgery to shoulder
- undiagnosed osteosarcoma in child, resulting in total loss of one lower limb
- cholecystectomy
- spinal surgery, decompression, syringomyelia
- gynaecological problems and surrogacy

She has a special interest in psychiatric problems including obsessional compulsive disorder, depression and anxiety in themselves and in connection with failures / errors in diagnosis.

She has dealt with a wide variety of special social issues most particularly claimants with special educational and behavioural problems, and addiction, mental health and capacity. She has experience of accommodation issues in the UK and in Gibraltar.

## Selected Cases

- *Y v Z Hospital NHS Trust* Claim successfully settled for capitalised value of £7m (lump sum £2.3m). Child claimant, a victim of birth injury, suffers from dystonic athetoid cerebral palsy but with good cognition. Issues on liability: timings at delivery, CTG, mother unattended. Liability admitted early after contentious pleadings. Special issues on quantum: accommodation, education in mainstream schooling with requirement for additional educational assistance and tailored IT provision; also on availability of public services & funding, & periodical payments. Further points on financial advice, mode of disposal, and appropriate orders.
- *K v Nottingham University Hospitals Trust*. Claimant a child victim of birth injury, with dystonic

---

athetoid cerebral palsy. Liability (involving questions of disputed fact, missing documentation, and timings) compromised shortly pre-trial. Issues thereafter on care, residence, accommodation and education; and on aspects of calculation of heads of loss in claim settled for percentage of total liability.

Reported cases:

- *Parkinson v St James etc. Hospital Trust* (CA: 2002 QB 266, clinical negligence leading case: damages recoverable by mother of disabled child born after negligent sterilisation/ genetic advice)
- *Skitt v Khan & anr* (CA: (1997) 8 Med LR, clinical negligence: limitation)

## Nuisance, Noxious Escapes and the Environment

---

Her experience includes cases of

- Alleged discharge and pollution
  - by oil, odour, fume, effluent, noxious waste
  - to air, ground and water.
- Foundries and Steelworks
- Coal and other minerals, mining, property rights
- Subsidence, mining
- Subsidence, general including tree roots
- Planning and development

She has advised on rights, duties and liability in connection with mining, minerals and subsidence.

She led the successful defence of a West Midlands foundry in a lengthy criminal prosecution under the Environmental Protection Act (alleged breach of authorization conditions). The case involved a team of experts co-ordinating environmental and scientific evidence. Art.6, European Human Rights Convention was engaged, and the case was dismissed.

Enforcement appeal public enquiry into alleged EPA authorization contravention: this was successfully compromised with the local authority on the eve of a full enquiry.

She represented an industrial estate tenant in proceedings arising out of alleged discharge of oil and waste and resulting contamination: issues of permeability of soils, surface water flows, migration and drainage systems; watercourse; oil and diesel; obligations under lease. The case was successfully settled by mediation.

She has advised on IPPC authorisation conditions.

She successfully advised in connection with a multi-party environmental claim for neighbourhood nuisance and industrial pollution: the case was discontinued.



---

## Industrial Disease & Accident

---

In addition to accident claims (road traffic and general, office and factory) Margaret has considerable experience of exposure claims of many types (eg. fumes, dust and irritants, chemicals, *legionella*, lead, asbestos, explosives).

She has special experience of claims of stress and psychiatric injury, disaster and fire claims.

She has long-standing experience of multi-party claims.

She was instructed for many years by the British Coal Corporation as standing counsel with overview of their English / Welsh industrial deafness litigation, and also cases relating to explosives.

### Selected Cases

---

- *Hunter v BCC* (CA: 1999 QB 140) mining accident: psychiatric injury, remoteness
- *Ward v BCC* (CA 1998) noise-induced deafness: limitation, date of knowledge
- *Owens v Redpath* (CA 1998) oilrig accident, principles of additional evidence before CA
- *Longden v BCC* (HL: 1998 AC 653) damages: leading case on pension loss, computation
- *Smoker v LFCDA* (HL: 1991 2AC 502) damages: leading case on deductibility of pension benefits
- *Crocker v BCC* (Mance J, 1995 BMLR) Burden of proof: Limitation, psychiatric injury, alleged 20+ year delayed onset

### Qualifications

---

- MA (Oxon)
- Called to the Bar 1973
- Recorder (Civil and Criminal cases) 1997-2020
- Appointed Queens Counsel 2003
- MCI Arb 2006
- Accredited Mediator 2004

### Memberships

---

- Member CI Arb Commercial Mediation Panel 2007
- Chair, CI Arb London Branch 2012-2015
- Chair, Inns of Court Conduct Committee 2012-14
- Governing Bencher of the Inner Temple 1993-



---

## Recommendations

---

"Highly experienced in clinical negligence as well as injury and disease work."

Legal 500 2014

"Committed...utterly dependable...has a fantastic manner with clients."

Legal 500 2010

"Recommended where complex care and social issues are involved."

Legal 500 2009