



Margaret Bickford-Smith QC



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"Highly experienced in clinical negligence as well as injury and disease work."  
(Legal 500 2014)



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Margaret Bickford-Smith QC took silk in 2003 having developed a broad practice encompassing high-value and complex negligence cases, property, construction, commercial law and environmental enforcement. She initially practised, based in London, from the leading North-Eastern Circuit set of Lord (Peter) Taylor of Gosford. This involved her in a wide range of work on circuit, including arbitration work, and also nationwide, principally acting for British Coal, for whom she was a standing junior. In London she undertook a broad range of cases from the North-East, including construction, company and commercial law.

Margaret's skills as advocate and cross-examiner led to a high level of professional recognition that has continued into silk. Now practising from Crown Office Chambers, she sits as Recorder in civil and criminal cases. From 2012 until end January 2014 she was Chair of the Inns of Court Conduct Committee. She has also served as an Executive Committee member of the Professional Negligence Bar Association.

Margaret has become increasingly active in alternative dispute resolution. She has since 2004 been a member of the Mediation Panel of the CIArb, and has mediated a wide variety of claims. She is the current chair of the London Branch of the CIArb, elected in May 2012.

## Clinical Negligence

Margaret has more recently concentrated on claims of major birth defect, paraplegia and tetraplegia or major handicap through surgical error or diagnostic failure.

She has had a continuing interest in medical, mental health and ancillary social issues from the start of her career, having appeared in the Normansfield Inquiry (mental handicap hospital crisis), and served on a local authority social services committee.

She is a member of the Executive Committee of the Professional Negligence Bar Association (elected 2009).

Experience in major cases includes

- 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
- psychiatric problems including obsessional compulsive disorder, depression and anxiety including 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 also including accommodation in Gibraltar (arising out of a birth injury case), capacity and mental health.

## 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 compromised shortly pre-trial. Issues on care, residence, accommodation and education.
- Parkinson v St James Hospital Trust – CA: 2002 QB 266, clinical negligence leading case: damages recoverable by mother of disabled child born after negligent sterilization / genetic advice.
- Skitt v Khan & Anr – (CA: (1997) 8 Med LR, clinical negligence: limitation.

## Criminal Regulatory & Environmental

Margaret's experience includes cases of alleged discharge and pollution by (oil, odour, fume, effluent, noxious waste) to air, ground and water.

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



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was engaged, case was dismissed.

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

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

## Personal Injury

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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

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- 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) – Leading case on pension loss, computation.
- Smoker v LFCDA (HL: 1991 2AC 502) – 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.

## ADR

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Her experience as a mediator reflects her advocacy and advisory experience, and includes:

- Commercial disputes:
    - Claims for monies due
    - Offshore trust setup
    - Property and licensing
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- Personal injury: industrial, office, and general accident claims
- Actions against the police:
  - False imprisonment, malicious prosecution, exemplary and aggravated damages, quantum and recoverability of losses sustained
  - Allegations of interference with Article 8 right to private life, alleged breach of common law right to fairness, allegations of police malpractice in dealing with prosecutions, Enhanced Criminal Record Certificates
  - Associated judicial review issues.
- Clinical negligence: gynaecological and general treatment, diagnostic failure
- Construction contracts and subcontracts, including multi-partite disputes
  - Flooring subcontract of a large housing development project, main contractor a major construction company.
- Landlord & Tenant Commercial: dilapidations, tenancy breach
- Landlord & Tenant Residential: dilapidations, covenants
- Real Property
  - Boundary and neighbour disputes
  - Party walls, Tree roots, Subsidence
- Chancery:
  - Inheritance, wills, trusts

Margaret was from 2009 to 2016 a Mediator/ Judge at the Paris ICC International Commercial Mediation Competition. In 2013 she was lead Judge at the Final of the Competition.

## Qualifications

- MA (Oxon)
- Recorder (Civil and Criminal cases)
- Queens Counsel 2003

## Memberships

- Bencher of the Inner Temple
- CI Arb Mediation Panel
- Vice-Chair, Inns Conduct Committee 2009

## 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."



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Legal 500 2009