



Elizabeth Tremayne

Contents

Commercial	1
Product Liability & Group Actions	2
Health & Safety, Environment, Inquests	2
Property	3
Publications	4
Memberships	4
Education	4



Elizabeth Tremayne

Call 2009

Tel: +44 (0)20 7583 9020
Email: clerks@hendersonchambers.co.uk

Elizabeth Tremayne is an experienced advocate who has a civil and common law practice, with a particular emphasis on complex commercial litigation, product liability disputes and health, safety & environmental prosecutions and civil claims. Elizabeth is a seasoned trial advocate and acts in arbitrations and mediations as well as in the first instance and appellate courts.

Commercial

Elizabeth has sound experience across a number of areas of commercial law from sale of goods and services claims to corporate and personal debts and insolvency. She specialises in claims involving banks and financial institutions with a particular emphasis on the enforceability of guarantees, debtor-creditor-supplier litigation and civil fraud. She is regularly instructed to represent the largest lending institutions and credit providers as well as by private individuals and large corporations. Elizabeth has worked on a number of economic torts, including complex conspiracy, tortious interference and procuring breach of contract cases and on many claims involving breach of fiduciary duties.

Elizabeth regularly acts in High Court restrictive covenant fiduciary duties / confidential information claims. She has extensive experience of urgent High Court injunction proceedings seeking to restrain the alleged abuse of confidential information / breaches of restrictive covenants across various industry contexts, including healthcare, financial services and the public sector.

Commercial cases include:

- interpretation of oral assurances, entitlement to offset multi-currency accounts and misrepresentation
- guarantees of commercial loans defended on grounds including alleged misrepresentation, undue influence and discharge by variation
- civil fraud, the scope of joint-venture partnerships and unlawful means conspiracy
- preliminary jurisdictional challenges and resolving conflict of laws issues
- theft of trade secrets
- applications for freezing injunctions and associated injunctive relief
- scope of insurance cover in relation to commercial properties and developments
- professional negligence claims involving investment, financial and property advice

- commercial development disputes over options and share of profits.

Product Liability & Group Actions

Elizabeth has acted for many large corporates in allegedly defective product cases litigated, in the main, under Group Litigation Orders. She has particular experience of claims involving medical devices and the apportionment of liability between patients, suppliers, manufacturers, surgeons and credit providers. She has advised and represented those in the finance, construction, transport, technology and healthcare sectors, and has first-hand experience of the procedures and tactics required in complex commercial group actions, including by way of example: funding issues (including the liability of third party funders), setting the parameters of the litigation, drafting individual and composite pleadings, rolling electronic disclosure by tranches and the scope of privilege, preliminary strike out arguments on law and disputes as to expert evidence.

Elizabeth is often involved in advising clients on preventative as well as remedial measures throughout the course of regulatory investigations. She has international experience, having advised in a number of US, pan-European and offshore cases.

Product and Group Actions include:

- Representing a defendant manufacturer in a multi-party claim concerning allegedly defective hip implants
- Acting for a credit provider defending a multi-party claim in relation to silicone breast implants
- Representing a defendant supplier in a multi-party claim concerning allegedly defective gastric bands
- Advising in experimental drug-trial claims, including on the scope of insurance coverage
- Advising a food manufacturer on the compatibility of proposed domestic legislation with European Union law
- Representing suppliers and manufacturers in allegedly defective building materials, electrical appliances and road surfacing products from investigation to trial

Health & Safety, Environment, Inquests

Elizabeth regularly appears in health and safety matters in the criminal courts. She is familiar with advising and representing clients prosecuted by enforcing authorities such as the police and the HSE throughout investigation and the court process. She has acted for individuals and businesses operating in a number of sectors including construction, transport, technology, healthcare and the public sector.

She has experience of cases involving charges ranging from manslaughter to regulatory breaches of workplace health and safety to Environmental Protection Act matters including the escape of waste and contamination. Elizabeth also advises corporate clients on preventative measures directed at avoiding litigation. Elizabeth's civil product liability practice complements her criminal health and safety work.

Elizabeth has represented commercial and quasi-public bodies as interested parties at inquests, in particular in relation to rail fatalities, and is familiar with jury handling.

Representative cases:

Defending corporate and quasi-public bodies in prosecutions for alleged breaches of:

- The Environmental Protection Act 1990 in the treatment and storage controlled waste.
- Duties owed to non-employees under the Health and Safety at Work etc. Act 1974 on construction sites operated by multiple contractors.
- Work at Height Regulations 2005 in rope work and scaffolding operations.
- Control of Asbestos Regulations 2006 in relation to the presence of the substance at headquarters and off-site.
- The Regulatory Reform (Fire Safety) Order 2005 following a serious accident involving a member of the public.

Civil environmental and pollution claims include nuisance, land contamination and flooding and inquests at the Coroner's court include:

- railway level crossings, lines and verges;
- construction sites;
- pharmaceutical trial participants.

Property

Elizabeth has an active property practice and is regularly instructed in a range of real property cases involving boundary disputes and trespass, restrictive covenants and easements, dilapidations and disrepair, adverse possession, *bona vacantia* and land registration. She acts in applications for sale and charging orders and the enforcement of security. She has advised the Ministry of Justice and the Ministry of Defence on disputed sales of and licences over land.

She has represented landlords, local authorities and commercial tenants in disputed mortgage, arrears, anti-social behaviour possessions and injunctions, breach of covenants including contractual set off, succession rights, spouse and family claims, telecommunications disputes and trusts. She has been instructed by a number of electricity, gas, water and telecommunications service providers to advise and act in property disputes involving their estates, restrictive covenants, contractual arrangements and insurance.

Property work includes:

- domestic and agricultural easements;
- boundary disputes and neighbours claims;
- enfranchisement disputes and service charge payments and the enforceability of contractual terms relating to communal charges;
- the measure of damages in development and trespass cases;
- commercial and residential landlord disputes including large scale disrepair, human rights defences and alleged Equality Act 2010 breaches
- urgent trespasser and protester injunctions and possession claims often relating to high profile and high value commercial properties
- Nuisance claims, flooding and noxious substances

Publications

Property alerters

<http://www.hendersonchambers.co.uk/resources/articles/clarity-cut-adrift-human-rights-arguments-triable-in-mooring-cases>

<http://www.hendersonchambers.co.uk/resources/articles/a-balancing-act-a-landlords-right-to-build-and-a-tenants-right-to-quiet-enjoyment>

H & S alerters

<http://www.hendersonchambers.co.uk/resources/articles/new-guideline-published-on-sentence-reduction-for-early-plea>

Memberships

- Health & Safety Lawyers' Association
- South Eastern Circuit

Education

- London School of Economics & Political Science, BSc Hons (1st Class)
- Oxford University, MA
- City University, Graduate Diploma in Law
- BPP College, Bar Vocational Course
- Honourable Society of the Middle Temple, Astbury Scholar