



Jonathan Harvey

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## Jonathan Harvey

*"Exudes gravitas from every pore and is able to turn around seemingly unwinnable cases."*

- Chambers UK 2011

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Jonathan Harvey has for many years maintained a wide common law practice. He has acquired a first class reputation for his advisory work and his advocacy in cases involving professional negligence, health and safety, insurance, clinical negligence and personal injury claims. In addition, he has extensive experience of general contract and sale of goods claims, product liability, and commercial claims.

Jonathan Harvey was ranked in both Chambers UK and the Legal 500 for his health and safety work and additionally in the Legal 500 for his clinical negligence and personal injury work.

In 2009 the Chambers UK Directory described Jonathan Harvey as *"reassuring, tough and always very impressive in conference. He occupies his time with both advisory and court work, leaning particularly towards the technical and engineering side of health and safety."*

In 2010 it said: *"Jonathan Harvey, meanwhile, is especially proficient in civil and criminal cases involving evidence of a complex technical or engineering nature. His 'incisive mind and attention to the fine print' win him applause from peers."*

The 2009 edition of Legal 500 said of Jonathan Harvey that he is *'a thoroughly hardened senior junior'*.

He lectures on health and safety, personal injury and clinical negligence matters.

## Professional Negligence

Jonathan's professional negligence work includes a wide variety of claims against medical practitioners, architects, solicitors, barristers, loss adjusters, accountants, surveyors and engineers. Although the majority of that work has been for Defendants, he has on many occasions been instructed on behalf of Claimants.

He has recently successfully defended a multi-million pound claim against loss adjusters following a six week trial. He has recently advised a firm of architects in relation to, inter alia, copyright issues and the right to withhold drawings from the developer client.

He is advising insurers of a firm of loss adjusters in relation to subsidence remedial work carried out without Local Authority approval. He is advising purchasers of a listed building in an action against surveyors who failed

to identify significant structural defects.

He has extensive experience of a vast number of clinical negligence claims, acting for claimants, individual defendants and health authorities. These have principally been claims involving medical negligence, but have included claims against dental practitioners and other health professionals.

He has dealt with professional disciplinary matters on behalf of doctors, dentists and ophthalmologists.

## Personal Injury & Clinical Negligence

Jonathan's substantial personal injury caseload has involved a wide variety of claims (including major brain damage and other catastrophic injuries) over many years arising out of factory or other workplace accidents, road traffic accidents and industrial disease. His work has included very many cases of industrial disease of which many have involved lung damage as a result of exposure to contaminants or pollutants such as asbestos, acids, solvents and other industrial or commercial substances. He has been instructed on behalf of both Claimants and Defendants, and has acted for the major UK asbestos manufacturers and users for many years. He appeared in the major 'date of knowledge' asbestos case *Margereson v JW Roberts Ltd*. He has successfully defended asbestos exposure claims. More recently, he acted against the MOD for the widow of an SAS soldier accidentally killed and recovered what is believed to be the largest award of damages. He has acted for a London Borough in a claim against it alleging carbon monoxide poisoning of its tenants. He has acted for other members of the Bar in personal injury cases.

Jonathan has extremely extensive experience of all sorts of Clinical Negligence claims, acting for and advising both claimants and defendants in both complex, high value claims and more modest claims. He is very much at home with cases involving difficult, expert or technical evidence.

Jonathan Harvey has lectured extensively on various aspects of clinical negligence and personal injury law and procedure. Those lectures have included a 2003 lecture to the British Institute of International and Comparative Law and a 2004 lecture at the Cour de Cassation in Paris on the development of asbestos litigation in England and Wales. He has lectured to the Medical Protection Society on potential new classes of liabilities for medical practitioners.

He appeared in the Divisional Court in *R v. Criminal Injuries Compensation Board ex p Barrett* [1994] – the leading case on the principles to be applied in the apportionment of the award between dependants in a criminal injuries compensation claim.

He appeared in the Court of Appeal in the leading case concerning limitation periods for contribution claims between Defendants – *Aer Lingus v Gildacraft Ltd and Anor* [2006].

He appeared for the successful Defendant in *Day v High Performance Sports Ltd* [2003] in which the principles involved in duty to attempt a rescue and duty of care were considered.

Jonathan is ranked as a leading Junior in this area in the Legal 500.

## Representative Cases

- *Aer Lingus v Gildacraft Ltd and Anor* [2006]
- *Day v High Performance Sports Ltd* [2003]
- *R v Criminal Injuries Compensation Board ex p Barrett* [1994]
- *Margereson v JW Roberts Ltd*

## Health & Safety

He advises both public and private companies in connection with Health & Safety legislation and has acted in connection with both criminal and civil proceedings. He has a special interest in cases involving complex technical or engineering evidence. He has recently acted in several major HSE prosecutions arising out of fatalities or near fatal accidents in the workplace. He appeared as Counsel in the Ladbroke Grove Rail Accident Public Inquiry (Lord Cullen's Inquiry) on behalf of Railtrack Plc.

Ranked as a leading junior in Chambers & Partners in this field.

## Commercial

Jonathan has advised in a number of insurance cases involving coverage or indemnity issues under a variety of policies. He has been instructed by many insurers. He is familiar with the contractual and insurance aspects of claims and was involved in the leading case of *Rowlands (Mark) Ltd v Berni Inns Ltd* [1985] 3 WLR 964 (Ct Appeal) concerning the interest of third party in a landlord's insurance policy and the effect of the landlord's covenant to insure. He is thoroughly familiar with all aspects of insurers' responses to claims, including investigation, loss adjusting, reporting, reserves, the need for expert evidence and any settlement negotiation. He has advised other Chambers on insurance matters.

He successfully appeared for the Defendant in *Duer v Frazer* [2001] in which the court considered the principles governing the exercise of its jurisdiction to permit execution more than 6 years after judgment.

Jonathan also has considerable experience of contractual claims including sale of goods, and cases involving computers and information technology. He has recently advised a major international courier on the regulations, restrictions and procedures for air freighting wine into and out of the UK. He has advised a consumer group in connection with charges imposed for the handling of parcels entering the UK. He has advised a major UK producer of aggregates on various commercial matters.

## Representative Cases

- *Duer v Frazer* [2001]

- *Rowlands (Mark) Ltd v Berni Inns Ltd [1985] 3 WLR 964 (Ct Appeal)*

## TCC

Jonathan has appeared in the Technology and Construction Court in construction, professional negligence and computer cases. Cases have included substantial construction claims for and against property owners or developers, main and sub-contractors, as well as subsidence and fire claims. He has recently acted in a major commercial building fire claim.

He has wide experience of drafting of rules and standard terms and conditions. He has fully re-drafted the rules of a major UK health insurer following examination not only of that insurer's market position but also consideration of the overall health insurance market and the cover and service offered by competing insurers. He has advised and drafted the standard terms and conditions for a franchise agreement and for a courier company.

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## Memberships

- Health & Safety Lawyers Association
- Personal Injuries Bar Association
- Professional Negligence Bar Association
- South Eastern Circuit

## Education

- Marlborough College
- Christ's College Cambridge

## Awards & Recognitions

