



Noel Dilworth

# Contents

Product Liability & Group Actions .....	1
Representative Cases .....	2
Property / Commercial .....	2
Representative Cases .....	3
Health & Safety .....	3
Representative Cases .....	3
Public Law & Local Government .....	3
Representative Cases .....	4
Employment .....	4
Representative Cases .....	4
What the directories say .....	5
Publications .....	5
Memberships .....	5
Education .....	5
Awards & Recognitions .....	5



## Noel Dilworth

*"Very bright and very, very quick at getting to grips with the issues of a case... very easy to work with... technically very good but able to give advice which is user-friendly, commercial and boils down complicated issues into advice that's easy to understand and accessible."*

- Chambers UK 2016

---

Call 2001

Tel: +44 (0)20 7583 9020

Email [ndilworth@hendersonchambers.co.uk](mailto:ndilworth@hendersonchambers.co.uk)

Noel Dilworth is recommended as a leading junior in the field of Product Liability, his practice spanning the range from health & safety, environmental and regulatory aspects of product liabilities to consumer claims in group litigation or unitary actions. He regularly advises or represents companies in the pharmaceutical, energy, transport and medical sectors.

He also specialises in property disputes, particularly with a chancery or commercial dimension (including trusts of land, civil fraud and tracing claims). He has vast experience of a range of employment disputes in the Tribunal and in the High Court, including, in particular, discrimination claims, alleged breaches of restrictive covenants and unfair dismissal.

## Product Liability & Group Actions

Noel Dilworth is recommended as a leading junior in Chambers UK and in the Legal 500.

Noel has worked on various large-scale pharmaceuticals-based group actions claiming personal injuries including Sabril (2006 – 2008) and Seroxat (2010). More recently, he was led by Charles Gibson QC, Oliver Campbell QC and Christopher Lewis QC in the successful defence of the OCENSA pipeline group action, following a 5-month trial before the TCC: *Arroyo v Equion Energia Ltd (formerly BP Exploration Co (Colombia) Ltd)* [2016] EWHC 1699 (TCC).

The vast experience that he has built up encompasses pharmaceuticals, medical devices, vehicles, energy transportation and vehicles. He is familiar with allegations concerning animal or pre- and post-marketing clinical trials, epidemiology, licensing, post-marketing clinical trials, pharmacovigilance and recall issues.

Noel was on the editorial team for Kluwer's International Product Law Manual, He is also the Secretary of the Chambers Product Liability Practice Group and is drafting a chapter for a publication on multi-party actions.

Noel advises on the following aspects of food and animal feed liability:

- Advising pre-manufacture and distribution
- Crisis Management and Product recall

- Individual actions, including claims arising out of the contamination of food and animal feed and advice on food labelling for healthy eating;
- Group actions
- Commercial claims for losses arising from defective products
- Insurance, particularly in relation to disputes concerning the coverage of an insurance policy
- Personal Injury and Fatal Accident claims
- Criminal Proceedings:
- obligations under the General Product Safety Regulations
- advising on initial contact with the HSE, FSA or other prosecution authorities;
- preparing for interviews and any prosecution

Noel has acted extensively in food and animal feed contamination cases. He represented the successful butcher and meat wholesaler at trial in a commercial claim brought against the manufacturer of butcher's curtains. He has advised US producers on vitamin supplement regulation. He has advised one of the most substantial poultry farmers in the country in relation to defective shed heating. He has also acted for defendants in various cases involving allegations of contamination of animal feed leading to damage to livestock and poultry (including allegations of botulism). He was led by Charles Gibson QC and Oliver Campbell QC in the successful defence of claims concerning damage to cattle and to yields arising out of the construction of an oil pipeline in rural Colombia.

## Representative Cases

- *Arroyo v Equion Energia Ltd (formerly BP Exploration Co (Colombia) Ltd) [2016] EWHC 1699 (TCC)*
- *Arroyo v Equion Energia Ltd (formerly BP Exploration Co (Colombia) Ltd) [2013] EWHC 3150 (TCC)*
- *Iveco SpA & Anor v Magna Electronics Srl [2015] EWHC 2887 (TCC)*
- *Your Response Ltd v Datateam Business Media Ltd [2014] EWCA Civ 281*
- *Seroxat Group Litigation (2010)*
- *Sabril Group Litigation (2006-2008)*
- *Ladbroke Grove litigation (Thames Trains Ltd v Network Rail Plc)*

## Property / Commercial

Noel has experience of a broad range of property-related commercial transactions, but has developed particular expertise advising property developers following his success in the Court of Appeal case of *Risegold Ltd v Escala Ltd*. He regularly advises commercial landlords and tenants in relation to disputes arising from forfeiture claims and alleged breaches of covenant.

He has also recently established civil fraud and ancillary liability in relation to property-related disputes in County Court proceedings.

## Representative Cases

- *Risegold Ltd v Escala Ltd* [2008] EWCA Civ 1180, [2008] 1 EGLR 13, [2009] 1 P & CR D24
- *JS Bloor Ltd v Pavillion Developments Ltd* [2008] EWHC 724 (TCC)
- *Merlo v Duffy* [2009] All ER (D) 91 (Feb)
- *Parkinson v Hawthorne* [2008] EWHC 3499 (Ch), [2009] 1 WLR 1665
- *Panayiotou v Nicolaou* [2010] EWCA Civ 569
- *Jules v Robertson* [2011] EWCA Civ 1322
- *Ely v Robson* [2016] EWCA Civ 1774
- *Cusack v Harrow London Borough Council* [2013] UKSC 40

## Health & Safety

Noel had broad experience in the Crown Court and the High Court of cases involving a significant element of health and safety. He was instructed in commercial litigation arising out of the Ladbroke Grove rail disaster and he represented Multiplex plc in inquest proceedings arising from Wembley Stadium construction.

He was also retained to advise the Olympic Delivery Authority and BAe on their H&S obligations.

He frequently attends inquests and advises interested parties and families concerning proceedings before the Coroner.

## Representative Cases

- *Ladbroke Grove Litigation*
- *OCENSA Pipeline Litigation*

## Public Law & Local Government

Noel has been involved in a number of significant housing / Judicial Review cases, notably, *R (Lin) v Barnet LBC* [2007] EWCA Civ 132, [2007] LGR 454 concerning the housing allocations policy for homeless and other applicants and *R(B) v Barnet LBC* [2009] All ER (D) 294 (Nov) concerning the sufficiency of assessments under the Children Act 1989. He also appeared on behalf of the appellant in *K v G* [2009] All ER (D) 128 (Oct), the first successful appeal against a decision to reject an application under s.29 of the Mental Health Act 1983.

He also has extensive experience in the Human Rights field. In 2000, he worked as a stagiaire with Avocats sans Frontières in Brussels and, in line with Chambers policy, he spent a month of his pupillage in the Brussels-based law firm, Stanbrook and Hooper. During his tenure as Judicial Assistant to Lord Phillips, M.R., the majority of his research work was in areas involving significant European (Brussels and Strasbourg) influence, arising out of appeals from the Administrative Court or from Tribunals in immigration, environmental and social security cases. He also worked on cases falling within the exclusive jurisdiction of the Master of the Rolls in Law Society appeals. He regularly carries out training in Human Rights to local authorities and other public bodies.

## Representative Cases

- *K v G [2009] All ER (D) 128 (Oct)*
- *R(B) v Barnet LBC [2009] All ER (D) 294 (Nov)*
- *R (Lin) v Barnet LBC [2007] EWCA Civ 132, [2007] LGR 454*

## Employment

Noel has garnered wide-ranging experience as an advocate in employment-related work. He has advised and represented applicants and respondents in unfair dismissal and equal pay claims, claims of sex, race, disability, sex orientation and religious discrimination and has developed a niche in whistleblowing, TUPE and restraint of trade cases, particularly in the IT industry.

## Representative Cases

- *Coutinho v Rank Nemo DMS Ltd [2009] IRLR 672, The Times 8 June 2009*  
Could non-payment of previous Tribunal award constitute post-termination victimisation?
- *Onwuka v Spherion Technology (UK) Ltd and ors [2008] All ER (D) 67 (Feb)*  
Perversity / Discrimination / TUPE transfers.
- *Onwuka v Spherion Technology (UK) Ltd and ors [2007] All ER (D) 250 (May)*  
TUPE.
- *Onwuka v Spherion Technology (UK) Ltd and ors [2004] All ER (D) 153 (Dec)*  
Tribunal's Jurisdiction to order a joinder.
- *Finney v Miles Platts Ltd, UKEAT / 0150 / 04*  
Disparity between oral reasons and written reasons.
- *Peacehaven & Telscombe Help Service and Volunteer Bureau, UKEAT / 0461 / 03*  
Mitigation of loss.

## What the directories say

---

"He is hardworking and always happy to go the extra mile for clients."  
*Legal 500 2020*

"Really technically excellent."  
*Chambers UK 2020*

---

## Publications

- Sub-editor of International Product Law
- "Commission Disclosure: more freedom of information", *New Law Journal* (23 November 2001)
- "Smoking out Smugglers", *Solicitors Journal* (10 January 2003)
- "Suspended possession orders and tolerated trespassers" with Adam Heppinstall, *Henderson Chambers, Landlord and Tenant Review* (Volume 7, issue 5)
- "Long-tail liability: a matter of wording" *Personal Injury Law Journal PILJ* (2010) No. 90, 1 November 2010.
- Life set upon the Recast: the (recent) past and (near) future of questions of jurisdiction within the EU (2016) 6 *JIBFL* 362

## Memberships

- COMBAR
- ELBA
- HSLA

## Education

- BA (Hons) (Oxon) Double First Class (Jodrell Scholar, Many Essay Prize)
- CPE – Distinction, Top in Year
- Major Scholar
- Princess Royal Scholar
- Duke of Edinburgh Scholar
- Pegasus Scholarship (2005)
- "Distinguished Oralist" at the Willem C Vis International Commercial Arbitration Moot (2002)

## Awards & Recognitions

