



Noel Dilworth

"A top tier senior junior. Very bright, easy to work with and fantastic with scientific experts. Strong advocate. A silk in waiting."

- Legal 500 2023

Call 2001

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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.

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Product Liability & Group Actions

Noel Dilworth is recommended as a leading junior in Chambers UK and in the Legal 500. He has acted extensively, both as a sole advocate and as a junior member of several teams across a range of industries, including, in particular, pharmaceuticals, medical devices, agriculture, energy, IT, telecommunications and transportation.

Noel has worked as a junior on various large-scale pharmaceuticals-based group actions claiming personal injuries including MMR, Sabril and Seroxat. In his own practice, he has extensive experience of medical device cases. More recently, he was involved in the successful defence of the OCENSA pipeline group action, following a 5-month trial before the TCC, as well as on behalf of the Claimant pharmaceutical start-up in its claim against a CRO in the Commercial Court. He has dealt with an array of allegations concerning animal or pre- and post-marketing clinical trials, epidemiology, licensing, post-marketing clinical trials, pharmacovigilance

and recall issues.

His expertise in litigation concerning vehicles includes being retained by numerous dealerships in defending environmental claims arising out of the VW emissions litigation. He has represented HGV manufacturers over several years, including successfully defending a lorry manufacturer against a jurisdictional challenge to its commercial claim against an Italian.

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 various overseas and domestic producers on the regulation of food imports, vitamin supplement and medications. 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).

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 product 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

Representative Cases

- *Crossley and ors v Volkswagen Aktiengesellschaft and ors* [2020] EWHC 783 (QB)
- *Cardiorentis AG v IQVIA Ltd and anor* [2022] EWHC 250 (Comm)
- *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.

Noel has extensive experience, for over 20 years, of attending inquests and representing an array of interested parties, including bereaved families, hospitals, individual professionals and product manufacturers, particularly in cases involving medical devices, pharmaceutical products and in the life sciences more generally, as well as in the construction and healthcare industries. Noel's involvement in inquests is often conjoined with a role to

play in subsequent civil or criminal proceedings, whether by way of advice or as an advocate. His experience in high-profile cases gives him particular expertise in advising on appropriate public communications.

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

"Noel is a very skilled advocate who is able to lead judges and coroners through very difficult, complex and technical information."
Chambers UK 2024

"Noel is very diligent and thorough in his written opinions. He often raises complicated and technical issues which some counsel may miss, always thinking outside the box. Calm and collected with clients, considered in his preparation; he always goes the extra mile."
Legal 500 2023

"He is very good on his feet."
Chambers UK 2023

"Noel is user-friendly and an expert on the law and the industry."
Chambers UK 2023

"He takes a very thoughtful and careful approach to all aspects of a case. Very responsive and helpful."
Legal 500 2022

"An experienced litigator who provides first-rate input."
Chambers UK 2022

"He is brilliant, very, very bright and doesn't take unnecessary risks. He's forthright, extremely good in writing and gives excellent advice. He is highly effective."
Chambers UK 2022

"He has an understated but highly effective style. Always on top of the details and quickly identifies the key issues and client objectives."
Legal 500 2021

"He is excellent on his feet, and is always detailed and insightful in his preparation and questioning. He is personable with clients, available at short notice to meet urgent procedural deadlines and provides high-quality analysis." "His paperwork is perfect."
Chambers UK 2021

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

"Really technically excellent."
Chambers UK 2020

"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

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

