



Prashant Popat QC

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Prashant Popat QC

"A consummate performer at the top of his game; a masterclass strategist and a powerful advocate."

- Legal 500 2017

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Prashant Popat QC is a leading specialist in the areas of product liability and health & safety. He combines his work in these areas with a broad commercial litigation practice. Prashant's experience encompasses advisory and drafting work, trials, appeals, inquests and public inquiries. Over the past two decades Prashant has been retained in some of the largest and most significant cases in his fields of expertise and his work sector experience includes healthcare, cosmetic surgery, pharmaceuticals, medical devices, rail, aviation, oil and gas, motor vehicles, construction and demolition, mining, telecommunications, manufacturing, fire and rescue.

Prashant has been recognised for many years in the leading categories in the legal directories.

In the field of product liability C&P have said: *"He is tackling some of the biggest work in the product liability arena and is very strong in the medical device field."* Further: *"Very impressive. He stands out as being extremely client-friendly, enormously competent on his feet, a very strong advocate and the sort of guy whose arguments you like because of the way he presents them"*.

Likewise Legal 500 (2016) says of him: *"A very strong reputation and justifiably so; he is calm, unruffled and inspires confidence"*.

In the field of health and safety Prashant was recognised as the C&P 'Health and Safety Silk of the Year' and has been described as follows: *"He has huge gravitas and a very good manner. You can put him anywhere and his abilities are recognised by everyone"*. Also: *"He's a brilliant advocate, always amazingly prepared and incredibly clever."* *"He's incredibly thorough, intellectual but with excellent communication skills"*.

He is *"a star in any health and safety related matter"* Legal 500 (2016)

Product Liability & Group Actions

Prashant's product liability and group action expertise encompasses many of the largest, most involved and high-profile cases of the past 20 years. These include litigation concerning: VW NOx emissions, Metal-on-Metal hip implants, PIP breast implants, Thalidomide, Seroxat, MMR, Sabril, Benzodiazepines and Norplant. His commercial product liability practice includes Commercial Court and QB litigation and arbitrations concerning a variety of products, including gastric bands, fire appliances, motor vehicles and fuse-type devices.

His non-contentious work has encompassed advising companies on compliance with their obligations under consumer protection legislation in a variety of industries (e.g. pharmaceutical; motoring; mobile telephones; bathroom products).

Prashant has been involved in some of the leading reported cases in this field, including Court of Appeal decisions on the substitution of parties after the expiry of the 10 year long stop provided by the Product Liability Directive (Re: Horne Roberts) and the seminal costs sharing appeal (Sayers v Smith Kline Beecham) and the European Court of Justice and House of Lords decisions in O’Byrne v Sanofi-Aventis.

He is the co-editor of the “International Product Law Manual” published by Kluwer.

Representative Cases

- *Honeywell v Tyco Electronics (2017)*
Unreported – claims arising from fire on Ethiopian Airlines plane at Heathrow, relates to supply of product used by other commercial entity in battery pack.
- *John and ors v BP Plc & ors (2017)*
Unreported – claims arising from terrorist attack at oil facility in Algeria.
- *Crossley & ors v VW & ors (2017)*
Unreported – claims arising from NOx emissions issue.
- *Various v Smith & Nephew (2016)*
Unreported – claims arising from supply of BHR metal-on metal hip implants.
- *Various V Cloverleaf (2015)*
Unreported – claims relating to PiP implants.
- *Travelers v Amlin (2014) EWHC 4056*
- *Oztas v A to Z Cateing Supplies (2013) EWCA Civ 1044*
- *OB v Aventis Pasteur SA (2010) UKSC 23*
Supreme Court.
- *Aventis Pasteur (Environment and consumers) (2009) EUECJ C-358/08*
European Court of Justice.
- *OB v Aventis Pasteur SA (2008) UKHL 34*
House of Lords.
- *O’Byrne v Aventis Pasteur SA (2007) EWCA Civ 966*
Court of Appeal (Civil Division).
- *O’Byrne v Aventis Pasteur Msd Ltd (2006) EWHC 2562 (QB)*
High Court (Queen’s Bench Division).

- *O’Byrne v Aventis Pasteur MSD Ltd (2006) EUECJ C-127/04*
European Court of Justice.
- *Farraj & Anor v King’s Healthcare NHS Trust & Anor (2006) EWHC 1228 (QB)*
High Court (Queen’s Bench Division).
- *Sayers & Ors v Smithkline Beecham Plc & Ors (2006) EWHC 84 (QB)*
High Court (Queen’s Bench Division).
- *Wattleworth v Goodwood Road Racing Company Ltd & Ors (2004) EWHC 140 (QB)*
High Court (Queen’s Bench Division).
- *Afrika & Ors v Cape Plc & Ors (2001) EWCA Civ 2027*
Court of Appeal (Civil Division).
- *Smithkline Beecham Plc & Anor v Horne-Roberts (2001) EWCA Civ 2006*
Court of Appeal (Civil Division).
- *Brittain v Roussel Laboratories Ltd (1998) EWCA Civ 1832*
Court of Appeal (Civil Division).
- *Heller Global Vendor Finance UK Ltd v Lancaster (1999) EWCA Civ 1849*
Court of Appeal (Civil Division).
- *Okolo v Secretary Of State For Environment & Anor (1997) EWCA Civ 1766*
Court of Appeal (Civil Division).

Health & Safety

Prashant has been instructed by defendants in many of the largest, high profile health and safety cases of recent times. These have included corporate and individual manslaughter prosecutions such as R v MNS (Glesion mine flooding), R v Woodward (Atherstone warehouse fire), R v Ward (demolition collapse), R v CAV (collapse of aviation materials), R v. Network Rail (Hatfield rail disaster) and R v Railtrack (Slade Lane disaster). Prashant’s work for defendants charged with breaches of HSWA 1974 has included R v Rogers (Hanover Square window frame collapse), R v Falcon Cranes (crane collapse), R v HOSL (Buncefield fire), R v Network Rail (Ladbroke Grove, Potters Bar, Grayrigg and Southall disasters), R v Davison (mine poisoning) and R v St. George (St. George’s Wharf incidents). Prashant has been instructed for the defence in hundreds of other health and safety cases involving fatal and non-fatal incidents in industries including construction, transport, retail, oil and gas, manufacturing, mining and civil engineering. His list of clients includes BT, BP, Laing O’Rourke, Network Rail, McCain, Berkeley Group, Thames Water and Tarmac. He is also instructed in a relation to a number of ongoing investigations including those following the Grenfell fire and the Didcot Power Station collapse.

In addition to private sector companies, he advises and represents public sector organisations in health and safety matters, including representing Hertfordshire Fire Service and the Metropolitan Police Authority in connection with HSWA investigations following fatalities and the Local Government Association on regulatory

obligations connected with fire services.

He was a founding and committee member of the Health & Safety Lawyers' Association.

Representative Cases

- *R v Rogers (2017)*
Unreported – HSWA prosecution following Hanover Square window frame collapse.
- *R v Harsco (2017)*
Unreported – HSWA prosecution following fatality at Tata plant in Scunthorpe.
- *R v Tarmac (2017)*
Unreported – HSWA prosecution following fatality at cement plant.
- *R v McCain Foods (2016)*
Unreported – HSWA prosecution following fatality at manufacturing plant.
- *HSE v Averies (2016)*
Unreported – Environment Agency prosecution following fires in Swindon.
- *ORR v Network Rail (2016)*
Prosecution concerning electrical risks arising from lineside cabinets.
- *R v CAV (2015)*
Unreported – corporate manslaughter trial.
- *R v 777 Demolition (2015)*
Unreported – health and safety trial.
- *R v CTAS (2015) EWCA Crim 1620*
- *Re Harrison (2015)*
Unreported – inquest.
- *LBTH v Canary Wharf Management Ltd (2014)*
Unreported – health and safety trial.
- *HSE v Thames water Utilities (2014)*
Unreported – health and safety sentencing.
- *Re In Amenas inquest (2014)*
Unreported – terrorist attack at oil facility in Algeria – inquest.
- *R v MNS (2014)*
Unreported – Gleision mine collapse – trial.
- *R v Sellafield (2014) EWCA Crim 49*

- *Re Alex Kelly (2014)*
Unreported – death in custody – inquest.
- *R v CTAS (2013)*
Unreported – fatality at Luton Airport – trial.
- *R v Network Rail (2013)*
Unreported – level crossing fatality – trial.
- *R v PHS (2013)*
Unreported – preliminary issue trial in Environmental prosecution.
- *R v Network Rail (2012)*
Unreported – Lambrigg sentencing.
- *R v Network Rail (2011)*
Unreported – Potters Bar sentencing.
- *R v Hertfordshire Oil Storage Ltd & Ors (2010)*
EWCA Crim 493 (16 Mar 2010); Court of Appeal (Criminal Division).
- *R v Network Rail (2008)*
Unreported – Ladbroke Grove sentencing.

Public Inquiries & Inquests

Prashant has been retained in many high-profile public inquiries and a number of substantial inquests. His practice in this area involves advising and representing clients in connection with all aspects of the procedures that can follow an incident leading to an inquest or public inquiry.

This experience encompasses over a hundred inquests including the In Amenas terrorist attack inquest, the inquests following the Vauxhall helicopter crash, an inquest into the death of a patient at the Priory, inquest into the death of young offender at Cookham Wood YOI, inquest into death of a holiday-maker in Morocco, inquest into death of a participant at a British Cycling event and inquests and/or public inquiries following the disasters at Southall, Ladbroke Grove, Hatfield, Lambrigg and Potters Bar. He is also retained in connection with investigations arising from the Grenfell fire.

Prashant has appeared at numerous inquests following industrial accidents or deaths at work in industries including gas, manufacturing, mining, oil exploration, sugar refining, construction, demolition, retailing and agricultural. In addition to private sector companies, he advises and represents public sector organisations in such inquests, including accidents and incidents concerning Fire Service personnel and patients at NHS hospitals. He also appeared in the case of *R v Lin and others* concerning the extent of the State's Article 2 obligations to hold a public inquiry.

Representative Cases

- *Re Vaseline Nichitut (2017)*
Unreported.
- *Re Stephen Bantoft (2017)*
Unreported.
- *Re Danius Rupsys (2016)*
Unreported.
- *Re Vauxhall helicopter crash (2015)*
Unreported.
- *Re Adrian Barker (2015)*
Unreported.
- *Re Harrison (2015)*
Unreported.
- *Re Falcon Cranes (2014)*
Unreported.
- *Re In Amenas inquest (2014)*
Unreported – terrorist attack at oil facility in Algeria.
- *Re Alex Kelly (2014)*
Unreported.
- *Lin & Ors, R (on the application of) v Secretary of State for Transport (2006) EWHC 2575 (Admin)*
High Court (Administrative Court).

Commercial

Prashant's commercial practice has also seen him acting in relation to significant product recalls, consequential damage claims and recovery claims. These have covered many different products and industries including fuse type devices (re *Honeywell v Tyco*), fire appliances, gastric bands (re *Gravitas*), food (Sudan Red product recall), motor vehicle recalls, manufacturing (*Cooper v DNA*), automobiles (*Gold Venture v Land Rover*) and medical research (*Farraj v Kings Healthcare*).

Prashant has advised and represented a major rail infrastructure company in the commercial recovery actions following numerous train disasters. These multi million pound claims involved actions brought between rail industry parties seeking compensation, contributions and indemnities under the contractual arrangements governing the privatised rail industry in respect of property damage, loss of profits and penalty payments.

Prashant has advised transport companies in relation to interpretation of statutory instruments and private agreements governing occupation of and rights over property. He has also been responsible for drafting of standards and procedures governing operations for the UK privatised railways and the Northern Ireland

railways.

In these and many other cases Prashant has been instructed by insurers seeking or resisting recovery of insured losses.

Representative Cases

- *Honeywell v Tyco Electronics (2017)*
Unreported – claims arising from fire on Ethiopian Airlines plane at Heathrow, relates to supply of product used by other commercial entity in battery pack.
- *GBRf v Network Rail (2017)*
Unreported – arbitration in relation to losses claimed following train derailment.
- *John and ors v BP Plc & Ors (2017)*
Unreported – claims arising from terrorist attack at oil facility in Algeria.
- *Crossley & Ors v VW & Ors (2017)*
Unreported – claims arising from NOx emissions issue.
- *Various v Smith & Nephew (2016)*
Unreported – claims arising from supply of BHR metal-on metal hip implants.
- *Various v Cloverleaf (2015)*
Unreported – claims relating to PiP implants.
- *Travelers v Amlin (2014) EWHC 4056*
- *Oztas v A to Z Cateing Supplies (2013) EWCA Civ 1044*
- *Farraj & Anor v King’s Healthcare NHS Trust & Anor (2006) EWHC 1228 (QB)*
High Court (Queen’s Bench Division).
- *Wattleworth v Goodwood Road Racing Company Ltd & Ors (2004) EWHC 140 (QB)*
High Court (Queen’s Bench Division).
- *Afrika & Ors v Cape Plc & Ors (2001) EWCA Civ 2027*
Court of Appeal (Civil Division).
- *Brittain v Roussel Laboratories Ltd [1998] EWCA Civ 1832*
Court of Appeal (Civil Division).
- *Heller Global Vendor Finance UK Ltd v Lancaster [1999] EWCA Civ 1849*
Court of Appeal (Civil Division).
- *Re Vitara Foods [1999] B.C.C. 315*

What the directories say

"Simply the best; the top defence silk for serious and complex cases."
Legal 500

"He is the silkiest of silks."
Chambers & Partners

Appointments

- Bencher of Gray's Inn
- Queen's Counsel (2008)
- Judicial Assistant to the Court of Appeal (1997)
- Judicial Assistant to Lord Woolf when Master of the Rolls (1997)

Publications

- International Product Law Manual (Kluwer) (2010)
- Halsbury's Laws Civil Procedure (2000)
- A Guide to Civil Advocacy (1996)

Memberships

- Health & Safety Lawyers' Association (2005-present)
- COMBAR (2004-present)

Education

- MA (Oxon), First Class Hons
- University Scholar
- Baker & McKenzie International Scholar
- Gray's Inn Scholar

Awards & Recognitions

