



Prashant Popat QC

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Prashant Popat QC

“An esteemed silk specialising in health and safety and product liability cases...He is nationally acclaimed for his ability to successfully undertake the most complex cases...”

- Chambers UK 2021

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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 and significant 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 (2021) have said: “Widely regarded as one of the foremost product liability specialists at the Bar, he is eminently capable of leading in major group litigation and also handles unitary claims”.

Likewise Legal 500 (2021) says of him: ‘A great communicator. He is very easy to work with and respected in court’

In the field of health and safety Prashant has twice been recognised as the C&P ‘Health and Safety Silk of the Year’, nominated on multiple occasions and is listed as a Star Individual. He has been described as: “He’s excellent – a top silk in this area. He’s responsive and knowledgeable.” Further, “He is intelligent, insightful...He’s very measured and has good judgement.”

Similarly, Legal 500 (2021) says: “Prashant is a confident advocate, oozing grace and elan. He is always well prepared, sensible about prospects of success and a team player”.

In respect of his work on inquests and inquiries, the directories say: ‘Has an amazing ability to grasp complex and technical issues to make them easily digestible to judges, coroners, inquiry chairs and jury.’ (Legal 500 2021). And “He’s excellent – responsive, knowledgeable and clients love him.” (C&P 2021)

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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/Supreme Court decisions in O'Byrne v Sanofi-Aventis.

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

Representative Cases

- *Crossley v VWAG, Audi et al*
Group action against manufacturers of affected vehicles. Various decisions including:
 - *Crossley v Volkswagen Aktiengesellschaft* [2020] EWHC 783 (QB): Trial of a preliminary issue within VW NOx Emissions Litigation as to meaning of "defeat device" in EU legislation.
 - *Crossley v Volkswagen Aktiengesellschaft* [2019] EWHC 698 (QB): Determination of an application for a preliminary issues trial in VW NOx Emissions Litigation
 - *VW Nox Emissions Group Litigation* [2018] EWHC 2308: Determination of application for costs order arising from premature application for GLO
- *Lambeth v WH Smith*
Prosecution for breach of food safety regulations
- *John and ors v BP Plc et al*
Multi party action against BP companies arising from terrorist attack in Algeria. Decisions including:
 - *Correa v BP Plc* [2019] EWHC 232 (QB): Approval hearing in multi-party litigation against BP companies arising from terrorist attack in Algeria
- *Various v Smith & Nephew*
Multi-party claims against manufacturer of metal on metal hip implants. Decisions including
 - *Gee v De Puy International* [2018] EWHV 1208 (QB): Determination of metal on metal hip implant claims (submissions made on behalf of non-party)

- *Norfolk County Council v Emergency One*
(2018): Commercial sale of goods/supply chain dispute concerning liability for alleged defective components in fire appliance.
- *Various v Cloverleaf*
Group action against supplier of PIP breast implants. Decisions including:
 - *XYZ v Various Companies* (2014) EWHC 4056: Application to join insurers in litigation arising from PIP breast implants
- *Various v GlaxoSmithKline*
(unreported): Group action against manufacturers of Seroxat
- *Various v SmithKlineBeecham*
Group action against manufacturer of MMR vaccine. Decisions including:
 - *Sayers & Ors v Smithkline Beecham Plc & Ors* (2006) EWHC 84 (QB)
 - *Afrika & Ors v Cape Plc & Ors* (2001) EWCA Civ 2027
 - *Smithkline Beecham Plc & Anor v Horne-Roberts* (2001) EWCA Civ 2006
- *O'Byrne v Aventis Pasteur*
various decisions arising out of claim against vaccine manufacturer including:
 - *OB v Aventis Pasteur SA* (2010) UKSC 23
 - *Aventis Pasteur* (2009) EUECJ C-358/08

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 Hawkins* (Eastbourne Pier fall), *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 hundreds of cases including *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) and *R v Davison* (mine poisoning). His work has encompassed incidents in industries including construction, transport, retail, oil and gas, manufacturing and, mining. 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, his public sector clients have included Hertfordshire Fire Service and the Metropolitan Police Authority.

Prashant has twice been awarded the title of Health and Safety Silk of the year by Chambers & Partners and been nominated on two other occasions. He was a founding and committee member of the Health & Safety Lawyers' Association.

Representative Cases

- *R v Hawkins (2021)*
Manslaughter and HSWA trial arising from incident at Eastbourne Pier.
- *HSE v Leys School (2021)*
Sentencing hearing of independent school.
- *ORR v Network Rail (2021)*
Sentencing hearing of Network Rail following incident at electrical sub-station.
- *ORR v Renown (2020)*
HSWA trial arising from workplace fatigue incident.
- *R v Intertain (2020)*
Sentencing hearing following incident at Walkabout pub.
- *ORR v Network Rail (2018)*
HSWA trial following workplace incident at manned level crossing
- *R v Hyatt (2019)*
Sentencing hearing of hotel management company following explosion at Churchill Hotel.
- *R v Oliver Connell & Sons (2019)*
Sentencing hearing following prosecution arising from death of construction worker.
- *R v British Cycling (2018)*
HSWA trial arising from incident at sporting event.
- *R v BDA (2018)*
Sentencing hearing following explosion at Chevron's Pembrokeshire oil refinery.
- *R v St George City Limited (2018)*
Sentencing hearing following incident on construction site.
- *R v Rogers (2017)*
HSWA trial following Hanover Square window frame collapse.
- *R v Harsco (2017)*
HSWA trial following fatality at Tata plant in Scunthorpe.
- *R v Tarmac (2017)*
Sentencing hearing following fatality at cement plant.
- *R v McCain Foods (2016)*
Sentencing hearing following fatality at manufacturing plant.
- *HSE v Averies (2016)*
Environment Agency prosecution following fires in Swindon.

- *ORR v Network Rail (2016)*
Sentencing hearing following breach of Improvement Notice concerning lineside cabinets.
- *R v CAV (2015)*
Corporate manslaughter trial following fatality at aerospace facility.
- *R v 777 Demolition (2015)*
HSWA trial.
- *R v CTAS (2015) EWCA Crim 1620*
HSWA trial
- *R v MNS (2014)*
Corporate manslaughter trial following Glesion mine collapse.
- *R v MNS (2014)*
Corporate manslaughter trial following Glesion mine collapse.
- *R v Sellafield 2014) EWCA Crim 49*
HSWA sentencing appeal.

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 includes the Grenfell public inquiry, the In Amenas terrorist attack inquest, the inquest into the death of a young offender at Cookham Wood YOI and the inquests and/or public inquiries following the disasters at Southall, Ladbroke Grove, Hatfield, Lambrigg and Potters Bar, He has also appeared at inquests for Interested Persons following accidents or deaths at work in industries including gas, manufacturing, mining, oil exploration, sugar refining, construction, 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 Grenfell fire (ongoing)*
Public Inquiry
- *Re Rehan (ongoing)*
Inquest following death of train driver at depot.

- *Re Roper (2021)*
Inquest into death of train passenger.
- *Re Garrett (2020)*
Inquest following death of spectator at cycling event.
- *Re Parker (2019)*
Inquest following death of employee at Heathrow Express depot.
- *Re Stocker (2019)*
Inquest following death of electrical technician at work in private hospital.
- *Re Henderson and Shaw (2019)*
Inquest following double fatality on A road being maintained by Kier.
- *Re Cameron (2019)*
Inquest following death of level crossing user.
- *Re In Amenas (2014)*
Inquests following terrorist attack at oil facility in Algeria -inquest)
- *Re Kelly (2014)*
Inquest following death in custody.
- *Re Ladbroke Grove; Re Southall*
Public Inquiries.
- *Re Potters Bar; Re Grayrigg*
Inquests.
- *Lin & Ors, R (on the application of) v. Secretary of State for Transport [2006]*
EWHC 2575 (Admin)

Commercial

Prashant is a leading specialist in the area of commercial disputes, particularly concerning liability in respect of defective products. Over the past 2 decades Prashant has been retained in numerous significant commercial cases concerning products including the PIP Breast Implant Litigation, the Metal-on-Metal Hip Implant Litigation and the VW NOx Emissions Litigation and claims arising from the Grenfell fire. Prashant draws on a depth of experience in disputes as between entities in complex chains of manufacture and supply.

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 aviation, gastric bands, food, motor vehicles, manufacturing, automobiles and medical research.

Prashant has advised and represented a major rail infrastructure company in the commercial recovery actions

following numerous train disasters. These multi million pound claims have 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.

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

Representative Cases

- *Crossley v VWAG, Audi et al (ongoing)*
Group action against manufacturers of affected vehicles. Various decisions including [2020] EWHC 783 (QB), [2019] EWHC 698 (QB) and [2018] EWHC 2308.
- *Various Claimants v Studio E (Re Grenfell fire) (ongoing)*
Various claims brought by different parties against architects of refurbished Grenfell tower.
- *Bantoft v Priory Group (ongoing)*
Claims against Priory Hospital.
- *Fevore v Network Rail (2021)*
Claim for losses arising from oil spillage adjacent to Network Rail land.
- *Estrada & ors v BP plc & ors (2019)*
Consolidated actions brought by employees and contractors against BP for damages arising out of terrorist attack at In Amenas facility in Algeria.
- *GB Railfreight v Network Rail (2018)*
Arbitration between railway parties following train derailment at Loch Treig.
- *Norfolk County Council v Emergency One (2018)*
Commercial sale of goods/supply chain dispute concerning liability for alleged defective components in fire appliance.
- *Ethiopian Airlines v Honeywell; Honeywell v Tyco (2017)*
Claim arising from supply of allegedly defective aviation component.
- *Re Smith and Nephew Hip Replacement Litigation (2017)*
Claims brought against manufacturers of hip replacement prostheses.
- *Farraj & Anor v. King's Healthcare NHS Trust & Anor*
[2006] EWHC 1228 (QB)
- *Brittain v. Roussel Laboratories Ltd [1998]*
EWCA Civ 1832
- *Heller Global Vendor Finance UK Ltd v. Lancaster [1999]*
EWCA Civ 1849.

What the directories say

"Prashant is a confident advocate, oozing grace and elan. He is always well prepared, sensible about prospects of success and a team player. His collegiate style is to be commended."

Legal 500 2021

"Has an amazing ability to grasp complex and technical issues to make them easily digestible to judges, coroners, inquiry chairs and jury. He is excellent with clients and his professionalism and intellect are second to none."

Legal 500 2021

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

Legal 500 2017

"A great communicator. He is very easy to work with and respected in court"

Legal 500 2021

"His intellect is second to none and he is excellent at drilling down to the key facts."

Legal 500 2021

"He's excellent - a top silk in this area. He's responsive and knowledgeable." "He is intelligent, insightful, and his encyclopedic knowledge makes him a first choice for any transport services incident." "He's very measured and has good judgement.": "He's excellent - a top silk in this area. He's responsive and knowledgeable." "He is intelligent, insightful, and his encyclopedic knowledge makes him a first choice for any transport services incident." "He's very measured and has good judgement."

Chambers UK 2021

"He's excellent – responsive, knowledgeable and clients love him. He's good with detail and very responsive."

"He is extremely good at the very large inquests."

Chambers UK 2021

"A polished silk with a rapier-like intellect."

Legal 500 2020

"He is the consummate modern barrister: polished, has a rapier-like intellect and always asks the right questions."

Legal 500 2020

"An incredibly sharp and gifted advocate."
Legal 500 2020

"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

