

# Bruce Silvester

**Call: 1983**



	bsilvester@dekachambers.com
	+44(0)20 7832 0500

Bruce Silvester is an accomplished personal injury, health and safety, and clinical negligence litigation practitioner who is also highly regarded for his practice in travel litigation.

He regularly appears for claimants and also sometimes for defendants in the High Court and County Court as well as the Court of Appeal, regularly providing advisory and mediation/settlement services. He has particular expertise in the field of catastrophic injuries including brain, spine, multiple injuries and also group litigation, both led and without a leader.

## Areas of Expertise

### Personal Injury

Ranked in Chambers UK as a prominent junior, and in Tier 1 by Legal 500 2020, Bruce undertakes all aspects of personal injury, health and safety and clinical negligence work and regularly appears for both claimant and defendant in the High Court. He is instructed as lone and led junior in matters concerning catastrophic injuries, brain and spine, and in multi-party cases.

Bruce lectures extensively in the field of Personal Injury litigation at professionally organised conferences: Euroform, Butterworths and Lloyds of London and Legal Network Television, as well as providing seminars as part of the in-house training programs of a number of firms of solicitors.

### Notable Personal Injury cases

---

SM v DHL Supply Chain Ltd (April 2021)

---

Successful liability trial on behalf of Claimant who suffered traumatic brain injury after falling from the rear loading area of his employer's lorry. Allegations of unsafe systems of work and inadequate training. [link to news item on website]

---

TC v Global Travel – (March 2020)

---

The Claimant suffered catastrophic spinal injuries when the coach she was travelling in left the carriageway in heavy rain and overturned. She is a T4/5 ASIA A paraplegic. Successfully applied for summary judgment against the First Defendant. Negotiated a settlement for £3.5m at Joint Settlement Meeting in March 2020. Acted throughout without leading counsel. Instructed by Philip Banks of Irwin Mitchell LLP, Birmingham.

---

KW (Protected Party) v Ontime Logistics Limited – (January 2020)

---

The Claimant sustained a severe traumatic brain injury with permanent brain damage. Bruce Silvester represented the Claimant throughout including the settlement meeting where a damages of £2,200,000 were negotiated. Instructed by Ian Cummings, NewLaw, Cardiff.

---

TG v Keltruck Limited – (December 2019)

---

Claimant suffered a catastrophic injury to his right leg in an accident at work when a mechanical lift crushed it. He needed a fusion of the ankle and remains at lifetime risk of a below knee amputation. High value claim. The Claimant lost his career as a mechanical engineer and was limited to non-skilled labour. He requires lifetime help with heavier domestic duties and home maintenance. He requires single storey accommodation and an adapted vehicle. Bruce Silvester represented the Claimant throughout including the 'Independent Evaluation' where a substantial settlement was achieved. Instructed by Philip Edwards of Clarke Willmott.

---

Asif Ahmed v Leon Maclean [2016] EWHC 2798 (QB)

---

Successful in High Court liability trial on behalf of a solicitor who suffered catastrophic spinal injuries leading to paraplegia in a mountain biking accident when under instruction by the Defendant. Led by Frank Burton QC.

---

RS v D - (June 2016)

---

The Claimant was struck by the Defendant's minibus and received a very severe brain injury – Glasgow Coma Score of 3/15 at the scene. He also suffered serious shoulder and leg injuries. Trial in June 2016 before Mr Justice Soole in which the court awarded a PPO of £160,000 pa for life plus a Lump Sum £2.5m. Led by Robert Glancy QC. Instructed by Philip Edwards of Clarke Willmott.

---

Harris v Radford & Tesco Underwriting Ltd (July 2016)

---

The Claimant suffered catastrophic spinal injuries in a collision with the Defendant's car. Tetraplegia which is motor complete at C6 level. The claim proceeded to trial in August 2016, but settled at a Joint Settlement Meeting just before trial. The settlement negotiated by Bruce Silvester comprised a lump sum of £4,192,659.55 and an index linked PPO of £125,049 pa to age 60 and £175,000 for the remainder of the Claimant's life. Instructed by Hilton Obrey at NewLaw solicitors.

---

O'Mahoney v Stratton – (November 2015)

---

The Claimant, a 25 year old Trooper in the Household Cavalry, was struck by the Defendant's taxi as he stepped off the pavement near to Kensington Barracks. Almost fatal brain injuries – in a coma for 2 weeks. Liability was forcefully denied, but with the help of excellent expert accident reconstruction evidence secured liability of 1/3. The Defendant also disputed the value of the claim, but after a long negotiation at a joint settlement meeting with opposing counsel, managed to agree a valuation at 100% of £1.5m which the client was happy to accept. Instructed by Matthew Brown, Irwin Mitchell LLP and represented the Claimant at all stages without leading counsel.

---

**McIlhagga v. Majid – (December 2014)**

---

The Claimant suffered serious head and spinal injuries in a quad- bike accident. Following the Court of Appeal decision of Mitchell v. News Group Newspapers [2014] 1 WLR 795, the judge at first instance refused to give the Claimant relief from sanctions (for late service of her witness statements and expert's report) and as the claim was hopeless without such evidence, he struck it out. Bruce Silvester was instructed by the insurers of the original solicitors to advise on the merits of an appeal, and to represent the Claimant on the appeal before Mr Justice Males in the High Court on 4th December 2014. The appeal was successful and this very significant claim was re-instated for assessment of damages.

---

## **International Travel**

Bruce Silvester is a well-known international personal injury specialist who has been ranked in Chambers UK for a number of years. He generally appears on behalf of claimants in both single and multi-party matters, providing the full range of advocacy, advisory and mediation expertise in this complex area of law.

### **Notable International Travel cases**

---

**TC v Global Travel – (March 2020)**

---

The Claimant suffered catastrophic spinal injuries when the coach she was travelling in left the carriageway in heavy rain and overturned. She is a T4/5 ASIA A paraplegic. Successfully applied for summary judgment against the First Defendant. Negotiated a settlement for £3.5m at Joint Settlement Meeting in March 2020. Acted throughout without leading counsel. Instructed by Philip Banks of Irwin Mitchell LLP, Birmingham.

---

**CW and 96 Others v Thomas Cook (2019)**

---

The Claimants suffered severe illness while on holiday at Marelén Hotel, Zante, Greece. A number of the Claimants had positive stool samples for the pathogen *Cryptosporidium*. Many continue to suffer from post-infective Irritable Bowel Syndrome. Liability in dispute. The Claimants rely upon the 1992 Package Travel Regulations. Counsel advised throughout the claim and conducted applications in court.

---

**AF and Others v Virgin Holidays Ltd (2019)**

---

Each Claimant contracted a gastrointestinal infection, mainly due to *Cyclospora cayetanensis*. Part of a group of over 100 clients who booked holidays to the Riviera Maya, Mexico. In or about 2016 the Claimants entered into written contracts with the Defendants for the provision of 'all-inclusive' package holidays from various dates in 2016/17. These claims arise out of a continuing outbreak of *Cyclospora* in Mexico.

---

**Nolan and others v TUI UK Ltd - [2013] All ER (D) 191 and [2013] EWHC 3099 (QB)**

---

The Claimants fell ill while on a cruise in the Mediterranean. The claim was originally brought on the basis of bacterial illness but the

Claimants subsequently sought to amend their claim to allege that they had contracted norovirus, following expert microbiological evidence. Although the amendment was after the limitation period had elapsed Mr Justice Turner allowed it on the basis that the new cause of action did arise out of substantially the same facts as were already pleaded in the particulars of claim and defence taken as a whole.

---

## Clinical Negligence & Healthcare

Over 20 years experience in all aspects of clinical negligence.

Member of the PNBA and regularly attends the two day Clinical Negligence conference/residential seminar in Oxford.

### Notable Clinical Negligence & Healthcare cases

---

---

Delayed oncological diagnosis

---

---

Brain injury due to failure to detect fractured skull and intracerebral hemorrhage

---

---

Obstetric / Gynaecological claims – birth injuries including cerebral palsy, stillbirths and failure to manage pregnancies

---

---

Failure of anaesthesia in emergency caesarean section

---

---

Gastroenterological claims – misdiagnosis, substandard surgery, failure to intervene

---

---

Claims involving the negligence of general practitioners

---

---

Fatal Accident claims

---

## Education

- University of London, Queen Mary College LLB

## Memberships

- Personal Injury Bar Association
- Professional Negligence Bar Association

## Awards

2

## Notable Cases

- **TC v Global Travel** – (March 2020): The Claimant suffered catastrophic spinal injuries when the coach she was travelling in left the carriageway in heavy rain and overturned. She is a T4/5 ASIA A paraplegic. Successfully applied for summary judgment against the First Defendant. Negotiated a settlement for £3.5m at Joint Settlement Meeting in March 2020. Acted throughout without leading counsel. Instructed by Philip Banks of Irwin Mitchell LLP, Birmingham.
- **KW (Protected Party) v Ontime Logistics Limited** – (January 2020): The Claimant sustained a severe traumatic brain injury with permanent brain damage. Bruce Silvester represented the Claimant throughout including the settlement meeting where a damages of £2,200,000 were negotiated. Instructed by Melanie Ford, New-Law, Cardiff.
- **TG v Keltruck Limited** – (December 2019): Claimant suffered a catastrophic injury to his right leg in an accident at work when a mechanical lift crushed it. He needed a fusion of the ankle and remains at lifetime risk of a below knee amputation. High value claim. The Claimant lost his career as a mechanical engineer and was limited to non-skilled labour. He requires lifetime help with heavier domestic duties and home maintenance. He requires single storey accommodation and an adapted vehicle. Bruce Silvester represented the Claimant throughout including the 'Independent Evaluation' where a substantial settlement was achieved. Instructed by Philip Edwards of Clarke Willmott.
- **Asif Ahmed v Leon Maclean [2016] EWHC 2798 (QB)**: – Successful in High Court liability trial on behalf of a solicitor who suffered catastrophic spinal injuries leading to paraplegia in a mountain biking accident when under instruction by the Defendant. Led by Frank Burton QC.
- **RS v D** – (June 2016): The Claimant was struck by the Defendant's minibus and received a very severe brain injury – Glasgow Coma Score of 3/15 at the scene. He also suffered serious shoulder and leg injuries. Trial in June 2016 before Mr Justice Soole in which the court awarded a PPO of £160,000 pa for life plus a Lump Sum £2.5m. Led by Robert Glancy QC. Instructed by Philip Edwards of Clarke Willmott.
- **Harris v Radford & Tesco Underwriting Ltd (July 2016)**: The Claimant suffered catastrophic spinal injuries in a collision with the Defendant's car. Tetraplegia which is motor complete at C6 level. The claim proceeded to trial in August 2016, but settled at a Joint Settlement Meeting just before trial. The settlement negotiated by Bruce Silvester comprised a lump sum of £4,192,659.55 and an index linked PPO of £125,049 pa to age 60 and £175,000 for the remainder of the Claimant's life. Instructed by Hilton Obrey at NewLaw solicitors.
- **O'Mahoney v Stratton** – (November 2015): The Claimant, a 25 year old Trooper in the Household Cavalry, was struck by the

Defendant's taxi as he stepped off the pavement near to Kensington Barracks. Almost fatal brain injuries – in a coma for 2 weeks. Liability was forcefully denied, but with the help of excellent expert accident reconstruction evidence secured liability of 1/3. The Defendant also disputed the value of the claim, but after a long negotiation at a joint settlement meeting with opposing counsel, managed to agree a valuation at 100% of £1.5m which the client was happy to accept. Instructed by Matthew Brown, Irwin Mitchell LLP and represented the Claimant at all stages without leading counsel.

- *McIlhagga v. Majid* – (December 2014): The Claimant suffered serious head and spinal injuries in a quad- bike accident. Following the Court of Appeal decision of *Mitchell v. News Group Newspapers* [2014] 1 WLR 795, the judge at first instance refused to give the Claimant relief from sanctions (for late service of her witness statements and expert's report) and as the claim was hopeless without such evidence, he struck it out. Bruce Silvester was instructed by the insurers of the original solicitors to advise on the merits of an appeal, and to represent the Claimant on the appeal before Mr Justice Males in the High Court on 4th December 2014. The appeal was successful and this very significant claim was reinstated.
- *Stephen Blow v. Miss Maureen Millard* – (QBD 22 May 2013): Successful in a liability trial at the High Court on behalf of a Claimant who suffered severe spinal, pelvic and head injuries, as a result of the collision between his motorcycle and the Defendant's vehicle.
- *McCarrick v. Park Resorts Ltd* – [2012] EWHC B27 (QB): Successful in a liability trial at the High Court on behalf of a Claimant who suffered very serious spinal injuries from diving into a shallow swimming pool resulting in complete tetraplegia.
- *Stych v. Dibble & Tradex Insurance Company Ltd.* [2012] EWHC 1606: – successfully won liability trial for tetraplegic Claimant injured when the vehicle he was travelling in overturned. Liability originally contested by Tradex Insurance Company Ltd, pursuant to section 151(4) of the Road Traffic Act 1988 based upon an allegation by the Defendant insurer that he 'knew' that the driver was uninsured.
- *Mark Lynch v. CEVA Logistics Limited and another* [2011] EWCA Civ 188; [2011] ICR 746: – successfully opposed Defendant's appeal against finding of liability to Claimant (a non-employee) under reg.4 and 17 of the Workplace Regulations and at common law
- *Mark Barnes v. Scout Association* [2010] EWCA Civ 1476; [2010] All E R 284: CA upholds judge's finding of liability in negligence following an injury sustained during the course of a dangerous game played in the dark in the Scout Hall. CA found that the judge properly took into account the 'social value of the activity' and was correct in holding the Defendant liable for negligence.

## Accreditation Logos

