

Tom Collins

Call: 2010

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



Tom Collins specialises in travel and cross-border litigation, personal injury and clinical negligence.

He is recommended in the legal directories as a leading junior and is described as possessing 'a keen intellect, a fluent pen for pleadings, skeleton arguments and submissions.'

Tom deals increasingly with high value/catastrophic injury claims and has experience in handling group litigation, particularly with an international dimension.

He has considerable experience as a Trial and Appellate advocate and has appeared in Courts at all levels (including the Court of Appeal). In recent years has appeared in a number of landmark appellate decisions on jurisdiction as well as the last ever reference by a UK court for a preliminary ruling from the CJEU. He has extensive experience in ADR and had acted for clients in Arbitrations and JSMs

Tom is regarded as approachable and provides clear, practical advice. He lectures and writes widely within his specialist areas of practice and is a contributor to the Travel Law Quarterly.

Areas of Expertise

Travel & Cross Border Claims

Tom is a specialist in travel and cross-border claims, acting for both Claimants and Defendants. His clients include foreign insurers, tour operators, air and sea carriers and foreign Hoteliers as well as private individuals.

His practice in this field includes (1) Conflicts (jurisdiction and applicable law disputes in a variety of contexts from claims against the MIB to overseas clinical negligence to the assessment of damages under foreign law); (2) 'traditional' package and other travel/holiday related claims against tour operators or Hoteliers, including arising out of excursions or winter sports; (3) claims against air and sea carriers under international conventions.

Recent instructions include:

- Acting for a claimant in a traumatic brain injury claim governed by French law;
- Acting for a foreign insurer in a hypoxic brain injury claim (valued at over £8m), arising out of a drowning accident at a Spanish hotel;
- Acting for a claimant, who suffered disfiguring injuries after an accident on a defective waterslide at a Spanish hotel.

In recent years, Tom has been involved in a number of appellate decisions, including the following:

Notable Travel & Cross Border Claims cases

BT v Seguros Catalana Occidente, EB, (Case C-708/20)

Acting for the claimant in the last ever reference by a UK Court for a preliminary ruling from the CJEU. Concerned the rights of injured persons to bring claims against foreign domiciled tortfeasors in the Courts of their domicile. The CJEU's judgment, in effect, overrules the Court of Appeal decision in *Hoteles Pinero Canarias SL v Keefe* [2015] EWCA Civ 598.

Hill v Generali Biztosito Zrt [2021] EWHC 3381 (QB); [2021] 12 WLUK 178

Acting for a Hungarian insurer in an appeal before Mr Justice Pepperall on the rights of insurers to bring subrogated claims other than in the Courts of the defendant's domicile.

Campbell v Thomas Cook [2015] 1 WLR 2007 (CA)

Acting for a tour operator in landmark appeal concerning the extra-territorial effect of the Equality Act 2010 and its application to disability discrimination claims. Led by Matthew Chapman QC.

Personal Injury

Tom has a broad defendant personal injury practice, encompassing occupiers' and employers' liability claims, claims under the Highways Act 1980 and claims involving road traffic accidents. His clients include many of the UK's leading insurers and local authorities.

Praised for his forensic cross examination, Tom has considerable experience in defending fraudulent motor insurance claims in a variety of contexts – from complex, layered fraud to LVI and “phantom passenger” to induced and wholly contrived accident claims. He has been at the forefront of developments in this area and has been involved in a number of appellate decisions, including the following:

Notable Personal Injury cases

Aviva UK Insurance v Lawrence, (Oxford County Court, HHJ Clarke, 10 April 2018)

Acted for the successful appellant in an appeal on the meaning of a ‘related claim’, per section 57 of the Criminal Justice and Courts Act 2015. Arose out a “phantom passenger” claim where the disputed occupants had intimated but not issued claims. Held that even a pre-action claim constitutes a ‘related claim’.

Atherton v Wheeler (Dartford County Court, HHJ Simpkins, 15 May 2017)

Acted for the successful respondent to an appeal concerning whether, in a claim to which fixed costs applied, a claimant, whose Part

36 offer was accepted after the expiry of the relevant period, was entitled to more than fixed recoverable costs.

Clinical Negligence & Healthcare

Tom has a broad clinical negligence practice, encompassing failures of consent, to diagnose or refer and in relation to treatment across a wide spectrum, ranging from elective sterilisation to cosmetic procedures to dentistry. His clients include NHS Trusts, private healthcare providers and individual clinicians as well as private individuals.

He has a particular focus on clinical negligence claims with an international dimension, where his knowledge of jurisdiction and applicable law issues is of considerable value.

Tom's experience in this area includes the following:

- PC – Acted for NHS Trust in claim arising from alleged failure to prescribe appropriate antidepressant medication, leading to the patient's suicide
- BJ – Acted for NHS Trust in claim arising from alleged failure to identify and treat a haematoma following knee surgery, leading to sciatic nerve palsy
- ZO – Acted for NHS Trust in claim arising from alleged failure to obtain consent to and negligent performance of a *Manchester Procedure*
- JW – Acted for NHS Trust in claim arising from failure to obtain consent to a fasciectomy procedure (for treatment of Dupuytren's disease)

AP – Acted for NHS Trust in claim arising from failure to diagnose and treat bilateral hip arthritis

Education

- BSc (Politics), University of Bristol (First Class)
- GDL, City Law School (Commendation)
- BVC, City Law School (Very Competent)

Awards

- Paul Methven Scholarship, Inner Temple
- Exhibition Scholarship, Inner Temple

Accreditation Logos

