



## Frederick Lyon

Called in 2012 +44 (0)20 7583 9241

Frederick Lyon's practice spans all areas of Chambers' expertise with a particular emphasis on; personal injury, travel, clinical negligence, inquests, insurance, and health & safety work.

Frederick appears in court on a daily basis representing clients in trials, applications and interim hearings on the fast and multi-tracks. Due to his experience in inquests and criminal prosecutions for health and safety breaches Frederick is often able to represent parties at every stage of serious personal injury and fatal accidents cases providing a continuity of counsel throughout.

Frederick has a busy paperwork practice and is instructed to provide advice on liability, tactics, evidence and quantum. He also regularly drafts statements of case, including schedules and counter-schedules. He is able to turn around documents quickly when required.

## Clinical Negligence

Frederick is often instructed on behalf of claimants in clinical negligence cases and has particular expertise in the field of dental practitioners' negligence.

Recent cases have included an action against an uninsured dentist who had been struck off the register. The case required consideration of issues surrounding disclosure of records where the engagement of the medical practitioner is limited and the obtaining of a freezing injunction to avoid assets within the UK being disposed of before the claim could be met. The matter concluded at trial in the Claimant's favour with a six figure sum awarded to Frederick's client.

Frederick has also recently been involved in cases arising out of the negligence of optometrists, physiotherapists and orthopaedic surgeons.

### Location

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Frederick is happy to consider conducting appropriate cases for claimants on a CFA basis.

## Commercial

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Frederick is regularly instructed to deal with commercial contractual disputes between companies, insurers and in matters relating to the sale of goods to consumers.

Recent cases have included:

- Advising a coach company on the recovery of significant hire charges exceeding £250,000 under the Brussels I Regulation (recast) for an accident which occurred in Europe;
- Advising a solicitor on their liability under contract in relation to a large claim brought by a medico-legal reporting agency for unpaid fees;
- Representing a barrister at trial in a claim for unpaid fees requiring analysis of the construction of the contract as between solicitor and counsel and the role of the Sale of Goods and Services Act. Following three years of contentious litigation the case resulted in the total amount of all fees owed to the barrister by the solicitor being awarded by the judge at trial;
- Advising on the general construction of credit hire agreements and subsidiary insurance agreements arising out of the same;
- Providing advice on precedent pleadings for a large insurer in respect of claims brought inappropriately under the European Communities (Rights Against Insurers) Regulations 2002
- Advising a major insurer in relation to their subrogated rights following outlay resulting from disruption caused in the Covid-19 pandemic

## Credit Hire

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Frederick is regularly instructed both for Claimants and Defendants to deal with road traffic accidents with elements of credit hire. He is often instructed to advise on evidence and tactics or conduct trials in such cases. He is familiar with all arguments commonly raised in credit hire cases including enforceability, need, period and rate. He has been instructed to draft training manuals for solicitors and other advocates in respect of these issues. Frederick is regularly involved on the multi-track in large claims involving the hire of prestige vehicles or taxi claims where hire has exceeded £50,000.

Although Frederick's work is divided approximately evenly between Claimant and Defendant he has been instructed by credit hire companies to draft generic documents and provide advice on tactics with 'books' of hire claims often exceeding several million pounds. Frederick's work has resulted in bulk settlements being achieved in respect of the vast majority of these cases.

He is particularly sought after where complex matters of alleged fraud, enforceability or the hire of prestige vehicles are in issue.

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# Crime

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Frederick has particular experience advising and acting in respect of criminal health and safety matters.

Frederick is often also instructed to represent defendants in road traffic offences. He has acted in a full range of hearings from first appearances and mentions through to trials.

## General Common Law

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Frederick is instructed across the field of general common law. He has recently been instructed on a number of multi-track cases dealing with various aspects of property law including dilapidations claims, nuisance and landlord & tenant issues.

## Health & Safety

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Frederick has gained considerable experience of Health & Safety matters. He has previously been instructed to advise businesses both on liability and as to the likely extent of any sentence that they face. Frederick has experience acting in trials concerning the application and interpretation of the most recent sentencing guidelines.

Recent cases which have gone to court have included:

- Appearing in the Crown Court on behalf of a construction company following an accident at work which led to the paralysis of an employee;
- Representing a company in respect of an accident at work due to misuse of a CNC lathe which resulted in serious injury to an employee. The case was one of the first to require consideration of the most recent version of the sentencing guidelines for health and safety cases

## Inquests

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Frederick is regularly instructed to appear on behalf of families and other interested parties at coroner's inquests. He has developed a familiarity with the rules and procedure of coroner's courts.

Frederick recently appeared on behalf of the family at a multi-day inquest in front of a jury. Written submissions were made to the coroner on the subject of recommendations which caused other interested parties to disclose the fact that risk assessments and procedures had been changed following the death. The subsequent civil case settled favourably.

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# Insurance

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Frederick regularly acts for individuals and insurers in cases involving contracts of insurance and credit hire.

He has gained particular experience dealing with road traffic accidents where one or more of the parties was uninsured at the time of the collision. As such he has developed a familiarity with cases involving the MIB and the uninsured and untraced drivers' agreements. He is regularly instructed to advise both insurers and prospective claimants in respect of these issues.

Frederick has experience dealing with various types of insurance contracts including life, property and credit. He has been recently instructed by insurers dealing with their subrogated rights to recover significant outlay resulting from disruption caused by the Covid-19 pandemic.

# Personal Injury

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Personal injury forms the majority of Frederick's practice. His work is approximately divided equally between Claimants and Defendants. Frederick is instructed at all stages of proceedings, from interim applications and CCMC's through to trials. He appears in court on a near daily basis.

Recent cases have included:

- Acting for the claimant in a case brought under the Animal's Act for serious facial and dental injuries sustained when kicked by a horse in the course of employment. Despite liability being in issue, the case settled in the Claimant's favour in a high six figure sum following negotiation
- Acting for a defendant motorist in a case involving serious orthopaedic injuries caused in a collision with a pedestrian. In a split trial the claim was dismissed on the basis that no liability attached to the motorist
- Acting for the claimant in a fatal accident claim proceeding in the Queen's Bench Division of the High Court following a high speed road traffic accident. Following Frederick's involvement at all interim stages and in an advisory capacity the case settled in a high six figure sum shortly prior to trial
- Acting for the claimant in a large claim for chronic pain (fibromyalgia). Frederick successfully obtained a significant settlement having been involved in the claim from the outset
- Acting for a defendant motorist in a large (£40,000) credit hire claim with a counter-claim for life changing personal injury and traumatic brain injury. At a split trial the claim was dismissed and judgment was given in favour of the defendant/part 20 claimant. The case subsequently settled favourably for Frederick's injured client.
- Successfully obtained two findings of fundamental dishonesty in a single week while acting for Defendants in fast track cases where LVI was alleged
- Acting for a major airline in a case brought under the Montreal Convention. Frederick was able to obtain a drop hands settlement after advising in conference and assisting in the drafting of correspondence

Frederick provides advice on quantum, liability and tactics either following pre-trial conferences or on the papers. He is particularly sought after by Defendants in cases where fraud or fundamental dishonesty is alleged.

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Frederick has a familiarity with cases in the Travel Law sphere and is regularly instructed to appear in court or draft pleadings on behalf of Claimants and Defendants in cases brought under the Package Travel Regulations, Montreal or Athens conventions.

As a result of his previous career as an outdoor instructor Frederick maintains a particular interest in accidents arising out of participation in supervised high risk or ‘extreme’ sports. He has recently advised on cases involving rock climbing, scuba diving, skiing and horse riding. He is often instructed to advise on jurisdictional issues where such accidents have occurred abroad. Frederick has recently been regularly instructed to advise and provide precedent documents following the UK’s departure from the European Union.

Frederick is happy to consider conducting appropriate cases for claimants on a CFA basis.

## Civil Fraud

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Frederick has regular experience in cases proceeding on the fast and multi tracks where fraud or fundamental dishonesty is alleged. He acts in such cases, particularly on behalf of defendants, at least weekly.

He has successfully obtained numerous findings of fundamental dishonesty on behalf of defendants both in trials and in stand-alone applications (including two in a single week). He has also had multiple claims dismissed in full on the basis of dishonesty in part of the claim under s.57.

His experience includes cases involving LVI, manufactured accidents, occupancy, exaggerated injuries, and dishonest descriptions of accident circumstances.

While he predominantly appears for defendants Frederick’s in-depth knowledge of claims, where dishonesty is alleged, make him a useful asset to claimant firms with clients facing such allegations. Frederick was recently successful in the High Court on behalf of a claimant in defending contempt of court proceedings following a finding of fundamental dishonesty in an earlier civil claim undertaken by different counsel.

Frederick has broad experience of credit hire claims in which allegations of fraudulent misrepresentation are made against agents of the credit hire organisation in order to establish that a contract is unenforceable.

## Sports Law

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Frederick has an interest in accidents occurring in the course of both competitive and non-competitive sports. Following his previous work as an outdoor instructor and expedition leader he has a particular focus on injuries sustained in ‘extreme’ sports, both at home and abroad. Frederick has recently been instructed to advise on accidents occurring in the course of football, rugby, rock climbing, skiing, scuba diving and horse riding.

Frederick maintains an interest in disciplinary tribunals arising out of competitive sports and is keen to further develop this aspect of his practice.

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# Travel and Tourism

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Frederick has a flourishing practice in claims arising from accidents which have occurred overseas. Recently he has acted for both claimants and defendants in matters where the index accidents have occurred in Spain, Cuba, The Dominican Republic, France, Germany, Cape Verde and Egypt. He has worked with a network of expert witnesses from across these jurisdictions and is happy to assist with sourcing an appropriate expert if necessary.

Frederick has experience in cases brought under the Athens and Montreal conventions. He has a particular expertise in cases in which fraud or fundamental dishonesty is alleged.

Recent cases have included:

- Acting for the defendant tour operator in a fatal accident arising out of an alleged breach of the Package Tours Regulations 1992;
- Acting for the claimants in a coach crash in France where jurisdiction was originally disputed and involving *inter alia* a six figure claim for hire. Following negotiation, the matter settled favourably for the Claimant;
- Acting for the claimant in a case involving a seriously broken femur sustained in a skiing accident in France. The case ultimately settled in the Claimant's favour following the exchange of experts reports in relation to French law;
- Acting for defendant tour operators in numerous cases involving allegations of serious holiday sickness sustained by holiday makers whilst abroad, some of which have resulted in findings of fundamental dishonesty against the claimant's involved;
- Providing template advice for a major travel insurer in relation to their ability to resist claims and/or recover their outlay from suppliers following holiday cancellations caused by the Covid-19 pandemic.

Frederick regularly provides training to tour operators and solicitors in relation to cross jurisdictional personal injury claims. He has also produced expert evidence on English Law for courts in foreign jurisdictions.

He is a member of the Pan European Organisation of Personal Injury Lawyers (PEOPIL).

If you would like to instruct Frederick Lyon or would like help or advice in doing so, please call and talk to our excellent clerking team, led by senior clerk Alan Kilbey MBE. Our phone number is +44 (0)20 7583 9241. Alternatively, please email us at [chambers@farrarsbuilding.co.uk](mailto:chambers@farrarsbuilding.co.uk)

For more information about our clerking team, please [click here](#) for the clerks page.

## Appointments & Memberships

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- Personal Injuries Bar Association
- Pan European Organisation of Personal Injury Lawyers
- British Association for Sport and the Law

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- London Common Law and Commercial Bar Association

## Education & Qualifications

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### Education

- BPTC, City University, London
- GDL, City University, London
- BA (Hons.), Social and Political Sciences (SPS), Pembroke College, Cambridge

### Awards

- Prince of Wales Scholar, Gray's Inn
- City University Essay Prize in Tort

## Publications

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*Risky Business: Challenges and Changes in the Assessment of the Standard of Care Owed to Participants in Supervised 'Extreme' Sports*, Gray's Inn Student Law Journal, 2012.

Frederick is a contributing author to Butterworths Personal Injury Litigation Service

Farrar's Building case law updates in personal injury, insurance and employment law.

## Personal Interests

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Frederick enjoys outdoor sports, particularly skiing, rock climbing and mountaineering and ultra-running when time allows.

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