

# Ian Denham

**Year of Call:** 2003

**Direct Access:** No

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Ian Denham is a **personal injury** practitioner with a particular expertise in matters involving serious and catastrophic injuries, wrongful deaths and **accidents abroad**. He has a particular interest in case with an international element, including claims raising **conflicts of law and jurisdictional issues**.

Ian grew up in Kent and read law at St Hugh's College, Oxford. He undertook pupillage on the Northern Circuit, where he continued to practice until 2018 when he joined Outer Temple.

Ian prides himself on providing a friendly service and looks to provide creative, practical and commercial advice to his clients.

## Areas of Expertise

### Travel Law

Ian is a leading junior in the field of cross-border personal injury law. He has a wealth of experience and knowledge in dealing with complex jurisdictional and applicable law issues.

His cross-border practice covers matters involving jurisdiction, applicable law, direct rights of action against insurers, accidents in the air and on sea, and claims involving a cross-border employment aspects. Ian regularly advises on the implications of the United Kingdom's exit from the European Union on cross-border tort matters. He is particularly interested in forum non conveniens issues that arise when seeking permission to serve abroad and in challenges to the Court's jurisdiction.

He has experience in acting in cases governed by English law with an international dimension, whether that be employment abroad or in respect of claimants who are based outside the United Kingdom.

Ian has considerable expertise in regard to advising upon claims involving the Package Travel and Linked Travel Arrangements Regulations 2018 and in particular as to disputes arising from the relevant local standards. Ian is well versed in acting in Aviation and Maritime claims and recently advised a client in respect of an employment issue concerning his

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Super Yacht.

Beyond his advisory work, Ian is an accomplished advocate and is regularly instructed to act for both claimants and defendants at trial and contested hearings.

Ian sits on the board of the [Pan European Organisation of Personal Injury Lawyers \(PEOPIL\)](#) as representative for England and Wales and is Secretary of the PEOPI RTA & Whiplash EEG. He is also regularly invited to lecture on aspects of travel law both at home and abroad.

He is adept at working with foreign law and local standards experts and has a strong understanding of key aspects of many European laws concerning liability and quantum.

In 2020, Ian launched the [‘Travel Talks’ vlog series](#), where legal partners from across Europe and the UK participated in discussions concerning cross-border issues.

Ian is the author of the chapter on Package Travel in the leading textbook, the APIL Guide to Accidents Abroad.

## Notable Travel Law cases

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[JXL v \(1\) GD \(2\) Prometheus Insurance \(KBD, 2023\)](#)

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Acting for a man who suffered a catastrophic head injury after being struck by a motorcycle in Gibraltar. Liability, quantum and applicable law all in issue. Law of Gibraltar applied. Led by Eliot Woolf KC. Settled for over £6.6 million.

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[SP and 4 others v Europaiki Pisti Anonymi Genikon Asfaliseon \(KBD, Ongoing\)](#)

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Acting for 5 passengers who sustained serious to catastrophic injuries following a motor accident in Greece. Greek law applies. Issues concerning the insurance cap and the extent to which benefits may be deducted from a claimant’s award of damages.

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[Inquest into the Death of Allie Birchall \(Inquest, 2022\)](#)

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Instructed to represent the family of a young child who died after being exposed to an E.coli infection (serotype 0145:H28 with Stx2 gene positivity) which caused severe haemolytic uraemic syndrome (HUS), associated with kidney failure and with critical neurotoxic effects on the brain. The particular serotype had not been previously recorded in the UK and it is suspected that it originated in Turkey.

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[W v D \(QBD, 2022\)W v D \(QBD, 2022\)](#)

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Acted for a claimant who suffered a serious spinal injury following an accident in Spain. Initial issues regarding applicable law resolved in Claimant’s favour. English law deemed to apply. Settled for over £400,000.

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**P v KBC Verzekeringen (QBD, 2022)**

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Acted for a Belgian Insurer and 2 clinicians in a clinical negligence claim. The claimant alleged negligent septorhinoplasty and liposuction and sought damages for cosmetic and psychiatric injury. Pleaded at over £1 million, settled for £150,000.

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**Scott v AIG [2021] 8 WLUK 313**

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An accident in France which involved a dispute over the application of article 4(3) of Rome II.

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**Johnson v Berentzen [2021] EWHC 1042 (QB)**

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Preliminary issue trial before Stacey J. Issue as to whether proceedings commenced in time and (if not) whether the discretion available to the Court under s.19A of the Prescription and Limitation (Scotland) Act 1973 should be used so as to allow the Claimant's action to continue.

Consideration of the scope of article 15(h) of Rome II and whether the manner by which proceedings are deemed to have commenced is determined by the law of the forum or the law of the cause of action. Only second authority to consider issue (see *Pandya v Intersalonika General Insurance Company SA* [2020] EWHC 273 (QB)). Led by Gerard McDermott KC.

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**PQR v Generali Assurances (QBD, 2020)**

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Acted for a French insurer following a claim brought by a brain injured claimant following a motor accident in France. The claim involved complex issues concerning the impact of benefits under French law. Case settled and approved (by Jay J) for £10.5 million (including costs) Led by Sarah Crowther KC.

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**Otley v Línea Directa (QBD, 2020)**

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Acted for a Spanish insurer following a near fatal motor accident in which the claimant sustained catastrophic injuries. Claimed settled in excess of €500,000.

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**JD v DNB and others [2018] 12 WLUK 791**

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Instructed to act for the claimant who suffered noise induced hearing loss whilst operating helicopters in Norway. Claim pursued under Norwegian law against the employer's liability insurers. The only reported case confirming that the Odenbreit principle (concerning direct rights of action against an insurer) can be used under the Lugano Convention.

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**Turner and 7 others v Thomas Cook (Birmingham County Court, 2018)**

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Acted for Thomas Cook in a multi-party gastric illness. The claim was contested on all grounds, including breach of duty, credibility and causation. The trial lasted some 3 weeks and involved cross-examination lay witnesses and expert witnesses in the fields of gastroenterology, microbiology and food hygiene.

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Cannon v Thomas Cook (Liverpool County Court, 2018)

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Acted for a tour operator in a gastric illness claim where the medical expert was married to a director of the claimant firm of solicitors. The case concerned admissibility of expert evidence and received national press coverage.

## Personal Injury

Ian is a leading personal injury junior and regularly acts for both claimants and defendants in cases involving serious and catastrophic injuries.

He has extensive experience in spinal and brain injuries claims with complex future care and accommodation requirements.

Further, he has considerable experience in dealing with complex fatal accidents claims especially where there are family dependants across multiple households.

Beyond his advisory work, Ian is an accomplished advocate and is regularly instructed to act for both claimants and defendants at trial and contested hearings.

### Notable Personal Injury cases

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Inquest into the deaths of Karen Starling and Anne Martinez (Inquest, 2022)

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Instructed to represent the family of two women who had been admitted to the Royal Papworth Hospital for lung transplant surgery. Following surgery and whilst under the care of the Trust they were exposed to the pathogen Mycobacterium Abscessus from the hospital water supply. An infection followed which required aggressive antibiotic treatment which ultimately led to the deaths of both women. The Coroner considered how the deceased came to be exposed to Mycobacterium Abscessus and in turn how Mycobacterium Abscessus came to be in the water supply. A prevention of future deaths report was issued to the Health Secretary to address, in particular, the relevant HTMs used at hospitals in respect of water supplied to immunosuppressed patients who are at an increased risk of Mycobacterium Abscessus infections.

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**IP v EP (KBD, 2022)**

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Advised in relation to a 4 year old who sustained a T3 spinal cord injury rendering her paraplegic. Led by Matthew Phillips KC. Settled for £13.8 million.

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**J v B (QBD, ongoing)**

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Catastrophic spinal injury case following a motorcycle accident in Scotland. Scots law applies. Led By Gerard McDermott KC.

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## Clinical Negligence and Inquests

Since joining Outer Temple in 2018, Ian has expanded his practice into clinical negligence claims. He has a particular interest in claims arising from surgery performed abroad, which compliments his practice in cross-border personal injury law.

Recent examples of clinical negligence cases that he has acted on include:

- Alleged negligent septorhinoplasty and liposuction performed in Belgium.
- A patient who suffered total blindness in one eye following sclerotherapy of a vein on her forehead.
- A delayed diagnosis of appendicitis.
- Delayed post-mastectomy reconstruction.
- Cholecystitis that caused a perforated gangrenous gallbladder.
- Acting for a private care provider following allegations of assault by a nurse.

Ian also has considerable experience of acting for families at Coronial Inquests.

### Notable Clinical Negligence and Inquests cases

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Instructed to represent the family of two women who had been admitted to the Royal Papworth Hospital for lung transplant surgery. Following surgery and whilst under the care of the Trust they were exposed to the pathogen Mycobacterium Abscessus from the hospital water supply. An infection followed which required aggressive antibiotic treatment which ultimately led to the deaths of both women. The Coroner considered how the deceased came to be exposed to Mycobacterium Abscessus and in turn how Mycobacterium Abscessus came to be in the water supply. A prevention of future deaths report was issued to the Health Secretary to address, in particular, the relevant HTMs used at hospitals in respect of water supplied to immunosuppressed patients who are at an increased risk of Mycobacterium Abscessus infections.

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## Inquest into the Death of Paul McGuigan (2015)

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Instructed to represent an NHS Trust in an inquest concerning the death of a private security contractor, who was shot dead by a colleague whilst working in Iraq. The matter focused particularly on the role of mental health teams, and the private security industry. The inquest received considerable national and international press coverage.

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## Memberships

- **Personal Injury Bar Association (PIBA)**
- **Pan European Organisation of Personal Injury Lawyers (PEOPIL)**
- **Middle Temple**
- **Northern Circuit**
- Legal Professional Advisory Panel Member, Edge Hill University Department of Law and Criminology

## Publications

- APIL Guide to Accidents Aboard (2nd Edition). Chapter 3, Package Travel.

## Awards

- MA (Oxon), St Hugh's College, University of Oxford

## Recommendations

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## Outer Temple Chambers



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