



Sarah Crowther KC

Year of Call: 1999

Year of Silk: 2018

Direct Access: No

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Sarah Crowther KC has a broad practice with areas of focus in **personal injury**, **private international law**, **clinical negligence** and **public law** and **discrimination cases**.

Sarah has experience in all claims for injury, illness or accident with an international element, including advising on European law issues especially concerning the EU Motor Insurance Directives and disputes over jurisdiction and applicable law. She has appeared in recent high-profile cases in the Court of Appeal and Supreme Court and is experienced in working with expert evidence of foreign law and handling claims to which foreign law applies.

Regularly acting for both claimants and defendants, Sarah balances a “commercial approach” with a “compassionate nature”.

Sarah’s public and human rights law practice, founded on her experience of constitutional human rights appeals to the Privy Council, focuses on discrimination, supply of goods and services and employment. She has appeared at all levels from employment tribunal to the Supreme Court in such cases.

Sarah has acted in several of the leading cases on religious rights discrimination, including representing Christian hoteliers who refused to supply a same-sex couple with a double-bedded room due to conflict with their religious belief. She is currently appearing in *Ashers v Lee* concerning whether Christian owners of a bakery can lawfully be required to ice a cake with a message promoting same-sex marriage.

Sarah’s clinical negligence work includes birth injury, spinal cord injury and fatal claims. She has appeared successfully at trial in claims concerning consent to treatment following the Montgomery decision and regularly advises on complex breach and causation issues involving multiple expert disciplines.

Her broader personal injury practice encompasses catastrophic injury, road traffic, insurance, employer’s liability, sport and asbestos-related illness claims. Sarah acts at High Court level for claimants and defendants.

Sarah is recognised in both Legal 500 and Chambers & Partners for her expertise in Travel Law, Clinical Negligence and Personal Injury.

Sarah played hockey for Cambridge University and Richmond HC, these days is a sporting spectator, including of Blackburn Rovers and Lancashire CCC. Sarah speaks German and some French.

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Areas of Expertise

Public Law, Employment and Discrimination

Sarah has longstanding experience representing clients with religious beliefs which are in collision with the protected characteristics of others, including sexual orientation, political opinion or religious or philosophical belief in both the employment sphere and also in respect of the provision of goods and services.

She has advised clients, including religious organisations, commercial businesses and individuals with respect to their rights and obligations under the Equality Act 2010 and the Human Rights Act 1998 regarding provision of services, including services abroad, to consumers with disabilities. She has appeared in High Court judicial review proceedings concerning religious views of holders of public office.

Sarah represented the Northern Ireland bakery company whose refusal to ice a message supporting same-sex marriage onto a cake is the subject of litigation before the Supreme Court.

Sarah has substantial experience of appearing before employment tribunals in a full range of claims, including unfair dismissal, discrimination, equal pay, public interest disclosures and disability issues. She has considerable advocacy experience before tribunals, including successfully appearing before the EAT. She has conducted High Court employment litigation in injunction applications concerning breach of confidence, fiduciary duty and post-termination restrictive covenant disputes.

Sarah has appeared in many appeals to the Privy Council in both criminal and civil matters which raised constitutional matters, including recently a case concerning prosecution of a newspaper editor for the offence of scandalising the judiciary, raising important questions of freedom of expression and constitutional rights under Mauritian law. She continues to act pro bono in administrative and public law matters, including from and in the Caribbean.

Notable Public Law, Employment and Discrimination cases

Ashers Bakery, McArthur and McArthur v Lee, AG for Northern Ireland and OFMdfM intervening: Northern Ireland Court of Appeal (currently under appeal to the Supreme Court).

Discrimination – religious belief – political opinion – sexual orientation – discrimination in supply of goods and services – human rights – freedom of conscience – freedom not to express views contrary to one’s religious beliefs – devolution – constitutional challenge to equality legislation – support for same-sex marriage as a political belief – Northern Ireland.

East of England Ambulance Services NHS Trust v Sanders, (11 February 2016), Laing J, DBE

Employment – Disability discrimination – Unfair dismissal – Findings of fact – Tribunal error.

East of England Ambulance Service NHS Trust v Sanders (17 October 2014) Langstaff P [2015] ICR 293; [2105] IRLR 277

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Employment – Administration of Justice – Bias – Recusal – Right to fair and public hearing – tribunal use of internet to conduct own research.

Dhooharika v DPP (Mauritius) [2014] UKPC 11; (2014) 158(18) S.J.L.B. 37; Times, May 6, 2014

Contempt of court – scandalising the judiciary – Mauritius – newspaper editor jailed following publication of interview with disgruntled litigant and comment piece regarding Judge. Freedom of expression – constitutional rights – ECHR. Appeared pro bono for Commonwealth Law Association.

Preddy and Hall v Bull and Bull [2013] UKSC 73; [2013] 1 W.L.R. 3741; [2014] 1 All E.R. 919; [2014] H.R.L.R. 4; 36 B.H.R.C. 190; [2014] Eq. L.R. 76; (2013) 157(46) S.J.L.B. 37, [2012] EWCA Civ 83, [2012] 2 All ER 1017

Religious belief – sexual orientation – ECHR – Christian hoteliers unwilling to supply accommodation in double-bedded rooms to same sex couples – question whether direct or indirect discrimination.

Black v Wilkinson [2013] EWCA Civ 820; [2013] 1 W.L.R. 2490; [2013] 4 All E.R. 1053; [2013] Eq. L.R. 894; (2013) 157(28) S.J.L.B. 31

Bed and Breakfast – religious belief – sexual orientation – whether exceptions to Equality Act 2010 applied – direct or indirect discrimination – deference to legislature in ECHR rights cases.

R (on the application of Hans-Christian Raabe) v Secretary Of State for the Home Department (2013) [2013] EWHC 1736 (Admin)(Stadlen J) (Lawtel)

Religious belief – government appointment to Misuse of Drugs advisory committee – sexual orientation – procedural fairness – Wednesbury unreasonableness of revocation of appointment.

Ladele v Islington LBC [2009] EWCA Civ 1357, [2010] 1 WLR 955v

Religious belief – sexual orientation – employment – ECHR – Christian registrar of births, deaths and marriages – whether she could be excused from officiating at civil partnerships ceremonies.

Basdeo Panday v Superintendent Wellington [2008] UKPC 24, [2008] 1 AC 1386

Public law – Misfeasance in public office – Bias – Apparent bias of Chief Magistrate (Trinidad and Tobago). Whether proceedings were time-barred.

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Bernard Coard v AG for Grenada [2007] UKPC 7

Death sentence – constitutionality of automatic sentencing procedure (Grenada).

Personal Injury

Sarah acts for both claimants and defendants across the range of personal injury disputes, including catastrophic injury claims, spinal cord injuries, brain injury and fatal accidents. She handles employer's liability claims, including asbestos-related illness claims, public liability claims, road accidents, sport and consumer claims.

Sarah frequently writes and speaks on personal injury topics. She is General editor and a contributor to the APIL Guide to Accidents Abroad (LexisNexis), 2nd ed. July 2018, a comprehensive practitioners' text on all aspects of personal injury and illness claims with an international element. She has contributed to LexisNexis online legal information service and Journal of Personal Injury Law on personal injury and conflicts topics.

Sarah is often invited to speak on legal topics in personal injury law. Recent speaking engagements include the APIL annual conference, and APIL Accidents Abroad conference, PIBA annual and winter conferences and Spinal Injuries Association conference.

Sarah is recommended in Legal 500 for her expertise in personal injury.

International, Travel and Private International Law

Sarah regularly advises on all conflicts issues in tort and contract, especially jurisdiction in consumer and injury claims. She frequently acts in applicable law disputes including limitation, contribution claims, remedy, evidence, interest and costs. She has particular expertise in handling cases which require foreign law expert evidence and witnesses.

Sarah has acted in many of the important cases regarding direct actions for and against motor and public liability insurers across Europe and in respect of the interpretation of the EU law relating to claims on behalf of victims of uninsured or unidentified drivers where the accident is in the EU. She also litigates tort claims in non-EU accidents and advises on jurisdiction and applicable law.

She has experience of litigation in Montreal and Athens Convention claims, including clinical negligence, disability discrimination and air passenger rights issues, including flight delay compensation under Regulation 261. Sarah has handled group and illness claims, including norovirus and food poisoning.

Sarah is recommended in Chambers & Partners for her expertise in travel law and by Legal 500 as a leading silk.

Notable Personal Injury cases

Moreno v Motor Insurers' Bureau [2016] UKSC 52; [2016] 1 WLR 3194

Compensation assessment – Motor Insurance Directives – EU law – road traffic accident France.

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Pickard v Marshall and others [2017] EWCA Civ 17, Cranston J

Refusal of permission to appeal – interpretation of Art 4, Rome II – road traffic accident – France.

Le Guevel-Mouly and others v AIG Europe [2016] Hickinbottom J

Acceptance of jurisdiction through delay – forum non conveniens – extension of time – relief from sanctions – EU law, Brussels I Recast Regulation 1215/2012.

Robert Smith v Portswood House [2016] EWHC 939 Judge Curran QC

Mesothelioma – asbestos illness – reasonable foreseeability under TDN 13 – ‘substantial quantity of dust’.

Marshall v MIB [2015] EWHC 3421 (QB), Dingemans J (2 December 2015)

Conflict of Laws – Uninsured drivers – Applicable Law – Fatal accident claims – French law – EU law.

Panagaki v Minetta General Insurance and others [2015] EWHC 2700, Singh J

Jurisdiction – EU law – meaning of habitual residence – student – road traffic accident – Greece – spinal cord injury – paraplegia.

Moreno v MIB [2015] EWHC 1002 (QB); [2015] Lloyd’s Rep IR 535 (Gilbart J, 17 April 2015)

Conflict of Laws – Uninsured drivers – Motor Insurance directives – EU – Insurance – Applicable Law – Personal Injury – Catastrophic injury.

Hyde v SARA Assicurazioni [2014] EWHC 2881 (Ch) QBD (Judge Moloney QC) (Lawtel 30 July 2014)

Conflict of Laws – Italian law – Direct right against insurer – Policy indemnity limits – Costs.

Cox v Ergo [2014] UKSC 22; [2014] 2 W.L.R. 948; [2014] 2 All E.R. 926; [2014] R.T.R. 20; Times, April 14, 2014; [2012] EWCA Civ 854 (CA), [2012] RTR 11 (First Instance)

Conflict of Laws – Wrongful Death claims – question of whether action could be brought pursuant to Fatal Accidents Act despite German applicable law – use of foreign law expert evidence.

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Wink v Croatia Osiguranje DD [2013] EWHC 1118 QB (Haddon-Cave J) (Lawtel)

Conflicts of Laws – jurisdiction – tort gateway CPR 6.36 – forum non conveniens – direct action against insurer – Croatian law – whether damage sustained in jurisdiction sufficient to establish claim before English courts.

Cox v Ergo and Ministry of Defence [2012] EWCA Civ 1101 (CA)

Conflict of Laws – Assignment – Choice of Law – Rome I and Rome Convention – whether wrongful death claim validly assigned to MoD under German law.

Bacon v Nacional Suiza Seguros y Reaseguros [2010] EWHC 2017 (QB) [2010] ILPr R 46

Direct action against insurer – Spanish law – Foreign expert evidence – Catastrophic injuries – Road traffic – Temporal scope of Rome II Regulation.

Howe-Jones v FirstAssist and another [2010] EWHC 3909

Montreal Convention – international carriage of passengers by air – clinical negligence – whether development of pressure sores ‘accident’ – Convention limits – application of Convention and identity of carrier.

Hartwell v AG for British Virgin Islands [2004] UKPC 12; [2004] 1 WLR 2473

Vicarious liability – Employer’s liability – Scope of course of duties test – whether police force liable for injuries sustained by British tourist wounded by off-duty officer’s gun. Assessment of damages in BVI.

Clinical Negligence

Sarah acts in complex liability and causation disputes arising out of clinical negligence. She is regularly instructed on behalf of NHS-Resolution in a full range of claims including birth injury, surgical claims, cauda equina, brain injuries and fatal claims. She is experienced in handling multi-disciplinary expert cases. Sarah has acted successfully in claims raising issues of informed consent following the Montgomery decision.

Sarah has been instructed in quantum cases in clinical negligence cases in excess of £10m and appears regularly in settlement negotiations and mediations arising out of clinical negligence disputes.

Sarah gives training and lectures on clinical negligence issues, including on the impact of developments in the law of informed consent in clinical practice for both clinicians and legal representatives of both claimants and defendants.

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Sports Law

Sarah has a particular interest in **safeguarding matters in sport**. She has appeared in FA safeguarding proceedings and on behalf of the British Horseracing Authority. She represents and advises in investigations and proceedings and has written on safeguarding policies and implementation in sporting contexts. She has acted on behalf of individuals as well as sports organisations in cases of non-recent abuse and recent harassment claims, including before the National Safeguarding Panel, in the High Court and employment tribunal.

Sarah's personal injury practice encompasses claims arising out of competitive and adventure sports, including skiing and other winter sports collisions, equine accidents and injury in competitive sports such as hockey, as well as leisure activities including hot-air ballooning, gliding, tobogganing and even ballroom dancing.

In the employment context, Sarah has represented in whistleblowing and other discrimination claims concerning sports issues and has advised on non-disclosure agreements and participation in regulatory and disciplinary proceedings.

Memberships

- Bar Council Member
- South Eastern Circuit Committee Member
- PIBA
- ELBA
- Women in Sports Law
- BASL

Languages

- French
- German

Awards

- Recommended in Legal 500 for Personal injury, industrial disease and insurance fraud, Clinical negligence and Travel law (including jurisdictional issues)
- Recommended in Chambers & Partners for International personal injury.

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Recommendations



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