

***Christopher Loxton***

Call: 2009 (Middle Temple)

BSc. Joint Honours in Politics and Philosophy (Bristol University);
GDL & BVC (College of Law)

Profile:

Christopher has been a tenant since October 2011, following successful completion of his pupillage at 4KBW. His practice includes a wide range of civil work, particularly:

- Aviation and Travel
- Commercial and Chancery
- Personal Injury and Professional Negligence
- Inquests and public law
- Landlord and tenant / property law

He has appeared in the High Court's Chancery Division, the Queen's Bench Division, and the Bankruptcy and Companies Court, and a multitude of county courts and tribunals in and out of London.

Before joining the Bar, Christopher worked as a paralegal to a silk at the Baha Mousa Public Inquiry, as a paralegal in the family department of a solicitors' firm, and as a legal assistant at the Wandsworth and Merton Law Centre.

He also worked as a journalist for the China Daily newspaper in Shanghai and interned at the United Nations HQ in New York.

Aviation and Travel law

Christopher undertakes court and advisory work in matters relating to aviation and travel law, including:

- Carriage by air disputes involving EU regulations, Warsaw and Montreal Conventions and associated passenger, cargo, baggage and delay claims.
- Denied boarding claims.
- Negligence claims, including personal injury, in an aviation and employment context.
- International carriage by road and sea claims, including under the Convention on the Contract for the International Carriage of Goods by Road (CMR).
- Insurance claims, including in relation to vessels and vehicles.
- Package Holiday Regulation claims and Athens Convention claims.

Notable cases aviation and travel cases:

- Currently acting for a major international carrier in defending a High Court claim for personal injury under the Montreal Convention, the value of damages exceeds £850,000.
- Successfully acted for an airline defending multiple actions brought by a company whose business model was to buy up the claims of passengers brought under EC Regulation 261/2004. Defences pursued under the laws of maintenance and champerty. Claims successful struck out after contested applications.
- Acted for a South American cargo carrier against a major food distributor in a claim brought under the Montreal Convention for damage to a large cargo consignment.
- Represented several group companies, forming part of a **multinational corporation** specialising in mining and chemical production, in an action against multiples defendants for compensation under the CMR for loss caused to a large consignment of chemical emulsion.
- Successfully acted for an airline defending multiple actions brought by a company whose business model was to buy up the claims of passengers brought under EC Regulation 261/2004. Defences pursued under the laws of maintenance and champerty. Claims successful struck out after contested applications.
- Acted for a major international airline pursuing an additional claim for breach of statutory duty and negligence against a co-defendant being a major contractor providing catering services to the airline.

Commercial and Chancery

Christopher is regularly instructed in a wide variety of business, finance and property related disputes and has represented clients in trusts and probate claims. Christopher's advisory work includes providing guidance on contracts, indemnities, guarantees and commercial leases.

He has a burgeoning insolvency practice, having represented individuals and companies before the Bankruptcy and Companies Court and in various county courts. Advisory work has included advising on the impact of retention of title to goods on the administration / liquidation of a company's assets.

Notable cases commercial and chancery cases:

- *LM v AM*: acted in a s.423, Insolvency Act application (transaction at an undervalue) for a claimant acting as a trustee of an estate against a family member for misuse of estate assets.
- *BWM Ltd v EW Ltd*: instructed by a wine merchant company against a restaurant chain in administration, seeking to enforce retention of title clauses against the chain and the administrator.
- *Santander UK plc v Taylor*: acted for the claimant bank in respect of mortgage possession and enforcement proceedings, concerning allegations made by the defendant of identity theft and fraud.
- *MD v SW, JW and ST FC Ltd (2014)*: advised on potential, high-value claims for restitution, breach of contract, the existence of business partnerships and constructive trusts.
- *Northern Rock (Asset Management) plc v Monroe*: successfully acted for the claimant bank in mortgage possession proceedings. Defeated allegations of fraud, unfair contract terms, breach of contract and financial services legislation.

- *JG v HC and Pioneer Point Ltd*, Queen's Bench Division (2014): acted as a junior in a high-value claim brought by a creditor against co-investors and a joint enterprise company, involved allegations of fraud and equitable tracing.
- *SME v MD*, Queen's Bench Division (2014): acted as a junior in defending a claim brought by a factoring and loan company against a guarantor on the grounds of fraud and use of penalty clauses.
- Companies Court: applications for orders restraining presentation of winding-up petitions on the basis that statutory demands were not debts or liabilities owed by the applicants to the petitioner

Personal Injury, Professional and Clinical Negligence

Christopher is commonly instructed in negligence and other tort claims, particularly those concerning employers' liability and clinical negligence. He has drafted pleadings in professional negligence cases, including those against solicitors for negligence and breach of fiduciary duties and against former employers for providing negligent references.

Notable Cases:

- Currently acting for an orthopaedic surgeon and private health care provider in a large group litigation dispute concerning product and clinical liability for allegedly defective hip replacement devices.
- Currently acting for NHS Trust in defending claims of breach of contract and negligence alleging causing various psychiatric injuries. Value of the claim is £2 million.
- *Oyuela v Bates Travell & J Clark*: acted as junior representing a Honduran marine engineer pursuing a claim for professional negligence against former solicitors and counsel for alleged failure to file pleadings in the English jurisdiction within the required time.
- Drafted pleadings and advised a self-storage company pursuing a claim for professional negligence against former solicitors for representation provided against a former employee.
- Drafted pleadings and advised a former employee in relation to his former employer, a well-known travel company, for providing a negligent reference.
- Advised on a potential claim against a local authority and primary care trust for breach of statutory duty and professional negligence for their responsibility for the suicide of a father whose children had been taken into care.

Inquests and public law

Christopher is regularly instructed in inquests, typically for NHS Trusts (both Middleton and Jamieson type inquests). He is currently instructed on a 6-day inquest involving 7 different interested parties.

Christopher also accepts work in the fields of administrative (including judicial review), health, community care and housing law. His work has included:

- Representing an NHS Trust in a judicial review claim against the Secretary of State for Health in relation to permanent injury benefits paid out to an employee's family.

- Acting for a doctor and a nurse in respective appeals to the High Court against their respective regulators' fitness to practice panels' decision to suspend their practice.
- A potential claim against a local authority and primary care trust for unlawful detention of a young girl under the Mental Health Act (false imprisonment and breach of Articles 5 and 8 of the ECHR).
- Advising the RMT on whether adequate consultation had been carried out with regards to the new licensing of taxis in Greater London.
- Advising on a challenge to NHS Wales' failure to fund a patient's experimental treatment in an English hospital.
- Advising on a potential claim against a local authority and primary care trust for their responsibility for the suicide of a father whose children had been taken into care.

Christopher also particular experience in mental health law, acting for applicants before the First-Tier Tribunal and Hospital Managers' hearings, including for restricted patients.

Landlord and Tenant and Real Property

Christopher regularly accepts instructions relating to tenancies under the Housing Acts, in TOLATA matters, service charges, break clauses, and forfeiture cases, in both the LVT and county courts.