

Philip Mead

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AREAS OF EXPERTISE

International & Travel, Personal Injury, Employment & Discrimination, Insurance, Aviation

Philip is a member of the International and Travel Group of 12KBW with an established practice in the field of cross-border personal injury and employment law. He has been named as a Band1 or Star Individual in Chambers & Partners for several years in respect of International and Travel Claims and has appeared in the leading cases on jurisdiction and conflict of laws. Philip has particular expertise in the field of European law, in respect of the application of the Judgments Regulation, the Rome II Regulation and the Motor Insurance Directives.

Philip's personal injury practice involves claims of the utmost severity and includes the following areas: road traffic accident claims, direct actions against foreign insurers and compensation bodies, employer's liability claims, product liability claims, fatal accident claims, package holiday claims and maritime and aviation claims.

Philip's employment practice has involved peripatetic and overseas workers, seafarers, claims against foreign embassies and international organisations, in relation to claims for breach of contract, discrimination and breach of statutory rights.

Philip has received instructions directly from foreign lawyers and foreign clients. He is able to act on a direct access basis without the need to instruct an English solicitor.

International & Travel

Jurisdiction

Philip has considerable experience in dealing with cases where there is a dispute as to the jurisdiction of the English Courts, having acted in several of the leading cases. In particular, Philip has experience of both cases requiring permission to serve out of the jurisdiction and those cases where permission is not required but jurisdiction is disputed. Philip's reported cases include the following:

Hoteles Pinero Canarias SL v Keefe [2016] 1 WLR 905 (CA) Jurisdiction; direct right of action against an insurer; joinder of tortfeasor; Judgments Regulation, Article 11(3) (appeal before the Supreme Court, where a reference was made to the CJEU);

Cook v Virgin Media Ltd [2016] 1 WLR 1672 (CA) Jurisdiction; Scotland; civil procedure; forum non conveniens; strike out; personal injury (the leading case on intra-UK jurisdiction);

Owusu v Jackson (Case C-281/02) [2005] QB 801 (ECJ) Jurisdiction; EC law; forum non conveniens; Brussels Convention (the leading European case on jurisdiction under what is now the Judgments Regulation).

Conflict of laws and cases with a foreign dimension

Philip has over 20 years of experience advising on and acting in personal injury claims with a foreign dimension. Philip has particular expertise in relation to claims involving the application of the Motor Insurance Directives and the Rome II Regulation.

Philip has particular knowledge and experience in dealing with the following issues: Bringing proceedings against foreign domiciled Defendants; Joinder and service of foreign Defendants; Applying foreign limitation; Applying foreign substantive law to liability and contributory negligence; Bringing claims against the MIB in respect of foreign accidents; Quantifying claims according to foreign law; Using direct rights of action against foreign insurers; Applying foreign law to fatal accident claims

Philip's cases include the following:

Rai v Ministry of Defence (9 May 2016; QBD) Conflict of laws; torts; choice of law; Rome II Regulation, Articles 1(1) and 4; acta iure imperii; employer's liability;

Nemeti v Sabre Insurance Co Ltd [2014] PIQR P12 (CA) Civil procedure; personal injury; amendment of parties; limitation; foreign road traffic accident;

Jacobs v Motor Insurer's Bureau [2011] 1 WLR 2609 (CA) Conflict of laws; applicable law; compensation against Compensation Body; implementing EU Directives; foreign road traffic accident; uninsured driver;

Knight v AXA Assurances [2009] Lloyd's Rep IR 667 (QBD) Conflict of laws; proper law; measure of damages and interest; foreign road traffic accident.

International employment cases

Philip has considerable experience in handling cases of employees who work overseas or are peripatetic, and has appeared in the leading cases on the jurisdiction of the Employment Tribunal and the territorial scope of the statutory rights not to be unfairly dismissed or subject to unlawful discrimination. He has appeared in the following cases:

Hasan v Shell International Shipping Services (PTE) Ltd (14 January 2014; EAT) Jurisdiction of the Employment tribunal; breach of contract; discrimination on grounds of race; seafarers; unfair dismissal;

R (on the application of the United Road Transport Union) v Secretary of State for Transport [2013] IRLR 890 (CA) Employment; working time; international drivers; EU law; principles of effectiveness and equivalence;

Ministry of Defence v Wallis [2011] ICR 617 (CA) Jurisdiction of the ET; overseas employees; discrimination on grounds of sex; territorial scope; application of EU law;

Diggins v Condor Marine Crewing Services Ltd [2010] ICR 213 (CA) Jurisdiction of the ET; seafarers; place of work; unfair dismissal;

Lawson v Serco [2006] ICR 250 (HL) Employment overseas; jurisdiction of the ET; territorial scope; unfair dismissal (the leading case on the territorial reach of the Employment Rights Act 1996).

Application of EU law to domestic personal injury claims

Philip successfully appeared for the Claimant in the leading case of *Colley v Shuker and MIB* [2021] 1 WLR 1889. This case concerned the application of directly effective rights under the Consolidated Motor Insurance Directive in relation to a claim against the MIB in respect of a vehicle where the driver was known to be uninsured but where the vehicle was insured. Judgment in the appeal before the Court of Appeal is pending.

Philip also appeared for the Claimant in one of the first cases to handle the question of the interpretation of the Consolidating Motor Insurance Directive after departure of the UK from the EU: *Covea Insurance Plc v Greenaway* [2021] 4 WLR 97.

Many of the cases listed under the International & Travel sections concerned the application of EU law, whether contained in a Regulation or a Directive. The cases have concerned the application of directly effective rights, the interpretation of Directives and EU Regulations, the provision of an effective remedy, and the application of the European principles of effectiveness and equivalence: see *Hoteles Pinero Canarias SL v Keefe* (2016); *Rai v Ministry of Defence* (2016); *R (on the application of the United Road Transport Union) v Secretary of State for Transport* (2013); *Ministry of Defence v Wallis* (2011); *Jacobs v Motor Insurer's Bureau* (2011); *Owusu v Jackson* (Case C-281/02) (2005).

Qualifications & Awards

Philip has been called to give expert evidence before the Legal Affairs Committee of the European Parliament.

Appointments & Memberships

Member of PIBA, Pan-European Organization of Personal Injury Lawyers (General Board Member for England and Wales) TATLA; ELBA; ELA; BEG; UKAEL.

Publications

Co-Author and editor of books on Personal Injury Compensation in Europe (2003) and (2005)

Cases

Colley v Shuker and MIB [2021] 1 WLR 1889: the application of directly effective rights under the Consolidated Motor Insurance Directive in relation to a claim against the MIB in respect of a vehicle where the driver was known to be uninsured but where the vehicle was insured. Appeal before CA.

Covea Insurance Plc v Greenaway [2021] 4 WLR 97: interpretation of an EU Directive in circumstances where there was no power to make a reference for a preliminary ruling to the CJEU; road traffic accident; liability of the insurer and/or MIB

Rai v Ministry of Defence (9 May 2016; QBD) Conflict of laws; torts; choice of law; Rome II Regulation, Articles 1(1) and 4; *acta iure imperii*; employer's liability

Cook v Virgin Media Ltd [2016] 1 WLR 1672 Conflict of laws; jurisdiction; Scotland; civil procedure; *forum non*

conveniens; strike out; personal injury

Hoteles Pinero Canarias SL v Keefe [2016] 1 WLR 905 Conflict of laws; jurisdiction; direct right of action against an insurer; joinder of tortfeasor; Judgments Regulation, Article 11(3)

Hasan v Shell International Shipping Services (PTE) Ltd (14 January 2014; EAT) Jurisdiction of the Employment tribunal; breach of contract; discrimination on grounds of race; seafarers; unfair dismissal

Nemeti v Sabre Insurance Co Ltd [2014] PIQR P12 Civil procedure; personal injury; amendment of parties; limitation; foreign road traffic accident

R (on the application of the United Road Transport Union) v Secretary of State for Transport [2013] IRLR 890 Employment; working time; international drivers; EU law; principles of effectiveness and equivalence

Commissioner of Police of the Metropolis v Maxwell [2013] Eq LR 680 Employment; discrimination on grounds of race and sexual orientation; victimisation; harassment; limitation

Edwards v Chesterfield Royal Hospital NHS Foundation Trust [2012] 2 AC 22 Employment; breach of contract; disciplinary procedures; loss of reputation; recoverable loss; unfair dismissal

Ministry of Defence v Wallis [2011] ICR 617 Jurisdiction of the ET; overseas employees; discrimination on grounds of sex; territorial scope; application of EU law

Jacobs v Motor Insurer's Bureau [2011] 1 WLR 2609 Conflict of laws; applicable law; compensation against Compensation Body; implementing EU Directives; foreign road traffic accident; uninsured driver

Diggins v Condor Marine Crewing Services Ltd [2010] ICR 213 Jurisdiction of the ET; seafarers; place of work; unfair dismissal

Knight v AXA Assurances [2009] Lloyd's Rep IR 667 Conflict of laws; proper law; measure of damages and interest; foreign road traffic accident

Spackman v London Metropolitan University [2007] IRLR 744 Employment; quantum meruit; deductions from wages; breach of contract; industrial action

Daniels v Commissioner of Police of the Metropolis (5 July 2006; QBD) Employment and personal injury; harassment; psychiatric harm; occupational stress

ASLEF v Brady [2006] IRLR 576 Employment; unfair dismissal; gross misconduct; fairness; reasons for dismissal

Lawson v Serco [2006] ICR 250 Employment overseas; jurisdiction of the ET; territorial scope; unfair dismissal

Chaudhary v STA Appeal Panel [2005] ICR 1086 Employment; jurisdiction of the ET; medical boards; race discrimination; right to a remedy; statutory appeals

Owusu v Jackson (Case C-281/02) [2005] QB 801 Conflict of laws; jurisdiction; EC law; forum non conveniens; Brussels Convention

Williams v J Walter Thompson Goup Ltd [2005] IRLR 376 Employment; disability discrimination; reasonable adjustments; constructive dismissal

Yearwood v Commissioner of Police of the Metropolis [2004] ICR 1660 Employment; discrimination; agency; liability of the principal; police officers

Susie Radin Ltd v GMB [2004] ICR 893 Employment; employee consultation; redundancy; protective awards

BMA v Chaudhary (No. 1) [2003] ICR 1510 Employment; abuse of process; doctors; promotion; race discrimination; time limits

Transco v O'Brien [2002] ICR 721 Employment; employer's duties; trust and confidence; enhanced redundancy payments

Mann v Secretary of State for Education and Employment [1999] ICR 898 Employment; collective redundancies; insolvency; redundancy payments; set-off