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King's Bench Walk

Thomas Banks



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AREAS OF EXPERTISE

Personal Injury, Military Claims, Insurance, Fraud, Inquests, Clinical Negligence, International & Travel, Industrial Disease, Product Liability, Contract / Commercial, Credit Hire, Costs & Litigation Funding, Sport, Property, Property Damage

Tom is ranked as a Personal Injury Leading Junior in Legal 500. He specialises in catastrophic, complex and high value Personal Injury claims, Insurance Law, Inquests, Military claims, Fraud and Costs.

His specialist personal injury practice focuses on Brain and Spinal Injuries, Fatal Accidents, Motor Insurance and Indemnity Law, International and Travel Law, Public and Employers Liability and Industrial Disease

As former Tank Commander and Intelligence Officer in the British Army, he is also recognised as an established specialist Counsel in Armed Forces Claims.

Tom has also been instructed in High Court Defamation proceedings.

Personal Injury

Tom regularly acts as sole Counsel for Claimants and Defendants in serious and complex high value personal injury claims in the High Court and County Courts.

His expertise includes the full range of Public Liability, Employers' Liability and Accidents at Work, Product Liability, claims against Highway Authorities, and Road Traffic Accidents. He is experienced in claims under the Fatal Accidents Act 1976, claims for psychiatric injury, brain injuries and pain syndromes. He has also been involved in several cases involving dangerous sports/pursuits and the use of firearms.

Examples of his recent case load include:

- **James v White Lion Hotel [2021] EWCA Civ 31.** Tom was instructed by the Defendant as junior Counsel in this fatal accident claim in which an RAF Senior NCO died after he fell from a window in a hotel. He represented the Defendant at the JSM following the liability trial where the claim settled for £315,000.
- **C v C.** A £6.5 million claim by a young Claimant rendered disabled with serious lower limb injuries following a fall down steps in D's premises. Tom was instructed by the Defendant insurer. The claim settled following a JSM for £1.4m
- **S v D, B v D**. Conjoined multi-party Fatal Accident and catastrophic brain injury claims in which a wife was killed, and her husband suffered a life-changing injuries, when both were hit by an unsecured load falling from an

HGV. Tom was instructed in behalf of the wife's estate and the husband in both claims (led by Mike Rawlinson QC) which settled at JSM for £2million.

- **N v P**. Tom was instructed by the Defendant motor insurer in a £1.85 million claim for lifelong disability when the Claimant was thrown from his motorbike. The claim settled at JSM for £420,000
- **B v S**. A £1million pound Employers Liability injury claim where the Claimant suffered catastrophic burns, neurological injury and loss of mobility when he was electrocuted on a building site. Tom was jointly instructed by both Defendants and settled the claim at a JSM for £480,000.
- **B v G.** Tom was instructed by a major motor insurer in a claim by a C5 tetraplegic who claimed loss of his remaining arm function following a road traffic accident.

Tom will consider Claimant work on a CFA basis where appropriate.

Military Claims

Tom specialises in Armed Forces claims and is instructed in complex high value claims by both Claimants and Defendants. His 10 years in the Army and the Ministry of Defence have given him niche knowledge of the Armed Forces employment structure, and of tactics and quantum issues.

Recent cases include:

- **P v A**. A claim against a major insurer on behalf of the estate of an Army Colonel killed in a white water canoeing accident on the River Tees. Led by Harry Steinberg QC, Tom was instructed by the estate. The claim settled for £2m at JSM.
- **O v MOD**. A multi-million pound claim for serious psychogenic injuries that rendered the Claimant tetraplegiac following a military parachuting accident. The Claimant is instructing Tom, who is led by Mike Rawlinson QC.
- **S v MOD**. A multi-million pound catastrophic brain injury in which the Claimant suffered lifechanging injuries from an Armoured vehicle that overturned in Afghanistan
- **P v MOD**. A claim by a Royal Navy diver who contracted Leukaemia after working on nuclear submarines.
- **A v MOD**. A claim for psychiatric injury by a serving officer wrongly accused of espionage.
- Additionally, Tom has specialist knowledge of the following common forms of actionable military injuries
- **Non-Freezing Cold Injury (NFCI)** He has been instructed by numerous Claimants that have suffered a loss of career and subsequent loss of earning capacity and/or disadvantage on the open labour market as a result of in-service NFCIs. He routinely achieves settlements in such claims of £250,000 – £500,000.
- **Noise Induced Hearing Loss (NIHL).** He has also been instructed by numerous Claimants with claims for NIHL. He has specialist knowledge of military equipment and conseqent liability issues, and experience in the conceptual and medical differences between industrial and military NIHL.
- **PTSD and psychiatric injuries.** He has been instructed by many Claimants bringing claims for delayed diagnosis of PTSD suffered in-theatre, as well as psychogical injures suffered through systemic failures and physical or sexual abuse
- **Training accidents.** Tom has represented many Claimants in claims for injury arising from domestic and international training accidents including misuse of weapons, military and sports parachuting, adventurous training activities, and routine training exercises.

He also advises serving and former service personnel applying to the Armed Forces Compensation Authority for injury awards and represents Claimants at the Armed Forces Compensation Tribunal.

Inquests

Tom has a specialist inquest practice and is regularly instructed to represent the families and interested parties in the Coroner's Court. He is experienced in Article 2 inquests and drafting written submissions for PIRs and final hearings. Tom will consider representing families and other interest parties on a *pro bono* basis, and can provide advice on and

procedure.

His recent cases include:

- **Re Samuel Barber (deceased):** An inquest into the death of child who fell under the wheels of the school bus. Tom was instructed by the Local Authority with he statutory duty to provide the school bus service.
- **Re Juno Godfrey (deceased):** An Inquest into the death of a baby born with Hypoxic Ischaemic Encephalopathy and EColi Sepsis following delays in diagnosing fetal distress. Tom was instructed by the family. The Coroner ordered a Prevention of Future Deaths to address failings on the delivery suite.
- **Re Sandra Prout (Deceased):** An inquest into the death in hospital of a woman who suffered a retroperitoneal haemorrhage after admission for surgery for cholangiocarcinoma. Tom was instructed by the family through AvMA.
- **Re Thomas Lanham (Deceased):** An Inquest into the death of a young driver alleged to have been involved in a late night race along A-roads in Kent. Tom was instructed by an interested party that was struck by the two speeding vehicles, and subsequently sued. Following the inquest the claim against the interested party was discontinued.
- **Re Adrian Stroud (Deceased):** An inquest into the death of a young man with Asperger's Syndrome who was struck by a lorry when he crossed the M1 in the early hours of the morning.
- **Re Alan Armstrong (Deceased):** An inquest into the death of a resident in a dementia care home following a fall.

He is currently instructed by the families of crew members on the MV Mercer Street who were killed by a drone strike off the shore of Oman.

Costs & Litigation Funding

Tom is frequently instructed in detailed assessments, CCMCs and to advise on technical costs issues. He appeared in the first appeal to consider setting aside a notice of discontinuance in order to disapply QOCS. He also lectures on developments in costs law.

Insurance

Tom specialises in motor insurance and insurance indemnity work. He is regularly instructed by many of the major motor insurers, and by the MIB, on issues of indemnity and the liability to satisfy judgments in road traffic claims.

Fraud

Tom is regularly instructed by defendants in civil fraud claims, particularly those arising from fraudulent RTAs, workplace accidents, highways and public liability claims, and fraudulent holiday sickness claims.

He regularly drafts pleadings, provides advice, and represents defendants at trial in staged accidents, 'phantom passenger' claims, LVI claims, dishonest credit hire claims, and claims for exaggerated injuries.

He also advises and lectures on data and privacy issues arising from obtaining and using covert surveillance evidence.

Recent cases include:

· **H v P** – Represented the Defendant employer in a case where the Claimant claimed £300,000 for chronic pain in his wrist and shoulder after a fall from scaffolding. He accepted a nuisance offer out of time after surveillance showed him playing a round of golf.

· **B v EH** – Represented the Defendant in case where C was found to have invented allegations of spillages/disrepair in a housing association property. QOCs was disapplied.

· **S v H** – Represented the Defendant Insurance Company in a claim where the Defendant alleged a slam-on induced accident. Claimant discontinued at the door of the court

· **B v I** – Represented the Defendant in a low velocity RTA. The court made finding of fundamental dishonesty and dismissed the claim under s57 CJCA.

· **R v E** – Represented the Defendant in a claim by a family of 5 said to have been injured in a low velocity impact. Court found that none were injured and disapplied QOCs.

International & Travel

Tom's Travel and International practice includes instructions from Claimants and Defendants that have included:

- Accidents abroad brought under the Package Travel Regulations and Montreal/Athens Conventions.
- Accidents abroad involving dangerous sports and pursuits
- Defending claims for food poisoning/gastric illness and consequential IBS.

He is also advises on questions of applicable law and jurisdiction, and has acted in cases involving the applicability of the EC (Rights Against Insurers) Regulations and ROME II.

Credit Hire

Tom has extensive experience in credit hire litigation and is frequently instructed in high value credit hire claims and appeals. He has advised on, and acted in, a number of disingenuous and fraudulent claims with a large credit hire element. He also regularly advises and lectures to solicitors and insurers on recent developments in credit hire law.

Industrial Disease

Tom acts for Claimants and Defendants in industrial disease claims. He is experienced principally in NIHL, HAVS, mesothelioma and asbestos claims.

Defamation

Tom has been instructed in slander and libel actions and successfully represented the Defendant in **Yavuz v Tesco Stores Ltd [2019] EWCA 1971 (QB).**

Clinical Negligence

Tom is instructed by both Claimants and Defendants in Clinical Negligence. His practice has included cases of:

- Obstetric negligence and the death of a newborn child.
- Negligent failure to identify internal bleeding.
- Delayed diagnosis of PTSD.

Product Liability

Tom has acted for Claimants and Defendants in injury claims arising from a variety of defective products including:

- exploding shotguns,

- defective bicycles,
- defective food packaging.

Commercial

Tom's contractual practice includes claims arising out of sale of goods, the supply of goods and services, hire purchase and finance leasing agreements, and general contractual and commercial cases.

Property

Tom is experienced in a range of property damage claims including damage to buildings from a driver attempting suicide, road traffic, nuisance and flooding.

Qualifications & Awards

BA (Hons) Keble College, Oxford University

GDL (Oxford Brookes University)

BVC (BPP Law School)

Lord Haldane Scholar (Lincoln's Inn)

Cassell Scholar (Lincoln's Inn)

Hardwicke Scholar (Lincoln's Inn)

Memberships

PIBA

TATLA

Publications

Tom is a contributing author to Local Authority Liability 2020 RELX UK Limited

Directories

In court he is captivating and makes his arguments clear and convincingly. – Legal 500, 2026