

William Audland KC

Call: 1992

Silk: 2015

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AREAS OF EXPERTISE

International & Travel, Aviation, Personal Injury, Clinical Negligence, Fraud, Sport, Mediation

William is ranked as a leading silk in the major directories in all his principal areas of practice - international and travel, personal injury, clinical negligence and sports law - and specialises in cross-border claims which combine these areas of expertise. He represents both claimants and defendants, and has a growing practice as a mediator.

International & Travel

William has practised in the field of international law and travel and tour operator litigation throughout his career.

He is ranked as a leading silk in these fields by the major directories.

He has wide experience of claims brought under the Package Travel Regulations (including recovery actions on behalf of tour operators and their insurers from foreign suppliers and insurers); of claims brought under the Athens, Montreal and Warsaw Conventions; and of high-value claims arising out of accidents abroad which involve issues of jurisdiction and applicable law. He is regularly instructed by a number of leading claimant and defendant firms specialising in these fields.

Recent and ongoing cases include:

Nicholls v Mapfre; Woodford v Mapfre; Sedgwick v Mapfre [2024] EWCA Civ 7128. Important conjoined cases which determined that Spanish Penalty Interest was recoverable in personal injury claims brought in this jurisdiction where the applicable substantive law is Spanish law. The appeal determined that the penalty interest provisions are a matter of substantive not procedural law as a matter of EU law under Rome II and that it was recoverable. William led the appeals for Mapfre.

Ashton v Eurolife [2023] EWHC 2540 (KB). A High Court claim for catastrophic spinal injuries resulting from an accident when the claimant – a keen amateur road cyclist on a cycling holiday in Greece – collided at speed with a stationary car parked at the side of a rural road in the shade. The claim against the insurer of the driver of the car, which alleged breach of Greek Civil Code and Traffic Codes – the applicable law being Greek law under Rome II – was dismissed at trial after the Defendant's Greek law expert evidence was accepted. William represented the successful defendant.

Cooper v The Freedom Travel Group Limited [2022] EWCA Civ 1557: An important decision for the package travel industry following the liquidation of Thomas Cook concerning the limits of liability of a credit card company under the

CCA 1974 where a package holiday was bought on the credit card belonging to the spouse of the claimant, but the claimant herself was not herself a party to the credit agreement. The claimant was not a “debtor” for the purposes of sections 75 and 189 of the 1974 Act.

Dunse v HeatTeq Refractories UK and others (settled 2022): An employers’ liability claim arising out of an accident at a steel works in India where C was working temporarily as a site supervisor and involving six defendant companies domiciled variously in India, the Netherlands and the UK. Liability and quantum all in issue.

X v Kuoni Travel [2021] UKSC 34 (in the Supreme Court) and EU:C:2021:213 (in the CJEU) concerning the liability in contract and pursuant to the Package Travel Directive 90/314 and the 1992 Pack Travel Regulations of a tour operator for a rape committed by a hotel employee abroad.

A v X (settlement approved 2021): A claim for catastrophic brain injuries suffered by a claimant in Jersey. The approved settlement in 2021 was the first time that the Royal Court in Jersey considered the application of the new legislation regarding variable periodical payments – Damages (Jersey) Law 2019 which is fundamentally broader in scope than the equivalent legislation in the UK.

Noble Caledonia Ltd v Air Niugini Ltd No 1 [2017] EWHC 1095 (QB) and ***No 2*** [2017] EWHC 1393 (QB). A commercial recovery action by a tour operator (represented by William) against an airline flowing from the delayed departure of a flight (by several days) which caused all clients to miss their cruise holiday. The preliminary issues involved arguments as to service of proceedings and jurisdiction and whether the Warsaw Convention applied to the claim. The appeal was listed to be heard by the Court of Appeal in 2018 but the case was compromised before the hearing.

Aviation

William has wide experience of claims brought under the Package Travel Regulations (including recovery actions on behalf of tour operators and their insurers from foreign suppliers and insurers), and of claims brought under the Montreal and Warsaw Convention, predominantly in high-value claims regarding civil liability for deaths and personal injuries.

His cases include:

Noble Caledonia Ltd v Air Niugini Ltd No 1 [2017] EWHC 1095 (QB) and ***No 2*** [2017] EWHC 1393 (QB). A commercial recovery action by a tour operator (represented by William) against an airline flowing from the delayed departure of a flight (by several days) which caused all clients to miss their cruise holiday. The preliminary issues involved arguments as to service of proceedings and jurisdiction and whether the Warsaw Convention applied to the claim. The appeal was listed to be heard by the Court of Appeal in 2018 but the case was compromised before the hearing.

William (together with Max Archer) has recently acted for the claimant in a claim against a firm of solicitors who mishandled a case brought under the Montreal Convention. The claim raised interesting issues regarding the nature of an ‘accident’ under the Convention and the measure of damages recoverable in a professional negligence case brought against solicitors who misapplied the Convention. The claim resulted in a successful compromise.

William was instructed on behalf of the Defendant Tour Operator in a claim arising out of a fatal hot air ballooning accident in Turkey in which two balloons collided, Turkish law applied, and the claim was successfully defended on the basis of Turkish aviation limitation law, which gave effect to the Montreal Convention.

Personal Injury

William has considerable experience in handling the most complex issues of liability and quantum in high-value personal injury claims in a variety of fields – sports injuries, road traffic, local authority, employers’ and public liability, travel and aviation litigation, and international claims involving accidents abroad with issues of jurisdiction and applicable law – and

has been instructed in many high-profile appeals in these fields in recent years. He is currently instructed by the Rugby Football League and the British Amateur Rugby League Association in the concussive brain injury litigation.

William has a sound knowledge of the law governing the assessment of damages and is a contributing author to the popular textbook "Personal Injury Schedules: Calculating Damages" (Bloomsbury Professional).

He is ranked as a leading silk in Personal Injury by all the major directories.

Recent cases include:

Nicholls v Mapfre; Woodford v Mapfre; Sedgwick v Mapfre [2024] EWCA Civ 7128. Important conjoined cases which determined that Spanish Penalty Interest was recoverable in personal injury claims brought in this jurisdiction where the applicable substantive law is Spanish law. The appeal determined that the penalty interest provisions are a matter of substantive not procedural law as a matter of EU law under Rome II and that it was recoverable. William led the appeals for Mapfre.

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Collins v Gotz [2021] EWHC 3282 (QB). Liability only trial.

Scumaci v Martin [2021] EWHC 2833 (QB). Liability only appeal.

Dougan v Bike Events Ltd (High Court) (Manchester District Registry) (11 June 2021) (HHJ Platts). This claim for catastrophic brain injuries arose out of an accident which occurred in the course of a well-known cycling sportive called the Manchester 100. The organiser was sued for alleged failures in respect of risk assessment, signage and marshalling. William represented the successful defendant: the claim was dismissed at a trial and the claimant's application for permission to appeal was dismissed by the Court of Appeal.

Mustard v Flower [2021] EWHC 846 (QB), an important decision concerning the lack of a need to plead fundamental dishonesty.

Swift v Carpenter [2020] EWCA Civ 1295 in which the Court of Appeal delivered a landmark decision overturning *Roberts v Johnstone* and changing the law in relation to the quantification of claims for the capital cost of accommodation.

Swift v Carpenter [2020] EWCA Civ 165, an important decision concerning the unavailability of protective costs orders in private civil litigation.

Farah v Abdullahi & others [2020] EWHC 825 (QB), a trial of liability in a claim for catastrophic brain injuries involving interesting issues of factual and legal causation, as well as identification.

Mustard v Flower [2019] EWHC 2623 (QB), a decision concerning the admissibility of covert recordings of medical examinations and also the inadmissibility of lengthy Part 35 questions of experts which amounted to cross-examination.

Pinkus v Direct Line [2018] EWHC 1671 QB, in which a claimant's claim for catastrophic injuries was dismissed in its entirety with costs for fundamental dishonesty. William represented the successful defendant.

Clinical Negligence

William acts in a variety of complex and high-value clinical negligence claims, usually for claimants, and his areas of specialism include spinal cord injuries (spinal epidural haematoma and abscesses etc.) and brain injuries.

Recent and ongoing cases include:

MAR (by Litigation friend KAR) v (1) Dr A (2) Dr B (ongoing). The claimant had poorly controlled hypertension. D2 was his GP who failed to advise C in relation to the risks of hypertension or how to achieve control. In February 2016, C presented at an urgent care clinic with symptoms of a stroke, and was examined, and negligently discharged by D1, also a GP. C then suffered a major stroke, causing a catastrophic brain injury. Liability was compromised in 2023 and approved. The claim continues on quantum.

K v An NHS Trust (ongoing): K was a young married woman who had a history of inflammatory bowel disease and a suspected diagnosis of Crohn's. She became unwell with fever, abdominal pain and diarrhoea, and ultimately attended hospital to rule out appendicitis. She was negligently discharged and suffered aspiration of vomit and bowel perforation with sepsis. Due to admitted negligence, she suffered cardiac arrest, but was resuscitated after three cycles of CPR. She consequently suffered a very severe hypoxic brain injury. Liability has been admitted in full and the claim proceeds on quantum.

BM v A University Hospitals NHSFT (ongoing: trial summer 2024). A claim involving the delayed diagnosis (with necessary imaging) by several orthopaedic consultants of cervical spinal cord compromise, leading to delayed surgery, resulting in tetraplegia. Breach and factual causation have been admitted but medical causation is in issue i.e. the nature and extent of the recovery that the claimant would have achieved but for the negligence. The trial will take place later this year.

DP v (1) LAS NHST and (2) Barts Health NHST (settlement approved October 2023). The claimant suffered catastrophic brain injuries as a result of clinical negligence in the delay in the diagnosis and treatment of a subdural haemorrhage. The case was proceeding towards a trial on liability and causation in October 2023 but shortly beforehand a global settlement was agreed and approved.

L v An NHS Trust (settled): The claimant was rendered paraplegic (T8 Frankel B) due to a delay in imaging and then decompressing spinal epidural haematoma. Settled at a JSM several weeks prior to the start of the liability trial.

E v An NHS Trust (ongoing): concerning the failure to diagnose and treat appropriately a spinal epidural abscess at T6-9, resulting in incomplete paraplegia. Causation and quantum are in dispute.

G v Dr X and an NHS FT (ongoing): concerning the failure to investigate a deteriorating neurological condition following a fall, by performing a spinal MRI and a neurological assessment, a failure to diagnose spinal cord compression, leading to spinal cord injury and paraplegia. Liability, causation and quantum are in dispute.

AB v Salisbury NHS FT (2021): concerned negligent groin hernia repair surgery on a lady resulting in the puncturing of her left common iliac artery, catastrophic blood loss, hypoxic brain injury and multiple organ failure. Liability was admitted after the issue of proceedings and the case settled for a lump sum of £1.85 million and periodical payments of £319,500 pa for life. The settlement engaged some challenging issues, in particular the quantification of the cost of accommodation in a short life expectancy case.

X v An NHS Trust (settled): The claimant was rendered permanently blind due to a failure to treat raised intra-cranial pressure secondary to cerebral venous thrombosis. The claim settled at mediation for sum in excess of £4m.

Fraud

William has an established reputation in the field of fraud, having advised and represented the local authority in the landmark case of ***Caerphilly County Borough Council v (1) Matthew Hughes (2) Jamie Verity (3) Christian Rowlands Lawtel*** (17.03.06), the first successful committal proceedings brought pursuant to CPR 32.14(2)(b) against a fraudulent claimant and his witnesses for signing deliberately false statements with a statement of truth.

More recently he represented the successful defendant in ***Pinkus v Direct Line*** [2018] EWHC 1671 QB, in which a claimant's claim for catastrophic injuries was dismissed in its entirety with costs for fundamental dishonesty.

He is currently instructed by an insurer in proceedings which seek to set aside an approved settlement of £2.5 million on the basis that it was obtained by fraud and in which an interim freezing order has been obtained.

Sport

Sports law has always played a central part in William's personal injury, clinical negligence and international law practice. He is a keen sportsman himself. He acts for claimants and defendants, including in high-profile claims in football and rugby, and his practice covers a wide variety of other sports such as skiing, water-skiing, sailing, cycling, scuba diving. He is currently instructed by the Rugby Football League and the British Amateur Rugby League Association in the concussive brain injury litigation.

Ongoing and recent cases include:

Football:

- William is currently instructed by several professional players whose careers have been affected by medical negligence.
- William acted for the defendant in a claim for loss of career earnings brought by former Premier League goal keeper Carlo Cudicini after a motorcycle accident.
- William has advised the PFA in relation to personal injury matters.

Rugby League: William is retained by the RFL and BARLA to lead the defence of a claim being brought against it by a large number of former RFL professionals who allege that they suffered a range of neurodegenerative injuries as a result of negligent governance of the professional game from the 1960s to date.

Cycling:

- ***Dougan v Bike Events Ltd*** (High Court) (Manchester District Registry) (11 June 2021) (HHJ Platts). This claim for catastrophic brain injuries arose out of an accident which occurred in the course of a well-known cycling sportive called the Manchester 100. The organiser was sued for alleged failures in respect of risk assessment, signage and marshalling. William represented the successful defendant: the claim was dismissed at a trial and the claimant's application for permission to appeal was dismissed by the Court of Appeal.
- A High Court claim for catastrophic spinal injuries resulting from an accident when the claimant – a keen amateur cyclist out cycling with friends – fell when cycling along a shared path for cyclists and pedestrians forming part of the A50 highway and over a central raised white line separating the two lanes of user. The claim alleged negligent design and construction (in the 1990s) of the pathway; negligent failure to remove the raised white line; and/or failure to warn the line was slippery when wet. The significance of this case was that there are hundreds of miles of such shared paths with raised white lines up and down the country. The claim was defended by William and settled for a modest sum.

Diving:

- A claim for injury and damage suffered by a stroke said to have resulted from a near drowning accident when

the claimant was using the second defendant's patented diving system while on holiday in the Caribbean. The stroke occurred many months after the claimant experienced breathing difficulties under water. The claim involved different laws (UK, Californian, and St Lucian) in relation to different defendants and different aspects of the claim, and issues of double insurance. The claim was settled.

Skiing: William has acted in a wide variety of cross-border skiing accident claims arising out of negligent skiing, falls arising out of negligent teaching/guiding and negligent boot/binding fitting and the like.

Mediation

William is a passionate believer in mediation and was a volunteer community mediator for many years. More recently he has become an accredited mediator for civil, commercial and workplace disputes, and he is now developing a successful practice in this field.

He has recently successfully mediated a compromise of all quantum issues in a high-value personal injury claim in which both sides were represented by senior silks.

Awards

Nominated for PI Silk of the year 2023 by both Chambers & Partners and Legal 500.

Award for Personal Injury/Clinical Negligence Junior Barrister of the Year in 2013

Memberships

Personal Injuries Bar Association

Professional Negligence Bar Association

European Circuit of the Bar

Pan-European Organisation of Personal Injury Lawyers

London Common Law and Commercial Bar Association

Directories

He is a great advocate and excellent in settlement meetings on very high-value claims. – Chambers & Partners, 2026

William Audland KC is my go-to silk on complex matters involving brain or spinal cord. He is excellent at identifying the issues and drilling down to get the best outcomes for our clients. – Chambers & Partners, 2026

William is simply one of the best. He is a superb advocate who is highly persuasive and widely respected. He is highly recommended for high-profile and sensitive work. – Chambers & Partners, 2026

William is really well liked by both claimants and defendant solicitors. – Chambers & Partners, 2026

He is phenomenally cerebral, and a slick advocate. – Chambers & Partners, 2026

William is capable of mastering the most complex of issues and gives excellent strategic advice. – Chambers & Partners, 2026

He is fantastic. – Chambers & Partners, 2026

A skilled and sharp advocate who is a go-to in cases of the utmost complexity. – Legal 500, 2026

William is a really tough advocate and his strength lies in his unwavering commitment to achieving the best results for his clients. – Legal 500, 2026

William is extremely highly regarded by solicitors and barristers alike. He has a brilliant intellect, is a formidable negotiator, is a first rate advocate, whilst also being a delight to work with and against. In short, he is top of the tree and a titan in the field. – Legal 500, 2026

In Travel & International law William is ranked as a Leading Silk in Band 1 by Chambers & Partners, and as a Leading Silk in Aviation and Travel by Who's Who Legal.

In Personal Injury William is ranked as a Leading Silk in Tier 1 by Legal 500, and Band 1 by Chambers & Partners.

In Clinical Negligence William is ranked as a Leading Silk in Band 3 by Chambers & Partners and Tier 4 by Legal 500.

Publications

Personal Injury Schedules: Calculating Damages (Bloomsbury Professional) 4th ed.; Contributing Editor.

Cases

Nicholls v Mapfre; Woodford v Mapfre; Sedgwick v Mapfre [2024] EWCA Civ 7128. Important conjoined cases which determined that Spanish Penalty Interest was recoverable in personal injury claims brought in this jurisdiction where the applicable substantive law is Spanish law. The appeal determined that the penalty interest provisions are a matter of substantive not procedural law as a matter of EU law under Rome II and that it was recoverable. William led the appeals for Mapfre.

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Swift v Carpenter [2020] EWCA Civ 165, an important decision concerning the unavailability of protective costs orders in private civil litigation.

Farah v Abdullahi & others [2020] EWHC 825 (QB), a trial of liability in a claim for catastrophic brain injuries involving interesting issues of factual and legal causation, as well as identification.

Mustard v Flower [2019] EWHC 2623 (QB), a decision concerning the admissibility of covert recordings of medical examinations and also the inadmissibility of lengthy Part 35 questions of experts which amounted to cross-examination.

Swift v Carpenter [2018] EWHC 2060 (QB). An assessment of damages in a claim for catastrophic injuries suffered by a trans-tibial amputee. The three-day appeal relating to the *Roberts v Johnstone* issues is due to be heard by the Court of Appeal in late June 2020.

Pinkus v Direct Line [2018] EWHC 1671 (QB). William represented the successful defendant in this case in which a claimant's claim for catastrophic injuries (originally alleged to include a subtle brain injury, but later alleged to arise out of serious psychiatric injury) was dismissed in its entirety with costs for fundamental dishonesty.

Noble Caledonia Ltd v Air Niugini Ltd No 1 [2017] EWHC 1095 (QB) and ***No 2*** [2017] EWHC 1393 (QB) concerning an application to strike out a claim on the grounds of jurisdiction and the invalidity of service in the jurisdiction (on a general sales agent domiciled here), and a cross application to serve the proceedings on the defendant out of the jurisdiction. An appeal on all issues was to be heard by the Court of Appeal in January 2018, but the case was compromised shortly before the hearing.