

# 12

King's Bench Walk

## David Sharpe QC

Call: 1999

Silk: 2020

sharpe@12kbw.co.uk



### AREAS OF EXPERTISE

Personal Injury, Clinical Negligence, Industrial Disease, Professional Negligence, International & Travel, Product Liability, Inquests, Property, Construction, Mediation, Arbitration, Other

### JUDICIAL APPOINTMENTS

Legal Chair Valuation Tribunal: 2008 to present

David is a specialist practitioner focusing on clinical (and professional) negligence, industrial disease/personal injury, Coronial and property law. David practices within all areas of England & Wales but also within Northern Ireland (and the Republic of Ireland) and considers himself to be the Irish branch of 12KBW.

He practiced as a doctor up to Consultant level in Emergency Medicine prior to qualifying as a Barrister and is able to bring this additional expertise and knowledge to all cases relating to medical practice and/or trauma.

As a practitioner within multiple jurisdictions David has developed expertise of jurisdictional issues and has built an international aspect to his practice. He regularly receives instructions from overseas.

David has adopted ADR and is a qualified arbitrator and mediator. He is happy to act either as arbitrator/mediator or as counsel in such ADR process.

David has embraced modern technology into legal practice and is able to accept e-briefs and undertake video-conferencing.

### Property

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David has considerable experience in all areas of property law including boundary disputes, landlord and tenant, adverse possession, easements, business tenancies and property damage ranging from multi-million pound commercial premises to client's homes.

David is an author for Lexis PSL on Property Law Issues providing regular articles and advice.

Notable cases include:

*Sterritt v Allied Irish Banks Ltd & Others [2013] NICH 6* – Acted for bank in this action which considered the effect of registration of a Mortgage Debenture and Mortgage charge upon deposits paid by various purchasers of 47 apartments within a development;

*Patterson –v- Shaw & Anor [2010] NICH13; [2011] NIQB 46; [2014] NICA 70* – A case which started out as a right of way dispute and ended up as a treatise on vexatious claims in the Court of Appeal;

*Odyssey Cinemas Ltd v Village Theatres Three Ltd and Sheridan Millennium Ltd (Third Party) [2010] NICA 25, [2010] NICH 1* – acted unled in a £3.5m Chancery action relating to the largest sporting and entertainment complex in Northern Ireland;

*B v H* – Current case in which the Claimant who has an easement over defendant's land for passage of water pipes seeks a declaration and injunction to permit replacement with significantly larger pipes to supply intensified fish farm.

## **Qualifications & Awards**

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Called to the Bars of England & Wales, Northern Ireland and Ireland

International Bar Association

MCI Arb 2015

Direct Access Training Course 2014

Member Faculty of Forensic & Legal Medicine 2006

Accredited Mediator 2004

Fellowship of the Royal College of Surgeons 2000

Certificate in Professional Legal Studies 1999

Bachelor of Legal Science Hons (QUB) 1998

DPH (University of Cambridge) 1995

Membership of the Royal College of Physicians 1993

Bachelor of Medicine, Bachelor of Surgery, Bachelor of Obstetrics (Distinction) Queen's University of Belfast 1990

Finance Monthly UK Corporate Barrister of the Year 2016

## **Appointments & Memberships**

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Legal Assessor MPTS 2009 to present

Legal Assessor NMC 2011 to present

Attorney General's Panel of Counsel – Panel A (NI)

Non-Executive Director HTA 2005-09

Professional Negligence Bar Association

Personal Injury Bar Association

Chartered Institute of Arbitrators

London Common Law & Commercial Bar Association

British Irish Commercial Bar Association

Commercial Bar Association

## Publications

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Regular articles on Property Law Lexis PSL

Lawyer Monthly – Article on ADR December 2015

## Cases

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*Breslin & Others v Murphy & Daly [2013] NICA 75 and [2013] NIQB 15* – Fatal Accident claim by 12 Claimants for unlawful killing arising out of the terrorist bomb in Omagh Town Centre on 15<sup>th</sup> August 1999. Reported by BBC as the largest civil action in UK legal history.

*The Commissioners for Her Majesty's Revenue & Customs –v- Aiga Spiridinova [2014] NICA 63* – European law meets UK tax. This case considered the issue of right of residence and tax status.

*DHSSPS v The Information Commissioner and The Attorney General for Northern Ireland (EA/2013/0081)* – Case considered whether the Attorney-General's advices could ever be disclosed under FOI;

*The Public Inquiry into Hyponatremia-related Deaths – 20/2/12 to 30/10/13*. Acted for Department of Health and Former Chief Medical Officer in respect of deaths caused by hyponatremia and alleged cover-up of deaths.

*Donnelly v Police Service of Northern Ireland and Northern Ireland Court Service [2011] NICA 66, [2010] NIQB 5* – Judicial Review in respect of police powers under POCA 2002

*Thiruvengadam v General Medical Council [2010] NIQB 123* – successful appeal by doctor against strike-off by GMC.

*Twibill v Pharmaceutical Society of Northern Ireland [2010] NIQB 41, [2011] NIJB 9*– successful appeal against Pharmaceutical Society;

*Re PF's and JF's Application for Judicial Review [2011] NIQB 20, [2011] NI 210*- Successful JR in respect of payments for care of a severely disabled adult;

*Re Turley [2013] NIQB 89* – Judicial Review of a Housing Association's allocation of housing including allegations of bias;

*McLarnon & Others, Re Judicial Review [2013] NIQB 40* – successfully acted for police in defence of claim for false arrest/imprisonment;

*Atkinson v Police Service of Northern Ireland [2015] NIQB 92*– Noise Induced hearing loss test case in which quantum for police cases was considered;