

## Matthew Stockwell

Call 1998



### Clerks' Details

- Sarah Rotherham
- 0151 242 8887

### Appointments

- Honorary Life Member, Association of Personal Injury Lawyers
- Working Party member and contributor to the Guide to the Conduct of Cases Involving Serious Injury

### Memberships

- APIL
- ALBA
- PIBA
- PNBA

### Education

- Trinity College, Dublin
- Liverpool John Moores University
- Liverpool College

### Overview CV

Matthew specialises in serious injury litigation and public law. His caseload is made up almost exclusively of cases with a mixture of high value (or other importance), sensitivity and complexity. He is recognised for his technical expertise and advocacy skills, combined with a strong work ethic and empathy with clients.

Matthew served on the executive committee of the Association of Personal Injury Lawyers (APIL) between 2007 and 2015, as Vice President in 2012 and President in 2013. He is co-author of the APIL Guide to Accidents at Work and has particular knowledge and experience of brain injury litigation, delivering APIL's brain injury training courses and actively contributing to APIL's catastrophic injury training programme.

Matthew has extensive involvement in appeals, test cases and declaratory proceedings. He is often counsel of choice in cases involving novel and developing areas of the law to assist on strategy. He relishes the prospect of working collaboratively with other professionals and places particular importance on delivering excellent client care and successful outcomes as part of a team.

Matthew has extensive experience of clinical and professional negligence claims and other cases of medical and technical complexity.

In the sphere of public law, Matthew has a longstanding academic and professional interest in health and social care provision. He obtained a Masters Degree from Trinity College, Dublin, following comparative research about issues of capacity and consent in the context of obstetric management, and regularly appears in the Court of Protection, Family and Administrative Courts on matters of the utmost sensitivity.

Matthew advises and lectures widely in the areas of health and social welfare decision-making, mental capacity and mental health, community care provision, learning disability and funding & charging issues.

## Publications

- Co-author of the APIL Guide to Accidents at Work.
- Chapter editor and contributor to APIL Personal Injury: Law, Practice and Precedents Service (since 2017).
- Specialist contributor to Judicial Review: Law & Practice (Jordans – 1st and 2nd Editions).
- Past Editorial Board Member, Journal of Personal Injury Law.

## Beyond the Bar

Outside work, Matthew's main interests are cooking (an early starter at 4 years of age), outdoor sports (including skiing, walking and scuba diving), travelling (highlights include trekking to Machu Picchu, diving and sailing around the Galapagos Islands, watching the sunrise from the Ganges River in Varanasi and visiting Mountain Gorilla families in the rainforests of Rwanda) and family (he is married with two small and boundlessly energetic children).

Matthew is also a Community Governor at Palmerston School, a state special school for boys and girls aged from 11 to 19, which nurtures and supports young people with more serious and profound learning disability.

## Recommendations

“He’s very meticulous and handles very high-value cases”

“Matthew has a great analytical approach to clinical negligence and complex personal injury claims.”

**Chambers and Partners 2024**

“Matthew is strong in identifying issues and considering solutions to problems when they arise. He works well with experts, identifying any weaknesses in their evidence which need to be explored, he is very good at planning ahead in the most serious of cases, and he is good at drafting high-value schedules of loss.”

“Matthew is strong in achieving outstanding outcomes for his clients. His approach to clients is sympathetic yet practical in seeing a way through very complex issues.”

**The Legal 500 2024**

“He thinks outside the box.”

“Matthew is incredibly intelligent and conscientious.”

“He is a very effective advocate. He makes really difficult concepts easy to understand.”

**Chambers and Partners 2023**

“Matthew has an encyclopaedic knowledge of the law relating to clinical negligence claims. His input to drafting the opening and closing submissions at trial is invaluable. He is always ready and willing to provide expert witness recommendations based on first-hand experience.”

“Matthew is thorough and gets to grips with the issues in a case. He plans the progression of cases well, knows the relevant law and addresses both liability and quantum in a practical and informative manner. He has good client skills, demonstrates empathy and puts them at ease. His advocacy is also good and he is helpful and approachable.”

**The Legal 500 2023**

“Great attention to detail and organisational skills. Genuine empathy with clients. Not afraid to take on complex cases.”

“Matthew is a fantastic legal mind but approachable with clients and lawyers alike. He is a superb tactician and is prepared to explore all avenues to drive a case to success. He will remain a go-to barrister for clinical negligence work.” **The Legal 500 2022**

“He knows the topics inside out and he knows the direction he wants cases to go in.”

“An excellent senior junior barrister - he really gets into the minutiae of the case.” “A superb tactician who is great on the detail and very approachable.” **Chambers & Partners 2022**

“He is very responsive and helpful in answering questions. His questioning of experts in conference is very well prepared and thorough. He is very clear with clients.”

“He is excellent at getting to the heart of cases. He has a very good knowledge of relevant case law and the CPR and I know that I can rely upon his advice. He has excellent client care skills too and is flexible in his dealings with the clients and experts. He knows how to gain their trust. He plans cases ahead of time. Always keen to be helpful.” **The Legal 500 2021**

“He has a good manner with clients.” **Chambers & Partners 2021**

“Is an encyclopaedia of forensic and tactical knowledge.” “He is an organised and persuasive advocate both in orally and in writing.” **The Legal 500 2020**

“He is an organised and persuasive advocate and an encyclopaedia of forensic and tactical knowledge.” **The Legal 500 2018/19**

“His recall of principle is encyclopaedic.” **The Legal 500 2017**

“His empathetic approach goes down well with clients. He works hard and achieves good results as a consequence.” **Chambers & Partners 2016**

“He is very capable and has a good approach to the work. Very straightforward and knowledgeable, he keeps up to date with the law and the process in this area.” **Chambers & Partners 2016**

“Well known for handling complex personal injury cases, particularly those involving brain injury and issues relating to mental capacity. Interviewees praise his high level of technical skill. “Out of all the barristers I deal with he has a unique ability to spot appeal points and persuade the court to accept his point of view.” “He is very good on paper and on his feet.” **Chambers & Partners 2015**

“Respected junior on the Northern Circuit noted for his skill in handling deprivation of liberty cases on behalf of the vulnerable adult. He has particular knowledge of cases stemming from acquired brain injury. “Delivers very passionate, well-balanced arguments.” Acted for the applicant in bringing a successful appeal to have an elderly woman with complex medical treatment needs released from a care home.” **Chambers & Partners 2015**

“Maintains a broad practice in judicial review proceedings, with a particular interest in health, social welfare, education, human rights and mental health issues. He acts for local authorities, government and individuals. “He gives calm, assured and authoritative advice.” Acted in the Supreme Court for the appellant challenging the refusal of the Health Secretary to make a referral to the First-Tier Tribunal to review her detention under the Mental Health Act.” **Chambers & Partners 2015**

“Strong in brain injury cases, including those involving mental capacity issues.” **The Legal 500 2014**

“An experienced judicial review and local government petitioner.” **The Legal 500 2014**

“Handles a range of public law matters including those pertaining to healthcare and social welfare.” **Chambers & Partners 2014**

“Liverpool-based Matthew Stockwell represents individuals, family members, local authorities and the Official Solicitor. “He can spot unusual points in a case which others might not be able to.” **Chambers & Partners 2014**

“Acts in a range of serious and catastrophic injury cases for claimant and defendant solicitors, including complex and catastrophic work relating to brain and spinal cord injuries and amputations “He’s a very competent and knowledgeable member of the Bar.” **Chambers & Partners 2014**

“Liverpool-based Matthew Stockwell...focuses on adult welfare issues, and frequently acts on behalf of local authorities. As a member of the Association of Personal Injury Lawyers, an organisation of which he is now Vice-President, he has been involved in challenging the Lord Chancellor’s review of the discount rate prescribed under the Damages Act 1996.” **Chambers & Partners 2013**

“Matthew Stockwell...is hailed for a practice that extends to health, social welfare, adult safeguarding and mental capacity issues. Sources emphasise that he is their advocate of choice before the Court of Protection. He has a huge breadth of experience thanks to his diverse work for claimants, local authorities and the Official Solicitor. Interviewees cannot praise him enough for his work ethic. “He works round the clock to deliver the most rigorous service to clients”, sources say.” **Chambers & Partners 2012**

“Matthew Stockwell...is the secretary of the Northern Administrative Law Association. Added to this, he has an impressive public law practice, principally acting for local authority clients in mental health and community care-related matters.” **Chambers & Partners 2011**

“Matthew Stockwell has recently been involved in several high value, complex PI and clinical negligence claims.” **The Legal 500 2011**

“Matthew Stockwell is praised for his expertise in community care law.” **The Legal 500 2011**

“Chambers has developed a local authority following for regulatory and public law instructions, spearheaded by Matthew Stockwell.” **The Legal 500 2010**

## Reported cases

### [Select Car Rentals \(North West\) Ltd v Esure Services Ltd](#)

[2017] EWHC 1434 (QB); [2017] 1 W.L.R. 4426; [2017] 3 Costs L.R. 537; [2018] R.T.R. 8 – Turner J – 19/06/2017

Appeal by Hire Company against the making of a non-party costs order against the background of the Qualified One-way Costs Shifting (QOCS) regime. Whilst dismissing the appeal, the Court held that CPR r.44.16(3) did not introduce any new (i.e. widened) jurisdictional basis for making of non-party costs orders (represented appellant).

### [Pollock v Cahill](#)

[2015] EWHC 2260 (QB) – William Davis J – 30/07/2015

High profile, novel catastrophic injury claim on behalf of renowned, blind adventure athlete who fell from second floor window of friends' property suffering spinal cord injury. Claim against public liability insurer limited to £2 million (represented claimant as junior).

### [Chambers v HM Coroner for Preston and West Lancashire](#)

[2015] EWHC 31 (Admin); [2015] Inquest L.R. 1 – DC (Bean LJ, Judge Thornton QC) – 14/01/2015

Divisional Court application under Section 13 of the Coroners Act 1988 for an order quashing inquest in connection with prison suicide (represented child of the deceased).

### [R \(on the application of Revenue & Customs Commissioners\) v HM Coroner for the City of Liverpool & Others](#)

[2014] EWHC 1586 (Admin); [2014] B.T.C. 28 – DC (Gross LJ, Burnett J) – 21/05/2014

High profile application for judicial review concerning Coroners and Justice Act 2009, Schedule 5. The Court held that the 2009 Act bound the Crown by necessary implication, therefore the Revenue was bound to comply with notices issued under schedule 5 by a coroner requiring details of the occupational history of an individual for the purpose of an investigation into his death (represented the Association of Personal Injury Lawyers on a pro bono basis, successfully petitioning for interested party status and preparing its written submissions).

### **WH v Warrington Borough Council**

[2014] EWCA Civ 398; [2014] 3 All E.R. 747; [2014] P.T.S.R. 811; [2014] B.L.G.R. 374; [2014] E.L.R. 212 – CA (Civ Div) (Lord Dyson MR, Pitchford LJ, Rafferty LJ) – 2/04/2014

Important consolidated appeal clarifying conflicting first instance decisions as to the proper construction of the Education Act 1996, s.9. The Court held that “public expenditure” was to be construed widely so as to mean any expenditure incurred by a public body, as opposed to “private expenditure”. In context, when comparing school placements for a child with special educational needs, a local authority had therefore to take account of the costs of respite care and other costs which would be met at public expense, and was not limited to considering costs arising under its education budget (represented local authority).

### **Dunhill v Burgin**

[2014] UKSC 18; [2014] 1 W.L.R. 933; [2014] 2 All E.R. 364; [2014] R.T.R. 16; [2014] C.O.P.L.R. 199; (2014) 17 C.C.L. Rep. 203; [2014] P.I.Q.R. P13; Times, March 28, 2014 – SC (Lady Hale DPSC, Lord Kerr JSC, Lord Dyson JSC, Lord Wilson JSC, Lord Reed JSC) – 12/03/2014

Leading authority on legal test for litigation capacity and compromise of proceedings by protected parties. The Court held that a litigant’s capacity to conduct proceedings was to be judged on the basis of the claim which they actually had, not on the basis of the claim as formulated by their lawyers. CPR Pt 21 invalidated a consent judgment involving a protected party where it had been reached without the appointment of a litigation friend and court approval, even where the individual’s lack of capacity had been unknown at the time of the compromise (represented appellant as junior).

### **In re M (An Adult) (Capacity: Consent to Sexual Relations)**

[2014] EWCA Civ 37; [2014] 3 W.L.R. 409; [2014] 3 All E.R. 491; [2014] 2 F.C.R. 13; [2014] C.O.P.L.R. 246; (2014) 17 C.C.L. Rep. 39; [2014] Med. L.R. 345 – CA (Civ Div) (Sir Brian Leveson PQBD, Tomlinson LJ, McFarlane LJ) – 23/01/2014

Leading authority on the legal test for capacity to consent to sexual relations. The Court held when assessing whether an individual had the capacity to consent to sexual relations pursuant to the Mental Capacity Act 2005 s.3(1), the Court should adopt a general approach, using and weighing up all relevant information in accordance with s.3(1)(c), rather than a ‘person’ or ‘event’ specific approach (represented appellant as junior).

### **Re M (Best Interests: Deprivation of Liberty)**

[2013] EWHC 3456 (COP); [2014] C.O.P.L.R. 35; (2014) 135 B.M.L.R. 189 – COP (Peter Jackson J) – 23/10/2013

Appeal under Section 21A of the Mental Capacity Act 2005 against deprivation of liberty for the purposes of management of a life threatening diabetic condition. The Court held that when determining whether a standard authorisation depriving a patient of liberty should be maintained, it was necessary to balance the patient’s wishes, the risks to her health of a return home and the risks to her health of staying at the care home given her

threats to kill herself. It was important to have regard to the patient's own assessment of her quality of life. Having weighed all of those matters, it was not in her best interests to remain at the care home (represented appellant).

**R (on the application of Modaresi) v Secretary of State for Health**

[2013] UKSC 53; [2013] 4 All E.R. 318; [2013] P.T.S.R. 1031; (2013) 133 B.M.L.R. 1; [2013] H.R.L.R. 35 – SC (Lord Neuberger PSC, Lady Hale JSC, Lord Wilson JSC, Lord Sumption JSC, Lord Carnwath JSC) – 24/07/2013

Appeal regarding exercise of powers under the Mental Health Act 1983 s.67(1). The Court held that the Secretary of State had not erred in refusing to exercise his discretion to refer a mental health patient's case to the First-tier Tribunal in circumstances where the tribunal had unlawfully declined to hear the patient's s.66 challenge to her detention (represented appellant as junior).

**Uren v (1) Corporate Leisure (UK) Ltd (2) Ministry of Defence**

[2013] EWHC 353 (QB) – QBD (Foskett J) – 26/02/2013

Judgment following two week retrial of claim by serviceman suffering tetraplegia at a 'Health and Fun Day' at an RAF base. The Court held that a competent risk assessment would have concluded that the relevant activity carried a risk of serious injury which could not be justified in the light of the social value of the game. The organisers should have banned head-first entry to the pool which would have prevented the claimant's injury (represented appellant as junior – claim settled at subsequent mediation).

**Karoonian & Gibbons v Child Maintenance & Enforcement Commission**

[2012] EWCA Civ 1379; [2013] 2 Costs L.O. 187; [2013] 1 F.L.R. 1121; [2012] 3 F.C.R. 491; [2013] H.R.L.R. 3; [2013] Fam. Law 22; [2013] P.T.S.R. 635; Times, December 27, 2012 – CA (Civ Div) (Ward LJ, Richards LJ, Patten LJ) – 30/10/2012

Consolidated appeals successfully challenging aspects of practice and procedure under the Child Support Act 1991 s.39A regarding the imposition of committal orders for wilful refusal or culpable neglect in the making of child maintenance payments, prompting a review of the Commission's procedures to ensure compliance with the requirements of the European Convention on Human Rights 1950 art.6 (represented appellants as junior).

**R (on the application Modaresi) v Secretary of State for Health & Others**

[2011] EWCA Civ 1359; [2012] P.T.S.R. 999; [2011] M.H.L.R. 311; [2012] A.C.D. 37 – CA (Civ Div) (Mummery LJ, Richards LJ, Black LJ) – 23/11/2011

Important appeal clarifying computation of time for the making of applications for review under the Mental Health Act s.66(1), the Court applying the approach in *Mucelli v Albania* [2008] 1 W.L.R. 2437 to extend time where the 14 day time limit fell on a non-working day (represented appellant as junior).

**Fox v Foundation Piling Ltd**

[2011] EWCA Civ 790; [2011] C.P. Rep. 41; [2011] 6 Costs L.R. 961 – CA (Civ Div) (Ward LJ, Moore-Bick LJ, Jackson LJ) – 7/07/2011

Successful appeal against the making of an adverse costs order following compromise of a protracted employer's liability claim. The Court gave important guidance on the correct approach to CPR Parts 36 and 44.3, awarding the claimant his costs in full where he had recovered more than the amount offered by the defendant. Even though he had exaggerated his claim, the claimant's conduct was not, in the circumstances, such as to justify a departure from the general rule that the unsuccessful party should pay the costs of the action (represented appellant).

**Uren v (1) Corporate Leisure (UK) Ltd (2) Ministry of Defence**

[2011] EWCA Civ 66; (2011) 108(7) L.S.G. 16; [2011] I.C.R. D11 – CA (Civ Div) (Smith LJ, Aikens LJ, Pitchford LJ) – 2/02/2011

Successful appeal against dismissal of claim for damages following catastrophic injury suffered during a negligently organised MoD Health & Fun day. The Court also confirmed (on the MoD cross-appeal) that the duty to undertake a risk assessment was closely related to the common law duties of the employer and was non-delegable (represented appellant as junior).

**Massie v (1) H (2) M**

[2014] EWCA Civ 115; [2011] M.H.L.R. 288 – CA (Civ Div) (Maurice Kay LJ, Thomas LJ, Etherton LJ) 25/01/2011

Application clarifying the destination of appeals under Part II of the Mental Health Act 1983. The Court confirmed the application of the general rule under the Access to Justice Act 1999 (Destination of Appeals) Order 2000 art.3, that appeals from the County Court lay to the High Court (represented applicant).

**Fox v Foundation Piling Ltd (joined with Thorne v Courtier & Others)**

[2011] EWCA Civ 104; [2011] P.I.Q.R. Q3 – CA (Civ Div) (Maurice Kay LJ (VP CA Crim), Moore-Bick LJ, Etherton LJ) – 19/01/2011

Clarification provided by Court regarding destination of appeals following partial compromise. In two cases involving multi-track proceedings which had both been settled, a declaration by the county court clarifying the terms of a compromise agreement which had led to the settlement of the first set of proceedings, and an order awarding costs in the second proceedings were final decisions for the purposes of the Access to Justice Act 1999 (Destination of Appeals) Order 2000 art.1 (represented appellant through written submissions).

**Re P (Vulnerable Adult)**

[2011] EWHC 2778 (Fam); [2011] 2 F.L.R. 1375 – COP (Hedley J) – 21/01/2011

Appeal under Section 21A of the Mental Capacity Act 2005. The Court discharged an authorisation to detain a patient in hospital where the medical evidence was that the

patient's life expectancy was one to two years, and it had regard to the desirability of allowing people, where possible, to spend their end time within the family rather than in an institution, even if there would be shortcomings in terms of his dementia care (represented appellant).

### **Threlfall v Hull City Council**

[2010] EWCA Civ 1147; [2011] I.C.R. 209; [2011] P.I.Q.R. P3; Times, March 4, 2011 – CA (Civ Div) (Ward LJ, Smith LJ, Jackson LJ) – 20/10/2010

Second-tier substantive appeal concerning employer obligations. The Court gave guidance about the correct approach to the Personal Protective Equipment at Work Regulations 1992 reg.4 and reg.6 with particular emphasis on how to determine whether personal protective equipment was “suitable” (represented appellant, as junior).

### **Culkin v Wirral Independent Appeal Panel**

[2009] EWHC 868 (Admin); [2009] E.L.R. 287 – QBD (Admin) (Nicol J) – 29/04/2009

Judicial review of Independent Appeal Panel decision upholding pupil exclusion. The Court held that the Panel had been justified in upholding the decision; it had properly applied the civil standard of proof in its determination that the pupil's conduct justified his exclusion (represented respondent).

### **Evans v CIG Mon Cymru Ltd**

[2008] EWCA Civ 390; [2008] P.I.Q.R. P17; [2008] 1 W.L.R. 2675 – CA (Civ Div) (Laws LJ, Arden LJ, Toulson LJ) – 18/01/2008

Second-tier procedural appeal concerning correct interpretation of CPR r17.4. The Court held that in order to decide whether a proposed amendment to a claim form raised a new cause of action or simply clarified an inconsistency, caused by a clerical error, between the claim form and the particulars of claim, it was proper to look at the proposed amendment in the context of not just the claim form but of the pleaded case as a whole (represented appellant, including oral renewal application: Evans v CIG Mon Cymru Ltd [2007] EWCA Civ 934).

### **R (on the application of Jones) v Chief Constable of Cheshire Police**

[2005] EWHC 2457 (Admin); (2006) 170 J.P. 1; [2006] Po. L.R. 24; (2006) 170 J.P.N. 254; Times, November 4, 2005 – QBD (Admin) (Bean J) – 31/10/2005

Application for judicial review clarifying police powers under the Pedlars Act 1871. The Court held that the Chief Constable had acted unlawfully in seizing and purporting to revoke a pedlar's certificate. The sole power to deprive a pedlar of his certificate lay with the courts under s.16 of the Act (represented applicant).