



1 CROWN OFFICE ROW



Duncan  
Fairgrieve  
Call: 2008

Duncan Fairgrieve has a wide-ranging practice in public law, EU law, human rights and commercial law. He has appeared in all major jurisdictions in England and Wales, including the Court of Appeal and the Supreme Court.

Duncan was instructed as counsel in a series of landmark Supreme Court cases on the negligence liability of public authorities : *Michael v South Wales Police [2015] UKSC 2* and *Robinson v Chief Constable of West Yorkshire [2018] UKSC 4* (led by Nicholas Bowen QC), and *CN & GN v Poole BC [2019] UKSC 25* (led by Lizanne Gumbel QC). He is currently instructed on another significant case before the Supreme Court concerning the tort of negligence, to be heard during 2020. He is co-author with Dan Squires QC of the leading practitioner text on this topic, *Negligence Liability of Public Authorities (2nd edition, OUP, 2019)* He has also been instructed in significant cases on human rights issues, such as *Cheshire West and Chester Council v P [2014] UKSC 19* (Supreme Court case on Article 5 ECHR) and *A v Essex CC [2010] UKSC 33* (Supreme Court case on the meaning of Article 2 Protocol 1 right of access to effective education under the ECHR).

Duncan has particular expertise in product liability litigation and mass torts, and has been involved in many of the iconic products cases in England and France (including in the pharmaceutical and medical device sector, chemicals, yachts, automobiles, and tobacco). He is co-author with Prof. Richard Goldberg of the leading practitioner text on this topic, *Product Liability (Oxford University Press, 3<sup>rd</sup> Edition, 2020)*.

Duncan's practice has a significant international and cross-border element. He regularly provides expert evidence on English, French and Comparative Law issues in domestic and foreign proceedings, including before the English Court of Appeal and Supreme Court, before courts in Europe, the United States and Canada, as well as many other jurisdictions. He is also often instructed in offshore litigation, with particular expertise regarding offshore contract and commercial law, including the jurisdiction of Jersey, Channel Islands, where he taught Jersey and comparative contract law for many years at the Institute of law, Saint Helier. He is currently leading a project in Jersey to draft a Restatement of the Jersey law of contract.

Duncan is also a leading legal academic and has held senior positions in the UK and abroad. He has been Senior Fellow in Comparative Law at the British Institute of International and Comparative Law, London since 2001, where he is also responsible for the [Product Liability Forum](#). As an academic, he has published widely, including 20 books, and as co-editor of the festschrifts for Lord Slynn and Lord Bingham. His work has been cited extensively by the courts in the UK and abroad.

Duncan Fairgrieve is Professor of Comparative Law at [Université de Paris Dauphine PSL](#) in France. He was called to the Paris Bar in 2002 and also practises as a French avocat before the Paris Bar, from [49 boulevard de Courcelles, Paris](#).

### Significant cases:

- ***Ecila Henderson v Dorset Healthcare University NHS Foundation* [2020] UKSC 43** : UK Supreme Court decision on the defence of illegality in tort law.
- ***CN & GN v Poole BC* [2019] UKSC 25**: UK Supreme Court considered the extent to which local authorities and their employees owe a common law duty to protect children from harm caused by third parties.
- ***Robinson v Chief Constable of West Yorkshire* [2018] UKSC 4**: Led by Nicholas Bowen QC in landmark judgment on the tort of negligence.
- ***Michael v South Wales Police* [2015] UKSC 2** (led by Nicholas Bowen QC) : Landmark judgment on the tort of negligence before specially-convened seven-judge panel of the Supreme Court concerning the negligence of police and Article 2 ECHR.
- ***Cheshire West and Chester Council v P* [2014] UKSC 19** (with Elizabeth-Anne Gumbel QC, and Henry Witcomb: Supreme Court case on Article 5 ECHR.
- ***A v Essex CC* [2010] UKSC 33** (with Nicholas Bowen QC): Supreme Court case on the meaning of Article 2 Protocol 1 right of access to effective education under the ECHR.
- ***Mobilx Ltd & Calltel Telecom Ltd v HMRC* [2010] EWCA Civ 517** (with Michael Patchett-Joyce): Court of Appeal test case on ECJ Kittel test – knowledge of connection with VAT fraud.
- ***X and Y v London Borough of Hounslow* [2009] EWCA Civ 286** (with Elizabeth-Anne Gumbel QC, and Henry Witcomb QC) : Court of Appeal case regarding public authority liability.
- ***Neil Martin Limited v HMRC* [2007] EWCA Civ 1041**:(with Nicholas Bowen QC) : Court of Appeal test case on whether the tax authorities owe a duty of care in tort to the taxpayer.

### Appointments

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- French avocat practising from 49 boulevard de Courcelles, Paris. (Called 2002)
- Senior Fellow in Comparative Law and Director of the Product Liability Forum, British Institute of International and Comparative Law (2001-present)
- Professor of Comparative Law at Université de Paris Dauphine PSL
- Member, European Commission's Expert Group on Liability and New Technologies (Product Liability Formation), (2018 – present.)

### Awards

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- Henri Texier Prize, awarded by the French Academy (for his book *Droits et Libertés en France et au Royaume-Uni*, Odile Jacob, 2006)

## Education

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- Brasenose College, Oxford (DPhil, MJur)
- L'Université de Paris I, Sorbonne (Maitrise)
- King's College London (LLB)

## Publications

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- Regular contributor to leading law journals worldwide in both English and French. Author / or editor of over 20 books.
- *Product Liability* (Oxford University Press, 3rd Edition, 2020), co-author with Pr. Richard Goldberg
- *Negligence Liability of Public Authorities* (2nd edition, OUP, 2019), co-author with Dan Squires QC.
- *Comparative law in Practice: Contract Law in a Mid-Channel Jurisdiction*, Hart Publishing (2016)
- *Tom Bingham and the Transformation of the Law*, (Co-Author with Mads Andenas) Oxford University Press (2009)
- *Droits et Libertés en France et au Royaume-Uni*, Odile Jacob (2006)