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# Toby Stewart

**Year of Call:** 1989
**Telephone:** 0115 947 2581

## Overview

**Toby specialises principally in personal injury-related claims, including disease, clinical negligence, counter fraud and defending Health and Safety prosecutions.**

He is known to be very approachable and prides himself on providing a reliable service to his clients.

He was formerly an officer in the Royal Navy, is married to a GP and has two children.

Interests away from the Bar include travel, skiing, running, SCUBA diving, sailing, raising money for good causes, tennis and squash.

# Expertise

## Serious Injury

Toby has recent experience of claims involving life-changing injuries, including catastrophic birth injury, traumatic brain and spinal cord injury and leg amputation.

He understands the need to work as part of a team to achieve a result which attempts to restore a quality of life to the most badly injured individuals.

## Disease

Toby has extensive experience across the range of industrial disease claims.

He was junior counsel to Pretty Polly Limited in the Nottinghamshire and Derbyshire textile workers test case deafness litigation, which tested important principles in noise-induced hearing loss claims and set out guidance upon issues of liability and causation in cases involving noise levels below 90 dB(A), in the High Court, the Court of Appeal and the Supreme Court.

He has acted for the rail and telecommunications industry in deafness and HAVS claims.

He has a vast experience of asbestos claims, as well other respiratory claims and has a particular interest in complex cases involving issues of breach and causation.

He has represented defendants in HAVS litigation as well as claims arising from exposure to oil mists involving dermatitis and respiratory complaints such as extrinsic allergic alveolitis (EAA) and occupational asthma.

He has experience of claims involving work–related upper limb disorders, including CTS.

He has appeared in numerous limitation hearings involving arguments about date of knowledge and Section 33 discretion in claims in involving deafness, HAVS and asbestos.

## Clinical Negligence

Toby has considerable experience in this field, having acted for both Claimants and Defendants in claims involving NHS trusts and private hospitals, consultants, nurses and general practitioners.

He was involved in a high profile claim involving allegations of negligence in treating Down's Syndrome babies suffering from AVSD.

Recent claims include claims against hospitals and doctors arising out of misdiagnosis or negligent care and treatment, involving complex issues of breach and causation.

## Personal Injury

Toby has a wide range of experience in the personal injury field, acting both for Claimants and Defendants.

Recent claims include serious head injuries, highway tripping cases, occupiers' liability claims, factory accidents, violence against employees from members of the public, claims by pupils against LEA's, construction site accidents and numerous claims involving vicarious liability.

In addition, he has particular specialist knowledge of limitation in personal injury cases.

He has also been instructed to advise and represent defendant companies involving fatalities both in the Coroner's Court and further to health and safety prosecutions.

## Group Actions

Toby has experience of group actions/litigation, in particular through his involvement in disease cases, including the Nottinghamshire and Derbyshire textile workers' deafness claims.

## Motor

Toby has dealt with numerous high value motor claims, acting for both Claimants and Defendants, including fatal accidents and catastrophic injuries.

## Counter Fraud

Toby has been involved for many years representing insurers defending claims involving allegations of fraud and cases of exaggeration.

He has particular experience in cases involving the use and admissibility of video surveillance evidence.

He regularly advises on tactics and procedure relating to the defence of such claims.

## Criminal Regulatory

Toby has experience of numerous Health and Safety Prosecutions, mainly arising out of alleged breaches by companies of the Health and Safety at Work etc. Act 1974 and the health and safety regulations.

He has been involved in breaches concerning asbestos removal, construction sites, falls from height, fatalities, work equipment and protective equipment.

He has undertaken work involving advice to employers on guilty/not guilty pleas, together with drafting and presenting arguments in mitigation.

# Professional Memberships

- Personal Injuries Bar Association
- Professional Negligence Bar Association

# Education

- LLB (Hons), University of Sheffield

# Notable Cases

*Laughton v Shalaby* [2014] EWCA Civ 1450. Clinical negligence, confirming that there was no principle in clinical negligence cases analogous to the admissibility of bad character evidence in criminal law in which the court could infer negligence in

one case from evidence of incompetence in other cases.

*Baker v Quantum Clothing Group Limited & Others* [2011] UKSC 17, junior counsel to Pretty Polly Limited. Industrial disease, landmark decision about the application of "standards of the day" in disease claims.

*Baker v Quantum Clothing Group & Meridian Limited & Pretty Polly Limited* [2009] EWCA Civ 499. Counsel to Pretty Polly Limited.

*Parkes v Meridian Limited* [2007] EWHC B1 (QB). Nottinghamshire and Derbyshire Deafness Litigation, junior counsel to Pretty Polly Limited.

*Piper v JRI (Manufacturing) Limited (2006) 92 BLMR 141.* Defective hip prosthesis; product liability.

*Kristian Adey v Leeds HA & NHS Litigation Authority LTL 16.1.01.* Clinical negligence; AVSD in downs syndrome patients.

*Widdowson v Newgate Meat Company* [1998] PIQR 138. Res ipsa loquitur in road traffic cases.

# Recommendations

*"Toby is exceptional."*

- Chambers UK 2026

*"Toby is a pleasure to deal with."*

- Chambers UK 2026

*"An excellent barrister, particularly with complex litigation, with very good client care skills."*

- Chambers UK 2025

*"Toby is very highly regarded, and for good reason."*

- Chambers UK 2025

*"He's very efficient in dealing with paperwork and is a very strong advocate."*

- Chambers & Partners 2021 - Personal Injury

*"A personal injury specialist."*

- Legal 500 2021 - Personal Injury

*"His written advice is always calculated and he's very quick at turning things around. He's robust in cross-examinations and showcases his detailed knowledge of the facts of the case. He has a calm and reassuring manner at trial and is always prepared to fight his client's corner to ensure the best possible result."*

- Chambers & Partners 2020 - Personal Injury

*"A personal injury specialist."*

- Legal 500 2020 - Personal Injury

*"He is very user-friendly and quick to respond." "He's very good with clients – he's always very understanding and sensitive but at the same time he is able to disassociate himself in order to give good and sound advice."*

- Chambers & Partners 2019 - Personal Injury

*"Experienced across a broad range of personal injury matters."*

- Legal 500 2019 - Personal Injury and Clinical Negligence

*"Well-regarded barrister with a broad practice encompassing personal injury, clinical negligence and health and safety cases. He has a wealth of experience in disease claims." "Incisive and thinks outside the box." "Thorough, knowledgeable*

*and excellent with clients." "Very personable and makes clients feel at ease."*

- Chambers & Partners 2017 - Personal Injury

"A pragmatic adviser."

- Legal 500 2017 - Personal injury and Clinical Negligence

*"He has an excellent presence in court and with clients."*

- Legal 500 2016 - Personal Injury and Clinical Negligence

*"Well-regarded barrister with a wealth of experience in disease claims. Solicitors draw attention to his excellent interpersonal skills".*

*"Toby is excellent with clients: he has a nice, reassuring manner and a clear and calm approach."*

- Chambers & Partners 2016 - Personal Injury

*"Toby Stewart is particularly expert in industrial injury and disease."*

- Legal 500 2015 - Personal injury and Clinical Negligence

*"Very approachable, reliable."*

- Legal 500 2014 - Personal Injury and Clinical Negligence

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