



## Emma Northey

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Emma Northey specialises in Personal Injury, Inquests, and Civil Fraud.

She has significant experience in the County Courts, where she acts for both claimants and defendants in Fast Track and Multi-Track matters. In the Coroner's Courts, she has been instructed by insurers, local authorities and other public bodies.

Before coming to the Bar, Emma was a Trading Standards Officer for 15 years.

## Expertise

### Personal Injury

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In addition to cases arising from road traffic accidents, Emma has been instructed in numerous occupier's liability, public liability, employer's liability, and defective product claims.

Having studied psychology at university, Emma has an especial interest in cases where a brain injury or psychological damage is alleged, as well as in those cases, such as chronic pain, where there may be a psychological element to symptoms that are experienced as physical pain or loss of function.

Emma has acted in cases where holiday sickness and/or an accident was suffered abroad (both within and outside the EU). She also has experience in the Criminal Injuries Compensation Tribunal.

### Motor Insurance Fraud

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Emma is regularly instructed by both claimants and defendants in cases where fundamental dishonesty is suspected, and either CPR r44.16 or s57 of the Criminal Justice and Courts Act 2015 may therefore be engaged. She also has experience of drafting applications for committal for contempt of court.

Emma is well-versed in the thorough analysis of medical, financial, social media and other records that is typically required in such matters. She is also conversant with expert engineering evidence, having been

involved with such cases during her Trading Standards career. She welcomes the opportunity to advise on investigatory techniques and tactics in the early stages of fraud investigations.

## **Notable Motor Insurance Fraud cases**

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### Ahmed v Al-Shammaa & Ors (2021)

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Emma (instructed by Michael Bradbury of Horwich Farrelly) obtained a finding of fundamental dishonesty against the Claimant. The judge was satisfied that his entire case was inherently implausible. Although he had been involved in an incident with one of the Defendants, whose evidence had been accepted as clear and reliable, the rear end shunt that the Claimant alleged had not taken place.

The Claimant had not attended his GP at any time, had claimed for physiotherapy undertaken beyond the prognosis period, had given inconsistent information to his experts, and had withheld details of another accident. The judge was satisfied that his behaviour had been dishonest rather than some form of mistake.

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### Iqbal v (1) Harris (2) Nelson Insurance Company (2018)

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Emma (instructed by Ian Williams of Keoghs) for the Second Defendant obtained a finding of fundamental dishonesty against the Claimant, whose evidence about the accident circumstances was rejected by the judge and whose damages claim “frankly collapsed” under cross-examination (by both counsel for the First Defendant and counsel for the Second Defendant).

The Claimant had given inaccurate information to his medical expert and went on to give inaccurate evidence in court. The judge found that these considerable difficulties with his case were not the result of misunderstandings or errors of memory.

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### Budrevicius v UK Insurance Limited (2017)

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Emma (instructed by Katie Watmough of Keoghs) for the Defendant obtained a finding of fundamental dishonesty against the Claimant. The Claimant was an intelligent man, who had reviewed the bundle carefully and anticipated many of the questions that would be put in cross-examination. Many, but not all...

The Claimant’s attempts to extemporise credible answers were undone by his passenger witness, who had been waiting outside court to give her evidence. The resulting divergence between their accounts cast both into doubt. The judge was satisfied that this case had gone beyond poor recollection and unreliable memory and had moved into dishonesty.

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### Yasin v Markerstudy (2016)

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Emma Northey (instructed by Tina Clarke of DWF) for the Defendant obtained a finding of fundamental dishonesty against the Claimant, whose two passenger witnesses had withdrawn their statements on the morning of the trial.

Numerous inconsistencies within the papers were compounded by additional inconsistent evidence given under cross-examination. The judge was satisfied that the Claimant had induced the collision by performing an emergency stop on a roundabout when there had been no reason to do so.

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#### Noto v (1) Galloway (2) Service Underwriting Management (2016)

Emma (instructed by Helen Webster of Keoghs) for both Defendants obtained a finding of fundamental dishonesty against the Claimant, on the basis that he had not in fact sustained any personal injury in a very minor road traffic accident.

There was no mention of the alleged injuries in the Claimant's GP notes. This was in stark contrast to his usual practice of seeking advice from his treating doctors and other professionals about musculoskeletal problems. A thorough analysis of his voluminous medical records was fundamental to demonstrating the scale of this inconsistency and achieving the dishonesty finding.

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## **Automated & Electric Vehicles**

Emma has a particular interest in the developing law relating to Automated and Electric Vehicles, also often described as CAVs (connected and autonomous vehicles) or "driverless" cars.

She is co-editor of TGC's [AEV Law blog](#) and co-author of the second edition of *A Practical Guide to the Law of Driverless Cars*.

She is available to advise on liability issues connected with the increasing deployment of driver assistance features in vehicles as part of the movement towards fully driverless cars. She has a specific interest in the way in which such systems may interact with "human factors" such as concentration and attention.

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## **Inquests & Inquiries**

Emma has acted for interested persons (including family members, insurers, local authorities and public bodies) in complex and high-profile inquests, which required a sensitive and nuanced approach. She is available to advise on all pre-inquest issues, including disclosure obligations and the preparation of witness statements.

Having studied psychology at university, Emma has a particular interest in those cases involving mental health issues, and the nature and quality of any related care and treatment.

Emma also has an enthusiasm for all forms of transport (having completed pupillage with the Department for Transport) and therefore welcomes instructions in cases where road, rail, marine or aviation safety issues arise.

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## **Notable Inquests & Inquiries cases**

Inquest touching the death of Sophie Bennett (2019)

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Emma (instructed by Pamela Clarke of South London Legal Partnership) acted for a local authority social services department in this Article 2 Inquest.

Sophie was a vulnerable young woman with complex mental health needs, who had been happy and settled in residential care until the charity that ran the care home made significant changes to the way in which it was run.

The Inquest took place over 13 days before a jury, and heard oral evidence from more than 20 witnesses, including several by video link.

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### Inquest touching the death of Ellie Butler (2018)

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Emma (instructed by Pamela Clarke of South London Legal Partnership) acted for two primary schools in this Article 2 Inquest before Dame Linda Dobbs DBE.

Ellie was only 6 years old when she was murdered by her father, less than 13 months after she had been returned to the care of her parents. The Coroner found that there had been some failings by the relevant agencies, which she addressed in a PFD report, but was satisfied that no acts or omissions by them had contributed to Ellie's death.

The Inquest took place over 11 days.

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## Appointments

- Secretary to the Human Fertilisation & Embryology Authority Appeals Committee

## Awards

- Buchanan Prize, Lincoln's Inn (2009)

## Education

- Bar Vocational Course (Outstanding), BPP Law School (2009)
- Graduate Diploma in Law (Commendation), BPP Law School (2007)
- Diploma in Trading Standards (Jack Brudenall Prize), DTS Council (1996)



## Languages

- Italian (Conversational)

## Memberships

- Association of Regulatory & Disciplinary Lawyers
- Health & Safety Lawyers Association
- Personal Injury Bar Association
- Professional Negligence Bar Association