

Jonathan Lally

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Education	Professional Associations	Appointments
St James RC High School	PIBA	Crown Counsel to the Falkland Islands
St Bedes' College, Manchester.	Member of the Northern Circuit	Foundation Governor at St Peters RC Primary School
Magdalene College, Cambridge University	Court of Protection Practitioners Association	
Manchester Metropolitan University - BVC		

Areas of Specialism
Civil and Insurance Fraud
Inquests
Personal Injury
Court of Protection
Regulatory and Health & Safety
Professional Discipline
Professional Healthcare and Regulation
Contempt & Private Prosecutions
Motoring Offences
Licensing, Betting, Gaming and Sports Law
Health & Safety

Jonathan has a mixed practice, undertaking all forms of Professional Discipline, Regulatory, Criminal and Personal Injury.

Professional Discipline

Jonathan undertakes Professional Discipline work representing doctors in hearings before the General Medical Council, nurses in hearings before the Nursing and Midwifery Council. Such hearings have included fitness to practice hearings, interim order hearings and registration appeals. He also has experience appearing before the Institute of Chartered Accountants.

Inquests and Regulatory

He regularly appears at Inquests representing all types of interested parties including families, local authorities, NHS Trusts, corporate clients, and individuals. His inquest work includes Article 2 inquests and those involving a jury. His Criminal, Civil and Regulatory experience

allows him to deal easily with cases where there are cross-over issues between different agencies.

His background in Criminal work has led to him being instructed to represent organisations charged with Health and Safety offences. This specialism enables work to be done on the same case in the criminal and civil courts, including inquests.

Road Traffic

He has regularly been instructed on serious road traffic cases. His experience in road traffic cases in both the Criminal and Civil jurisdictions means that he is regularly instructed by insurance clients to represent drivers charged with road traffic offences (from the minor to the most severe cases involving death and catastrophic injury). This specialism enables work to be done on the same case in the criminal and civil courts, including inquests.

Crime

His general crime work covers a wide range of offences including, serious road traffic offences, drug offences, offences of violence and public order, dishonesty offences, fraud and money laundering offences (including POCA proceedings), and sexual offences.

Personal Injury

In his Personal Injury work, he has a particular focus on civil fraud work. With extensive experience in both Criminal and Personal Injury advocacy he is ideally positioned to robustly challenge complex evidence in fraudulent claims. He has secured numerous findings of Fundamental Dishonesty leading to the dismissal of claims and orders for the payment of costs. His experience in this regard spans the whole range of Personal Injury cases including road traffic accidents, accidents at work and public liability claims.

He acts for both claimants and defendants in general Personal Injury cases resulting from road traffic accident claims, Occupiers' liability claims, Highways Act claims, Employers' liability claims, and claims occurring in a hospital setting. His practice is heavily court-based dealing with fast track and multi-track claims both on and off circuit. He is well versed on issues regarding medical causation.

International work

He has been instructed in the Falkland Islands on both Criminal and Personal Injury matters.

Notable Cases

Practice Area: Inquest

Jonathan Lally represented doctor at inquest into death of young man after he had wrongly been called forward for an early Covid vaccination.

The 28 year old man had been classified as morbidly obese due to incorrect information having been recorded on his medical records when he was a child.

As a result, he was given the AstraZeneca vaccination shortly before guidance was issued by the Government that those under 30 should not receive this vaccination due to the rare risk of blood clots. Had he not been called for vaccination early, he would not have received the AstraZeneca vaccine, and the coroner therefore found that he would not have died.

The cause of death was identified as vaccine-induced immune thrombotic thrombocytopenia (VITT), a condition linked to the AstraZeneca vaccine.

Practice Area: Inquests

Mr Jonathan Lally represented the family of a police officer killed in a motorcycle collision on his way to work.

The deceased lost control of his motorcycle when he struck several orcas which were in the process of being installed on a cycle lane, before colliding with a lamppost and sustaining fatal injuries.

The 4-day jury inquest heard evidence from police collision investigators and traffic officers, as well as representatives from the local authority and construction company involved in the works. As well as the local authority and construction company, other interested parties included the Department for Transport and the Metropolitan Police.

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Practice Area: Inquests

Mr Jonathan Lally represented the family of a man at the Article 2 inquest into his death.

The deceased had interacted with a host of agencies in the weeks and months prior to his death. The inquest considered evidence from representatives from the two hospitals, the police, and the local authority.

Following a 4 day inquest the coroner gave a narrative conclusion that the deceased had died from suicide contributed to by a failure of mental health services to accurately and thoroughly evaluate and appreciate the risk he presented to himself.

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Greyson v Fuller

Practice Area: Personal Injury- Procedure

Represented the Defendant in High Court appeal in relation to the interpretation of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents from 31 July 2013 para.7.8B(2). This required sequential disclosure of medical reports in soft tissue injury claims where a claimant sought to rely on more than one report. The Court concluded that the sanction for simultaneous, rather than sequential disclosure, gave rise to the risk of not recovering costs at the end of the process, not exclusion of the evidence. The Court found that simultaneous disclosure had not amounted to a failure to properly serve in accordance with CPR PD 8B para.6.

Samuel v Gregarious

Practice Area: Personal Injury- Fundamental Dishonesty

The Claimant claimed that he had been injured as a result of drinking from a cracked glass which had been served to him in a pub. He claimed to have sustained a laceration which scarred, along with psychological injury. He was found to have been fundamentally dishonest in bringing his claim as the judge was satisfied that the glass in question had no sharp edges capable of causing a cut. He was seen on CCTV interfering with the glass in some way prior to approaching the bar to complain. She was satisfied that the injury claim was dishonest and that all of his special damages claims were dishonest. He had claimed loss of earnings, however the evidence showed he was receiving incapacity benefit and could not have been working as alleged as a personal trainer. He was also found to have made a dishonest claim for dental treatment as the evidence showed that he had not visited his dentist at the time and received free dental treatment in any event. He was ordered to pay over £9.5k in costs.

Worthington v Knowsley

Practice Area: Personal Injury- Fundamental Dishonesty

Represented Knowsley MBC. The Claimant claimed that she was thrown from her bicycle after hitting a pothole in the carriageway. The Defendant defended the claim on the basis that the alleged defect was not dangerous and that they had a reasonable inspection regime. They also put the Claimant to proof as to the cause of the accident in light of the fact that contemporaneous medical notes stated that the cause of the accident was that a cat had ran under her wheel causing her to swerve, hit the kerb and fall from the bike. The Claimant's explanation in cross examination that the nurse practitioner had recorded the cause of the accident incorrectly as he had been listening to an unrelated conversation between family members about another accident, was rejected by the Judge. The Judge found that the claim was fundamentally dishonest within the meaning of CPR 44.16 and made an enforceable costs order requiring the Claimant to pay the Defendant's costs in the sum of £14,110.30. The Judge also indicated that the defect complained of was in any event not dangerous and did not give rise to a breach of s.41 of the Highways Act 1980.

Moseley v Zurich Insurance

Practice Area: Personal Injury- Fundamental Dishonesty

Represented Defendant. The Claimant claimed that he was injured as a result of a road traffic accident when a van reversed into the side of his stationary vehicle. He alleged that he had his window open and had tried to alert the driver of the van of his presence by banging on the back of the van. He alleged that he was injured when the van collided as it struck his arm causing his shoulder to be jarred. The Defendant defended the claim on the basis that the Claimant had failed to notify the personal injury claim until over a year after the accident despite being in regular contact with the Defendant regarding the repairs to his vehicle and provision of a hire vehicle. They also relied upon the lack of any treatment being sought by the Claimant and inconsistencies in his account regarding his ability to continue working in a physical occupation without issue but at the same time requiring unpaid assistance in his home life for 3 months. Evidence was also obtained as to his ability to continue with his hobby of mountain biking throughout the period of alleged injury and the fact that his gym records indicated he had not been to the gym in the five months prior to the accident despite telling the GP expert that he had been unable to attend the gym as a result of the accident, having been a regular attender prior to the accident. The Judge rejected the Claimant's evidence and found as a fact that he was not injured in the collision. He found that there was no contact between the Claimant and the van which was capable of causing injury. He went on to find that the claim was fundamentally dishonest within the meaning of CPR 44.16 and made an enforceable costs order requiring the Claimant to pay the Defendant's costs in the sum of £7,500.

Fatima & Ali v Allianz

Practice Area: Personal Injury- Fundamental Dishonesty

RTA claim in which brother and sister claimed they were injured as a result despite the minor nature of the collision. Evidence obtained showing one of the Claimant's had a significant history of bringing claims, along with multiple inconsistencies in the medical evidence and the accounts given by both Claimant's. The judge found both to be fundamentally dishonest and ordered them to pay costs in the sum of £7000.

Khan & Khan v Bi

Practice Area: Personal Injury, Road Traffic, Fraud, Phantom Occupants.

The Claimants claimed to be occupants of a stationary motor vehicle parked outside their home address when the Defendant's vehicle collided at low speed with the rear corner the stationary vehicle. They both claimed damages for personal injury. The Defendant disputed that there were any occupants of the vehicle at the time of the collision. The Defendant's case was that the First Claimant (Mr Khan) was stood on the pavement next to the vehicle and that the Second Claimant (Mrs Khan) was not in the vehicle. Following a trial before HHJ Rawlings at Stoke on Trent County Court, the claims were both dismissed and findings of fundamental dishonesty were made in respect of

both Claimants. The Judge found that neither were in the vehicle and there were consequently no injuries sustained as a result of the collision. Having found both claims to be fundamentally dishonest, he ordered both Claimants to pay the Defendant's costs assessed in the sum of £14,500 and granted the Defendant permission to enforce the costs under CPR 44.16.

GC v MOD

Practice Area: Personal Injury

Advised Falkland Island resident on claim for serious personal injuries sustained as a result of being hit by a MOD vehicle. Significant procedural issues advised upon as well as complex multi-disciplinary medical evidence, future losses and alleged contributory negligence. Case settled without the need for a trial.

Practice Area: Professional Discipline

Represented a Chartered Accountant before the Institute of Chartered Accountants and successfully maintained his membership by avoiding exclusion. He had been brought before the Institute following the collapse of a stockbroking firm he had been Financial Director for. During his tenure the firm had relied upon a guarantee in the sum of £2million which it transpired did not exist causing loss to clients. He had been grossly misled by his Managing Director and an investor in the firm. He had already been prosecuted by the Financial Conduct Authority who stripped him of his authorisation to undertake regulated activities and the Insolvency Service who had disqualified him as a company director. He appeared before the Institute facing exclusion from the register of Chartered Accountants. As a result of the action taken by the FCA and the Insolvency Service the only real employment he could obtain was that teaching at a college and this would have been jeopardised by any exclusion. Despite the starting point in his case being exclusion, the Institute drew back from this sanction and instead imposed a Severe Reprimand. The accountant had exhausted all his savings and finances on the legal costs and fines from the FCA and Insolvency Service prosecutions and consequently could not afford representation at the Institute. I acted pro-bono due to his limited financial means.

R v Close

Practice Area: Road Traffic

Successfully defended road sweeper driver charged with causing death by careless driving having reversed over his foreman. Submission of no case to answer upheld on the issues of causation and absence of evidence of carelessness. Extensive use of expert pathological, cardio pathological and histopathological evidence to establish that the deceased may have been dead prior to being struck. Use also of expert accident reconstruction evidence to establish that the deceased was likely to have been prone on the ground and out of the driver's sight as he reversed in dark conditions. Subsequent representation of the Defendant at the inquest where an open verdict was recorded.

R v Slattery

Practice Area: Road Traffic

Successfully defended driver of horsebox on charge of careless driving involving the death of a tractor driver (initially charged as causing death by dangerous driving and would now have been death by careless driving). Use of expert evidence regarding visibility, light failure and speed.

R v Gardner

Practice Area: Road Traffic

Successfully appealed the conviction of a coach driver for careless driving following his coach overturning on the M6 whilst transporting schoolchildren. Expert evidence used to establish mechanical fault with tyres as cause of accident.

R v Farran

Practice Area: Road Traffic

Successful defence of driver for careless driving (Involving death of his girlfriend). Expert evidence used to establish defect in road as cause of accident.

R v Neville

Practice Area: Drug Importation

Junior led by Stuart Denney QC in representing defendant charged with importing £14m of Cocaine from mainland Europe. The case involved the interrogation of large amounts of telephone cell sitting evidence covering the UK, Holland and Germany, as well as intercept recordings obtained by the Dutch police.

R v Blacow

Practice Area: Crown Court Costs

Appeal to the High Court by way of Case Stated against the decision of the Crown Court not to award a Defence Costs Order under the Prosecution of Offences Act 1985. Crown Court order overturned.
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R v Helm

Practice Area: Crime

Represented defendant on charge of perverting the course of justice (by setting fire to the car) in relation to a case of causing death by dangerous driving. Extensive use of expert evidence in the following fields: road traffic accident investigation, CCTV reconstruction, fire damage and causation.

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