

Hilary Winstone

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Overview

Hilary Winstone specialises in a number of areas of law, most of which are complementary to each other, despite their differing jurisdictions. These include: all aspects of employment law (including discrimination), personal injury, including public liability and road traffic accidents and product liability.

Chambers & Partners states **“Clients appreciate Hilary Winstone’s ‘positive attitude and direct approach,’ she has a mixed practice spanning both employment and personal injury.”**

Hilary regularly writes and lectures in all areas relevant to her practice. She enjoys working alongside solicitors in joint education, training and marketing projects aimed at sustaining and improving the client relationship.

Hilary was a Sir Thomas More scholar at Lincoln’s Inn.

Although Hilary is not a mediator, she has attended advanced mediation courses purely for experience and professional development purposes. She has benefited hugely from her training and has acted for a number of clients, in particular local authority clients, in complex mediation situations which have ultimately been successful. At this time, she has no plans to obtain professional accreditation, preferring to remain at the forefront of the fight on her client’s behalf, rather than in the middle.

Memberships

- Justice, Human Rights Lawyers Association
- Employment Lawyers Association
- Employment Lawyers Bar Association
- Personal Injury Bar Association
- Health & Safety Lawyers Association
- Western Circuit
- European Employment Lawyers Association

Employment & Discrimination

Hilary specialises in cases involving sex, race and disability discrimination, unfair dismissal, redundancy, the various regulations, including the National Minimum Wage, Working-Time and Part-Time Workers Regulations and TUPE. She has extensive experience in employment-related matters within the local authority structure, dealing with both internal policies and mediation. Hilary has advised a broad spectrum of companies on their ongoing employment policies and been involved in equal opportunities training and education. Hilary is known as a very “hands on” lawyer who likes to work as part of a team, with her solicitor from the earliest possible stage, and as a part of the ongoing service provision.

Hilary has undertaken a number of emergency injunctions (including drafting the relevant documents) on behalf of clients to enforce or defend breaches of restrictive covenants or non-solicitation clauses.

Notable Appeal Cases

- *St. Christopher’s Fellowship v Barbara Walters-Ennis* Eq LR 82;
- *London Borough of Sutton v Kester*, an appeal where she successfully argued that the tribunal had substituted its own decision for that of the employer;
- *Meadowstone Ltd v Kirk & Hill*. EAT, Hilary successfully represented the

Expertise

- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Inquests & Public Inquiries
- Insurance
- Investigations
- Personal Injury
- Product Liability
- Public Law
- Retail and Consumer

Recommendations

"She is excellent and a very experienced barrister."
"She helps to ease clients' worries and is very user-friendly." *Chambers & Partners* 2024

"Hillary 'lives' in the case with the client and is never less than utterly committed to succeeding."
Chambers & Partners 2023

"Recommended for discrimination law cases." *The Legal 500*

Key contacts

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Claimants, two directors of the company, who were declared wrongfully and unfairly dismissed in a robust tribunal decision in Nottingham. The company appealed to the EAT and Hilary (accompanied by Rohan Pirani) successfully defended. The company threatened to go to the Court of Appeal, where Hilary was instructed on a joint basis by both Respondents, but the case eventually settled;

- *Craddock v Cornwall County Council & Others*, an indirect discrimination/part time workers regulations claim brought by a teacher returning from maternity leave who was refused part time working. The majority of the Truro tribunal rejected the claim (against vociferous minority support for the Claimant) but the case was won on appeal in the EAT;
- *Stoneygate 140 Limited v Hammond & Essentials Ltd* — restrictive covenant, hairdressing dispute involving an initial injunction.

Memberships

- Employment Lawyers Association
- Employment Law Bar Association
- European Employment Lawyers Association
- Industrial Law Society

Personal Injury

Hilary is instructed in EL and PL claims mainly on behalf of defendants. She has extensive experience in industrial injury claims, with a particular interest in NIHL. Hilary has successfully run arguments on the “de minimus” theory and the factual evidence of noise at work. Hilary was also successful in defending a claim for unilateral hearing loss said to result from unidirectional noise pollution.

Hilary was appointed as counsel by over 100 Defendants to manage multiple claims of NIHL, known as the “Isaac Abrahams” cases, in which there were difficulties with dates of service and medical reports. She was successful in defending the claims, with the majority dismissed. The claims continued over the course of a year, and was vigorously contested by the Claimant’s solicitor. Hilary appeared against a silk at the final hearing, obtaining wasted costs orders against the partners personally. Hilary’s attention to detail assisted in highlighting the gaps in evidence provided by Claimants who had attempted to gain financially from claims that are either exaggerated or fraudulent.

Memberships

- Personal Injury Bar Association

Product Liability

Hilary specialises in product liability, regularly representing Defendants in the Magistrates’ Court for breach of Part I of the Consumer Protection Act 1987, as well as advising, drafting defences and representing clients in civil actions. She has also lectured in legal developments.

Notable Cases

- *PMS International Group plc v North East Lincolnshire Council & Ors*, a High Court appeal by way of case stated on the interpretation of “toy” in the Toys (Safety) Regulations 1995 and Directive 88/378/EEC;
- *John Walter Hammond (Derbyshire TSD) and Douwe Egberts Ltd & Sainsburys Ltd*: whether a package design could have misled a customer to believe that ready-mix cappuccino could in fact be pure ground coffee (representing the Defendants, we got costs);
- *Theresa Dryer v Paramount Hotel Group and others*: represented the third Defendant, the first importer, in a case involving a broken restaurant chair.

Membership

- Product Liability Lawyers’ Association

Inquests & Public Inquiries

Hilary represents interested parties in inquests into deaths before Her Majesty’s Coroner and at pre-inquest briefing hearings. She has experience of both straight forward inquests into, for example, road traffic deaths, as well as more complex cases, such as those involving medical negligence.

General Civil Litigation

Hilary's background in journalism and ongoing involvement with the music industry places her in a unique position of understanding and empathy with regard to both of those professions and industries. She has handled a number of claims involving breach of contract and various disputes in those areas.

Examples

- *Rankhour v Besiksi* — claim launched with an injunction to prevent copyright theft, theft of computer records and Misuse of Database Regulations breaches;
- *Baxter v Vincent* — letters revealing personal details of 'Carry on' characters published in a Scottish newspaper;
- *Victory Tulip v Ragdoll Productions (UK) Limited* — contractual dispute between the creator of Rosie and Jim and Brum and the production company;
- *Fleet St Flair Ltd v Easyjet* — Dispute over in-house magazine;
- *Davies v Riff Raff Records & Riff Raff Music* — Dispute over ownership of masters;
- *Britton v Gruber Productions Limited* — dispute between the writer and producers of a film project.

Professional Recommendations



"She helps to ease clients' worries and is very user-friendly."

Chambers & Partners 2024

"Hilary is helpful and experienced."

Chambers & Partners 2024

"Her work is of a very high standard, and she is very thorough."

Chambers & Partners 2024

"She is excellent and a very experienced barrister."

Chambers & Partners 2024

"Hilary 'lives' in the case with the client and is never less than utterly committed to succeeding."

Chambers & Partners 2023

"She's an excellent strategist and advocate who is very client-friendly." "She's a fantastic barrister." "She is well respected in the market and a very strong opponent."

Chambers & Partners 2021

"Recommended for discrimination law cases."

The Legal 500 2021

"Extremely popular with clients, and her advocacy in the employment tribunal is second to none." "A tenacious advocate, who is committed to the case and has an excellent manner with clients."

Chambers & Partners 2020

"Hilary leaves no stone unturned in her preparation of a case. She makes herself

available to deal with preliminary issues and to shape the strategy for final hearing. She is incredibly popular with clients not least because of her ability to quickly get to grips with the issues in a case.”

The Legal 500 2020

“An unyielding advocate.”

The Legal 500 2018