

## Isabel McArdle

Call: 2008



Isabel McArdle has extensive experience in healthcare law (including clinical negligence, cross-over public law matters, personal injury and inquests), public law (including human rights and public inquiries) and indirect tax. She acts for Claimants and Defendants and was appointed to the Attorney General's C Panel in 2014.

## Clinical Negligence

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Isabel's experience is wide ranging and includes birth injuries, wrongful birth, surgical complications, and orthopaedic injuries. She has particular experience in human rights claims arising in the healthcare setting.

Her inquest experience has had an emphasis on surgical problems and general practice diagnosis and referral.

## Selected Cases

- **Ian Paterson litigation:** (Acted for various Claimants against a Consultant Breast Surgeon facing allegations including performing an unauthorised mastectomy technique and unnecessary surgical procedures.)
- **Inquest into the Death of John Moore-Robinson:** (Acted for the family of the Deceased, whose internal bleeding was not diagnosed at A&E, resulting in his death shortly after. This was a second inquest, involving care provided by the Mid Staffordshire NHS Foundation Trust.)

# Tax

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Isabel has particular experience in VAT, for both taxpayers and HMRC, and also has experience in customs, excise and rating.

## Selected Cases

- **Paul Newey T/A Ocean Finance v HMRC:** Acts for HMRC in this appeal concerning abuse of law in the context of an offshore structure, created to reduce VAT payable in the UK. Recently heard in the Court of Appeal.
- **Universal Cycles Ltd, Brands Holdings Ltd & SportsDirect.com Retail Ltd v HMRC:** Resisted an application for permission to bring judicial review challenging decisions relating to customs duty, anti-dumping duty and VAT on imported bicycles.
- **Sub One Ltd T/A Subway v Commissioners for HMRC:** Acted for the Appellant company in the Court of Appeal and Upper Tribunal. The case involves key issues of European law and domestic legislation concerning the VAT liability of the supply of takeaway food which has been heated.

# Personal Injury

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Isabel's experience includes in particular personal injuries within the human rights context.

## Selected Cases

- **Challenger 2 litigation:** Led in joined cases involving questions of combat immunity and the imposition of a duty of care in a warzone.
- **B v Ministry of Defence:** Acted as junior counsel for the Defendant in the Supreme Court. This major authority concerned nuclear testing in the South Pacific in the 1950s, and clarified the law on limitation in personal injury actions.

# Public Law

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Isabel practises in both Claimant and Defendant public law and human rights cases, including in the fields of healthcare, tax, and immigration. She appears regularly in judicial review proceedings in the High Court and Upper Tribunal (Immigration and Asylum Chamber).

## Selected Cases

- **Association of British Insurers v The Lord Chancellor, Association of Personal Injury Lawyers (Interested Party):** Acted for the Interested Party, successfully supported the Lord Chancellor in resisting an application for interim relief and judicial review, challenging the Lord Chancellor's decision to announce the result of her review of the discount rate, used to calculate future personal injury losses, in early 2017.
- **MF v Secretary of State for Defence:** For the Appellant. Judge Rowland clarified key aspects of the War Pensions Scheme.
- **The Al Sweady Public Inquiry (2010-2014, Chairman: Sir Thayne Forbes):** Led for the military witnesses. This Inquiry concerned events in Iraq following the invasion of 2003, and British handling of Iraqi detainees.
- **Baha Mousa Public Inquiry (2010, Chairman: Sir William Gage):** Led for the military witnesses. These Inquiry concerned events in Iraq following the invasion of 2003, and British handling of Iraqi detainees.

## Appointments

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- Attorney General's C Panel of Junior Counsel to the Crown (2014 – present)

## Awards

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- Hardwicke Scholarship, Lincoln's Inn (2007)
- Lord Denning Scholarship, Lincoln's Inn (2007)

## Education

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- BA (Hons) in Jurisprudence, Brasenose College, University of Oxford (2007)

## Memberships

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- CALBA
- PIBA
- RBA
- VAT Practitioners Group