

Niazi Fetto KC

Call 1999 | Silk 2023



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Niazi Fetto KC specialises in personal injury, clinical negligence and employment.

'Outstanding... He has a tireless work-ethic, a fierce intelligence and puts clients completely at ease' (Legal 500, 2023). Niazi took silk in 2023, having long been recommended as a leading junior in Chambers and Partners and the Legal 500, and shortlisted for Chambers and Partners Personal Injury Junior of the Year.

His current caseload includes **Green v MOD**, a claim by a former Army officer that the misdiagnosis of an exertional heat injury led to a destabilisation of his neurological or psychiatric condition such that he went on to commit murder and attempted murder, and **V v MOD**, a sex discrimination claim alleging mismanagement of a female former soldier after she accused a colleague of rape.

Niazi is also a group litigation specialist. He was lead junior in the successful defence by the Foreign and Commonwealth Office of the **Kenyan Emergency Group Litigation**, the largest group action ever brought against the UK Government, and has since acted in multiple claims relating to the alleged abuse of child migrants during the 1950s and 1960s, and the potentially addicting effects of a specific class of antidepressant medications.

Niazi's expertise lends itself particularly well to claims for injuries and diseases in an occupational or institutional context. He is regularly instructed in claims alleging discrimination/harassment/ bullying, and in industrial disease claims, including occupational exposure to asbestos, other hazardous substances and noise. He represented the successful defendant in the Court of Appeal in **Sivaji v MOD** [2021] EWCA Civ 1163, an asbestos mesothelioma claim.

He is also sought after for inquests and inquiries work corresponding with his areas of specialism. His recent instructions include the **Inquest into the death of Richard Morris** (2022) and **the UK Covid-19 Inquiry**.

Niazi has a broad and thriving employment law practice, with an emphasis on discrimination. His notable

cases include *H v MOD* (2022 – sexual assault working abroad – discrimination, vicarious liability – appeal pending), *Brookes v GLS* [2017] IRLR 780 (disability discrimination – autism spectrum disorder, psychometric testing), and *Naeem v SoS for Justice* [2016] ICR 289 (indirect discrimination – race and religion – disparate impact and justification).

Expertise

Personal Injury

Niazi has extensive experience in substantial claims in all areas, with particular emphasis upon employer's liability for accidents and stress at work and industrial injury and illness litigation.

Notable Personal Injury cases

AD v Home Office 2022

Multi-million pound claim arising out of alleged unlawful immigration detention of Sri Lankan sexual abuse victim.

Sivaji v MOD [2021] EWCA Civ 1163

Represented MOD in appeal from rulings under 'show cause' procedure in Singapore-based asbestos mesothelioma claim.

Child migration claims [2018-2021]

Represented the Department for Health and Social Care in claims alleging abuse of migrated children during the 1950s and 1960s.

Kenyan Emergency Group Litigation [2016-2018]

Group action by 40,000 "Mau Mau" and related claimants alleging UK Government responsibility for alleged mistreatment during the Kenyan Emergency in the 1950s.

Pascoe v MoD LTL [2013]

Noise-induced hearing loss – hearing loss at 6KHz not noise-induced despite meeting Coles criteria.

Drysdale v Hedges [2012] 3 EGLR 105

Landlord's liability for personal injury to tenant; ambit of Defective Premises Act; scope of "immunity" derived from Cavalier v Pope.

Clinical Negligence

Niazi is regularly instructed in complex and high-value clinical negligence litigation, including claims with a product liability aspect.

Notable Clinical Negligence cases

Shaw v MOD [2021]

Claim for loss of specialist naval diving career consequential upon alleged negligence in assessing for colour perception.

Green v MOD [2020]

Representing MOD in claim alleging misdiagnosis of training injury led to brain and/or psychiatric disturbance and associated extreme criminal behaviour.

Falkenberg v MOD & Frimley Health NHS Foundation Trust [2018]

Complex neurological injury allegedly due to negligently performed corrective right foot surgery.

Pratt v MoD & Rogers [2016]

Whether MoD and/or locum practitioner at military medical centre liable for alleged catastrophic renal failure of officer deployed in Germany.

Trans-vaginal mesh claims [2015-2017]

Various cases addressing the safety of trans-vaginal "mesh" products and associated treatment concerns.

Product Liability

Niazi has considerable product liability experience, particularly in cases involving injury caused by allegedly defective medical devices, pharmaceutical products and medicines.

The nature of these cases means that many are run as group actions and across borders. He is accordingly expert at running large-scale, international litigation in relation to clinical equipment and pharmaceutical products.

He also has other experience of product liability matters arising out of personal injury claims.

Notable Product Liability cases

The Seroxat Group Litigation

Product liability action relating to the safety of the SSRI antidepressant Seroxat (paroxetine).

Kistensamy v Leech & Lewisham & Greenwich NHS Trust [2017]

Claim arising from Stevens-Johnson Syndrome suffered due to allergy to allopurinol – alleged inadequate warning by prescriber and negligent treatment of reaction at hospital.

Trans-vaginal mesh claims [2015-2017]

Various cases addressing the safety of trans-vaginal “mesh” products and associated treatment concerns.

Group Litigation

Niazi is also highly regarded for his experience in dealing with Group Litigation and he has been instructed in many high-profile actions over the past few years. Due to the nature of the disputes generally at the heart of group litigation, there is much overlap with his work in healthcare, product liability, personal injury and human rights.

Notable Group Litigation cases

Child migration claims [2018-2021]

Represented the Department for Health and Social Care in claims alleging abuse of migrated children during the 1950s and 1960s.

Trans-vaginal mesh claims [2015-2017]

Various cases addressing the safety of trans-vaginal “mesh” products and associated treatment concerns.

Kenyan Emergency Group Litigation [2016-2018]

Group action by 40,000 “Mau Mau” and related claimants alleging UK Government responsibility for alleged mistreatment during the Kenyan Emergency in the 1950s.

The Seroxat Group Litigation

Product liability action relating to the safety of the SSRI antidepressant Seroxat (paroxetine).

Employment

Niazi acts for and advises claimants and respondents in all areas of employment law, including unfair dismissal, discrimination, harassment, redundancy, ill-health retirement, flexible working, transfer of undertakings, pensions, and human rights issues.

Highly experienced in employment-related personal injury litigation, particularly cases concerning health and safety at work, stress, bullying and harassment.

Notable Employment cases

H v MOD [2022]

Vicarious liability for sexual assault when posted abroad; jurisdiction; alleged sex and sexual orientation discrimination, victimisation and harassment by chain of command.

V v MOD; H v MOD [2019]

Whether management of former soldiers by chain of command following allegations of rape and sexual assault entailed sex discrimination and/or victimisation.

Naeem v Secretary of State for Justice [2016] ICR 289

Whether pay scheme for prison chaplains indirectly discriminatory on grounds of race or religion.

Fanis & Ricciardi v DWP [2013] London South ET

Lead claims addressing reason for dismissal at conclusion of civil service fixed-term contracts – whether entitled to redundancy payment.

Significant Cases

H v MOD (ET 2601422/2020)

Appeal pending.

Sivaji v MOD [2021] EWCA Civ 1163

Brookes v GLS [2017] IRLR 780

Sandra Bailey & Ors v Glaxosmithkline (UK) Ltd [2016] EWHC 178 (QB)

Kieran Murphy v Ministry of Defence [2016] EWHC 3 (QB)

Gillian Drysdale v Joanne Hedges [2012] EWHC 4131 (QB) [2012] 3 EGLR 105: (2012) 162 NLJ 1056

Brazier v Wolverhampton City Council [2007] EWCA Civ 1479

Kimathi & Ors v Foreign & Commonwealth Office [2018] EWHC 3144 (QB); [2018] EWHC 2066 (QB); [2018] EWHC 853 (QB); [2017] EWHC 203 (QB); [2017] EWHC 938 (QB); [2017] EWHC 2145 (QB); [2015] EWHC 3432 (QB)

Appointments

- King's Counsel (2023)
- Treasury A Panel

Awards

- Cecil Yahuda Scholarship, Inner Temple
- Major Scholarship, Inner Temple
- Duke of Edinburgh Award, Inner Temple
- Wade Prize for Administrative Law, Cambridge University
- Rachel Fellowes Scholarship, Cambridge University
- Jesus College Cambridge Foundation Scholarship

Education

- MA (First) in Law, Jesus College, Cambridge
- Inns of Court School of Law

Additional Information

Pupil supervisor

Accredited advocacy trainer for Inner Temple and Employment Lawyers' Association

Fluent in French

Other Interests: Sailing, choral singing

Memberships

- PIBA
- ELA
- ELBA
- LCLCBA

Publications

- The Law of Motor Insurance, Sweet & Maxwell (2004), contributor.
- The Law of Human Rights, Oxford (2003), contributing editor.
- 2002 Contributing editor to The Law of Human Rights (Clayton and Tomlinson), Oxford.
- Various articles in the New Law Journal, 2000 to date.

Recommendations

"Niazi is very experienced and sensible, a high-quality advocate who knows his stuff." "Niazi has an easy manner with experts and witnesses, with great technical knowledge." "His written advocacy and oral advocacy are very good."

Chambers UK 2024

"Experienced, a strong tactician and trusted by clients."

"Niazi is an outstanding junior. He has a tireless work-ethic, a fierce intelligence and puts clients completely at ease."

Legal 500 2024

"Niazi is very careful and completely on top of the detail of the cases."

"He is a great advocate."

Chambers UK 2023

"Niazi is an outstanding junior. He has a tireless work-ethic, a fierce intelligence and puts clients completely at ease."

Legal 500 2023

"Excellent. He has a manner that inspires confidence, is well prepared and very technically good."

"An outstandingly impressive senior junior with a very practical analytical ability."

Chambers UK 2022

"A most impressive lawyer and advocate, who has a calm and reassuring presence but is never slow to point out a potential problem and offer a solution."

Legal 500 2022

"He is unflappable in court and provides excellent advice"

"He is very diligent and manages to grasp very complicated scientific facts and translate them into easily understood concepts"

Chambers UK 2021

"Has a quiet determination to succeed which is realised"

Legal 500 2021

"A phenomenal junior"

Chambers UK 2020

"His knowledge of coronial process/law is vast"

Legal 500 2020

"He's brilliant; he has an excellent combination of personal charm and good judgement"

"He has a measured but persistently persuasive delivery at hearings and responds to enquiries promptly and helpfully"

Chambers UK 2019

"Excellent, through and has a great client manner"

"He is everything you'd want in a barrister; sensible, bright, hard-working and thoughtful"

Chambers UK 2018

"A very able barrister, capable of grasping difficult issues and presenting them clearly and with conviction"

Legal 500 2017

"He has a very calm, reassuring and pleasant manner which makes him very easy to work with"

Legal 500 2016