

## Stuart McCracken

Call 2010



### Clerks' Details

Olivia Cleere  
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Leigh Daniels  
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### Appointments

- Deputy District Judge
- Pro Bono Panel – Centre for Women's Justice
- Junior Counsel to the Crown (Regional Panel C) (2018-2023)

### Memberships

- Human Rights Lawyers Association
- Personal Injuries Bar Association

### Education

- Bar Vocational Course, BPP Law School (Outstanding, 2010)
- Master of Laws (LLM), University of Sydney (2005)
- LLB (Hons) Law, University of Manchester (Class 2:1, 2001-2004)
- Buchanan prize, Lincoln's Inn (2010); Thomas More Scholarship, Lincoln's Inn (2009); Hardwicke Scholarship, Lincoln's Inn (2008).

### Military Injury Claims CV

#### Overview

Military cases form a substantial proportion of Stuart's practice.

He has advised and represented claimants in a wide range of civil claims involving the Armed Forces, including serious orthopaedic injuries sustained during pre-recruitment and training exercises; non-freezing cold injuries ('NFCIs') and heat injuries; 'blast lung' injury; bullying, harassment and assault suffered during service; noise induced hearing loss ('NIHL') sustained as a result of service; and psychiatric injuries, including allegations of clinical negligence such as failures to diagnose and/or treat such symptoms following return from theatre.

He has also appeared in the First Tier Tribunal (War Pensions and Armed Forces) on appeals against awards or ineligibility under the Armed Forces Compensation Scheme ('AFCS'), and has advised in cases involving the Criminal Injuries Compensation (Overseas) Scheme ('CIC(O)'). He acts pro bono in such cases when appropriate.

As with all personal injury claims, Stuart is keen to be involved from an early stage. He is happy to provide informal advice and assist with the instruction of experts with military specialism, on both liability and quantum.

His expertise in military cases means he is well placed to draft pleadings and to advise on the complex loss of earnings and pension loss claims which are often a feature of such cases, and their overlap with Guaranteed Income Payments ('GIPs') awarded under the AFCS.

## Recommendations

“Stuart is excellent on papers and available for ad hoc advice. He is always very well-prepared for conferences with clients and experts, and he is a good negotiator.”

**The Legal 500 2024**

‘Stuart is extremely well-prepared for his trials. He is impressive tactically; tenacious in his submissions and took good points; and his cross-examination is incisive and effective. Alongside all of that, he is a pleasure to be against. He fights hard for his client while also being a very pleasant opponent.’

**The Legal 500 2023**

## Cases

### MILITARY CLAIMS

**M v MoD (2024)** – the claimant was exposed to significant noise during his service in the British Army, in particular when driving the Jackal armoured vehicle. He was required to wear a communication headset which did not offer hearing protection, despite dual hearing protection being advised in respect of the HMG mounted on the Jackal. He sustained noise induced hearing loss (‘NIHL’) as a result. The defendant denied liability in full. Expert ENT, acoustic and audiology evidence was obtained and tested, and following joint statements Stuart secured a settlement of over £500,000 at JSM.

**X v MoD (2024)** – the claimant was serving in the Royal Navy when he sustained a penetrating injury to his eye. His eye could not be saved and he underwent a left enucleation with placement of a bioceramic orbital implant. Identification and calculation of future treatment and prosthetic costs, and quantification of the value of his Guaranteed Income Payments (GIPs) and Armed Forces Independence Payments (AFIPs), added complexity to the settlement negotiations and valuation of the claim. The claim recently settled, on a provisional damages basis, for a seven-figure sum, gross of AFCS, GIPS and AFIPs.

**Z v MoD (2023)** – this was an unusual claim arising out of cold exposure during the claimant’s service with the British Army, following which she developed not only a non-freezing cold injury (‘NFCI’) but also cold urticaria, resulting in her medical discharge. Causation of the cold urticaria was strongly disputed by the defendant. Stuart advised throughout, including on expert evidence, loss of earnings and pension loss, and secured a £470,000 settlement for the claimant at JSM.

**B v MoD (2022)** – Stuart acted for the claimant in a liability-disputed claim following an altercation at the defendant’s accommodation block in which the claimant sustained a leg fracture leading to his medical discharge. The defendant alleged that the claimant had been the instigator of the incident and so was responsible for his own injuries. The nature of the claimant’s leg fracture and its effect on his future work and earning capacity were also in issue. The claim settled for £250,000 at JSM.

**X v MoD (2022)** – in this unusually severe NFI claim both liability and causation were denied. Stuart had significant involvement throughout due to its factual and medical complexity. Following joint statements the claim settled for a six-figure sum at a pre-trial settlement hearing.

**X v MoD (2021)** – acted for the claimant who had sustained an NFI during exercises with the British Army. Settled for a six-figure sum.

**X v MoD (2020)** – acted for the claimant who sustained a broken ankle during a military pre-recruitment course. Liability was contested and expert liability, medical and employment evidence was required. The claim settled for £175,000 net at a JSM.

**X v MoD (2019)** – in this liability-denied military claim involving a significant knee injury sustained during a training exercise, Stuart acted for the claimant throughout and secured a net settlement of £335,000 at a JSM.

## Publications

Stuart is the co-author of *Account Rendered: Extraordinary Rendition and Britain's Role* (Biteback Publishing, London, 2011).

## Beyond the Bar

Stuart is a sports obsessive. When not playing badminton or football, he can be usually be found watching live sport, and has travelled the world in search of the perfect match.

Prior to coming to the bar Stuart worked in Parliament for the All-Party Parliamentary Group on Extraordinary Rendition, campaigning to get to the bottom of UK involvement in rendition. Stuart spent 5 months with the Office of the Prosecutor at the International Criminal Tribunal for Rwanda, assisting in the prosecution of four former government ministers for genocide and war crimes.