

Neutral Citation No: [2026] NIKB 21	Ref: McLA13042
<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 24/090214
	Delivered: 20/03/2026

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

KING'S BENCH DIVISION

GEOFFREY McMAHON

v

MORPHY RICHARDS

**Mr David Ringland KC and Christopher Ringland (instructed by DWF (NI) LLP
Solicitors) for the Plaintiff**
**Mr Liam McCollum KC and Donal Flanagan (instructed by Clyde & Co (NI) LLP
Solicitors) for the Defendant**

McLAUGHLIN J

Background

[1] This is a claim for damages arising out of a fire which occurred on 13 October 2021 at the home of the plaintiff and his family. There is no dispute that the fire ignited in a toaster located on a kitchen counter and then spread to a kitchen cupboard located immediately above the toaster and the surrounding area. The toaster was manufactured by the defendant.

[2] The plaintiff claims damages for negligence in the manufacture of the toaster and also pursuant to Article 5(1) of the Consumer Protection (Northern Ireland) Order 1987 on the ground that the fire ignited and the damage caused by reason of a defect in the toaster.

[3] There was little, if any, dispute about the facts. I heard evidence from the plaintiff and also from his wife. The plaintiff is a farmer by profession. He lives with his wife and four children at their home at 51B Mullurg Road, Markethill. The family owned a Morphy Richards Evoke 4 - slot toaster which was located on a kitchen counter below a kitchen cupboard. It had been purchased by a family

member as a Christmas present and was approximately 22 months old at the time of the incident.

[4] Mr and Mrs McMahon both confirmed that the toaster had been used on a very regular, if not daily, basis by the whole family throughout that period of time. They had never previously encountered any difficulties with the toaster failing to switch off, or with the toaster continuing in operation for an excessive period, until the point that the bread ignited. Mrs McMahon's evidence was that she cleaned the crumb tray at the bottom of the toaster on a regular basis as part of her cleaning routine in the kitchen. She stated that she cleaned down the kitchen thoroughly every Wednesday and would empty the crumb tray as part of that routine.

[5] On the date of the incident, the plaintiff, his wife and family were present at the house at approximately 5pm. The three youngest children were aged between 14-16 years at the time and had just returned from school. Mrs McMahon stated that they were preparing tea and toast for the children as a snack, which was the normal family routine. She stated that she prepared the toast for the first child to come into the kitchen. She toasted two slices of regular pre-sliced pan loaf in the toaster without problem. A short time later, Mr McMahon placed 2 more slices into the toaster. Mrs McMahon's belief was that he used the other half of the toaster. As the toaster was in operation, the family received a phone call from a neighbour who advised that cattle from a herd belonging to the plaintiff had escaped from a field onto the public road. This was treated as an urgent situation. All members of the family were called to assist. They all put on their coats and boots and left the house to recover the cattle. The toaster was not switched off prior to doing so.

[6] The family returned home approximately 20- 30 minutes later. Mr McMahon described observing all of the windows blackened. He realized something was wrong. He entered the house via the conservatory and realized that there was a fire in the kitchen. He took a breath and entered the kitchen where he observed that the toaster and cupboard above it were both on fire. He described thick black smoke permeating through the entire downstairs of the house, making it very difficult to see and to breathe. He placed his coat over the toaster in an effort to put out the fire. He went to the garage and retrieved two small fire extinguishers which he used to control the fire in the cupboard and the toaster. He was unable to completely extinguish the fire but managed to prevent it spreading to the remainder of the kitchen and house. Mercifully, none of the family were hurt as a result of the fire. The fire brigade arrived a short time later. They extinguished the remainder of the fire and removed the smoldering kitchen cupboard.

[7] Substantial physical damage was caused to the kitchen and smoke damage was caused to other parts of the house. Mr & Mrs McMahon described a period of several days when it was not possible to live in the house on account of the acrid smell in the aftermath of the fire. The family's home insurer sent a specialist team to help with the clean-up and repair, whose services were described as excellent. The

family were advised not to live in the house while repair work was undertaken. However, Mr & Mrs McMahon felt compelled to remain on site to oversee work on the farm and to be available to tend to their animals. The couple therefore lived in the garage for approximately three weeks, while their children stayed with their grandparents. The repairs to the house continued for several further weeks after the family moved back in. It took approximately three months before the house was back to the pre-fire standard. Mr & Mrs McMahon described a deep-seated and unpleasant smell which permeated most of the soft furnishings in the home which has lingered and which they can still detect on occasion.

[8] The cost of the repairs was met by the plaintiff's home insurer, which now seeks to recover those costs from the defendant by way of subrogated claim. Without prejudice to liability, the parties have helpfully agreed these costs in the amount of £56,918.92. In addition, the plaintiffs make a claim for damages for personal distress and inconvenience associated with their inability to use their home in the aftermath of the fire, during the clean-up period.

Expert Evidence

[9] The toaster was recovered following the fire but was understandably very badly damaged. It was inspected by experts for both the plaintiff and defendant. It is common case that those inspections were insufficient to identify a precise cause of the toaster igniting.

[10] Each party instructed an expert witness. On behalf of the plaintiff, evidence was given by Mr Jon Watkins, a forensic investigator who is also a chartered civil engineer and a trained fire investigator. Three written reports were prepared by him which were admitted in evidence by agreement. On behalf of the defendant, a report was prepared by Mr Darren Green, which was also admitted by agreement. However, he was not called to give evidence, and no other evidence was adduced by the defendant.

[11] A joint minute prepared by both experts was also admitted into evidence by agreement. It was prepared after a joint inspection of the toaster in the laboratory.

[12] The joint minute identified four possible causes of the toaster igniting. In summary:

- (i) **An incendive electrical fault.** This was described by Mr Watkins as consisting of a spark or a flame within the toaster igniting as a result of a fault within an electrical component. Possible examples of such a fault or failure which Mr Watkins suggested were: a component failure; a soldered connection on a circuit board; or a short circuit within an exposed live conductor.

- (ii) **The elements in the toaster could have remained energized for longer than anticipated.** Mr Watkins explained that the heating elements within the toaster are designed to remain energized while toaster carriage remained depressed. In ordinary conditions, the electric supply would cease, and the toaster carriage would be released by a timer mechanism. He explained that it was possible that a fault occurred within the toaster which prevented the heating elements from being isolated at the end of the cycle, with the result that they remained energized and continued to apply heat to the bread until ignition occurred. The design of the toaster was such that electricity continued to be supplied to the toaster elements, notwithstanding elapse of the selected time, if the toaster carriage remained depressed.
- (iii) The crumb tray at the bottom of the toaster may not have been cleaned out sufficiently, resulting in an accumulation of crumbs within the toaster which ignited upon exposure to heat from the elements.
- (iv) The toaster cycle may have been applied repeatedly until the bread ignited.

[13] In the course of evidence, Mr Watkins also accepted that a variation of Option 2 was also a possibility. He explained that, when depressed, the carriage was held in position by an electromagnet which was fixed to the base of the toaster. While it remained depressed, the elements would remain energized, and heat would continue to be applied to the bread. If the carriage had become stuck in the depressed position by means of an obstruction such as an irregularly shaped or oversized piece of bread within it, then the elements would remain energized, notwithstanding the passage of time. In other words, if the carriage became physically obstructed for some reason, the flow of electricity to the elements would continue even after the lapse of the selected time cycle. This possibility was recognised as an alternative explanation for Option 2 within the joint minute and was candidly accepted by Mr Watkins to be a possible explanation for the toaster igniting.

Consideration

[14] Having heard the evidence of Mr and Mrs McMahon, I am satisfied that options 3 and 4 can be discarded on the balance of probabilities as explanations for the fire. I have no reason to reject the evidence of Mrs McMahon that the toaster was used regularly and that the crumb tray was cleared regularly as part of her weekly cleaning routine. It may be that her weekly cleaning routine might not have included clearing the crumb tray every week, but I accept that she is likely to have done so on a regular basis. Equally, there is no evidence whatsoever to suggest that a member of the household repeatedly initiated the toaster cycle until the point that the bread ignited. Indeed, all of the evidence was to the opposite effect, namely that the entire family left the house when the phone call was received from a neighbour about the cattle escape.

[15] As a result of the above, the position of both parties is that there are three possible explanations for the toaster catching fire. Two of them involve a defect within the toaster, whether electrical, mechanical or a combination of both. The third involves the possibility of obstruction of the carriage within the toaster, due to the positioning or form of the bread being toasted.

[16] The joint minute from the experts includes the following statement:

“1.10 while it was agreed that the fire started at the toaster, it was also agreed that there is insufficient evidence to determine the precise cause of the fire. Additionally, there is insufficient evidence to determine whether or not it was due to a manufacturing defect with the toaster or a mechanism involving the way in which it was used.”

[17] In the face of this evidence, the plaintiff urged upon me that the possibility of user involvement with the toaster can be excluded on the basis that Mr and Mrs McMahon were clear that the only bread that they used was pre-sliced, regularly shaped pan loaf and that it was the same bread as they always used in the toaster, without incident. In the course of his evidence, Mr Watkins accepted that an obstruction of the carriage could still occur with pre-sliced bread, for example if the particular slice was misshapen, if the crust was torn or if it otherwise became jammed in wire lining of the carriage due to its positioning. One way or another, he accepted that this possibility could not be excluded.

[18] It was also clear from the joint minute that the damage to the toaster was so extensive that it was not possible to identify any fault within any of the components or any failure of a component part. Accordingly, there was no positive evidence of any particular defect. The evidence of both Mr and Mrs McMahon was that the toaster had been used without a problem for nearly two years. However, Mr Watkins confirmed that the types of mechanical or electrical defect which could give rise to a spark or prevent isolation of the elements would not necessarily manifest themselves over time. All of them could simply happen without notice or warning.

[19] The result of all of the above is that three possible explanations for the fire are available. While the greater number of them are based upon a possible defect in the toaster, there was no clear evidence pointing to any one of the explanations over the other. While I accept that it might be possible to determine the case by excluding an option which appeared to be remote or implausible, there was no such evidence in this case. Indeed, there was no evidence whatsoever as to which of the explanations was more likely than the other. Mr Watkins offered no opinion as to which was the more likely or how probable one explanation may be when compared with the

others. Indeed, the joint expert evidence was entirely neutral as to the probabilities of one explanation over the others.

[20] Having considered all of the evidence and possible explanations for the cause of the fire, I have reached the conclusion that it is simply not possible for the court to reach a conclusion as to which was more likely. Accordingly, I am compelled to decide the case on the basis of the burden of proof. In order to succeed in the case, it is necessary for the plaintiff to prove that it was more likely than not that the fire started by reason of a fault or defect within the toaster. I find that the plaintiff has not discharged that burden. While the plaintiff has identified a range of possible causes, the evidence falls short of proving that a defect was more likely than natural obstruction. Furthermore, the plaintiff was unable to adduce any evidence that the fire was more likely than not to have been caused by a defect in the toaster. The result is that, on the basis of the evidence adduced, the Court cannot be satisfied, on the balance of probabilities, that the fire was caused by a defect in the toaster.

[21] I therefore find that the plaintiff has not made out his case and the action is dismissed. I award the defendant its costs, to be taxed in default of agreement, to include two counsel.