



Peter Burns QC



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"His legal knowledge is second to none, but what really sets him apart from his peers is his ability to see the wood for the trees on a case and take a commercial view."

(Chambers & Partners 2020)



Criminal Regulatory & Environmental

Peter represents interested parties at inquests, generally being potential claimants or defendants in future personal injury claims.

Insurance & Reinsurance

Peter advises both insurers and insured parties on a wide variety of insurance issues, including policy construction and coverage.

He regularly represents insurers bringing actions to recover their outlay for claims arising from fire, flood or property damage. Recent cases include recovery arising from a fire arising from a tumble dryer, for a fire resulting from the installation of a fume extraction system and from a flood resulting from faulty work to a roof.

Selected Cases

- *Eternit v Zurich, RSA & Others* – A claim for indemnity brought against the insurers of a former subsidiary of T&N in respect of asbestos-related claims, the insurers having repudiated on grounds of material non disclosure and misrepresentation and raising arguments as to coverage. Settled at a mediation with a proportionate recovery for future claims.

Personal Injury

Peter had practiced in personal injury litigation since undertaking his pupillage at Deans Court Chambers in 1993. He advises and appears on behalf of claimants and defendants. He has extensive experience of

the whole spectrum of catastrophic injury claims, including spinal injury, brain injury and amputation. His caseload consists predominantly of claims valued in excess of £500,000 and he regularly undertakes claims valued substantially in excess of £1m. He has extensive experience of Joint Settlement Meetings and mediations.

Peter also has wide experience of industrial disease claims and a particular interest in asbestos related claims and occupational stress/bullying claims.

Selected Cases

- Tomlinson v Congleton – Instructed by the Defendant in the House of Lords in a landmark case concerning occupiers’ liability arising from natural dangers in which guidance was given as to the importance of free will and the social utility of activities when addressing breach of duty. (With Raymond Machell QC).
- Yates v Westminster Council – Social worker’s negligence claim. The Claimant, a paranoid schizophrenic, suffered cauda equina syndrome and serious orthopaedic injury after jumping from a 4th floor balcony. Settled for £1.73m net of 25% liability discount on a provisional basis with an entitlement to further damages in the event of the Claimant requiring lower limb amputation.
- X v Y – Instructed by Defendant in a claim arising from a catastrophic brain injury suffered in a road traffic accident. The Claimant pre-accident was a drug dependent prostitute, giving rise to significant issues as to unmet need/causation. Settled for £1.25m net of 25% liability discount.
- Dawson v Riccioni – The Claimant suffered catastrophic brain injury in a road traffic accident. Settled for £2m.
- Rostron v Pets Choice – The Claimant suffered severe orthopaedic and bowel injuries when she was crushed by a fork lift truck. Settled at £1.75m net of 10% liability discount.
- Smith v Clarke – Represented Defendant in a claim brought by the victim of a road traffic accident who was rendered a ventilator-dependent quadriplegic. Settled at £5.5m capital award plus £350,000 per annum PPO.
- Scott v DHL – Employer’s liability claim arising from a lorry driver who drove into collision with a low bridge suffering catastrophic brain injury. Substantial liability issues. Pleaded at £3m, Settled at £800,000.
- Smith v ACS – Instructed by Defendant in a claim arising from a fall at work rendering the Claimant paraplegic. Significant dispute on liability. Settled at £1.25m, representing 50% of the full liability value of the claim.
- Merga v PMT – Employer’s liability claim arising from an ‘overpour’ in a foundry. The Claimant suffered full thickness burns to 60% of his body surface. Settled at £875,000.
- Lenette v Lenette – Instructed by Defendant in claim arising from a catastrophic brain injury suffered by a child in a road traffic accident. Settled for £2.75m together with PPO of £120,000 per annum.
- Allen v Wedge Group – Instructed by Defendant in employer’s liability claim. Pleaded at £1.8m. Settled for £700,000.
- McDougall v Pains Wessex – Product liability claim arising from a safety flare backfiring and passing through the Claimant’s abdomen, leaving the Claimant suffering from short bowel syndrome. Settled at £800,000.
- Boyle v Knox – Instructed by a Defendant in a claim alleging the Claimant suffered brain injury in utero in a road traffic accident. Issues as to whether developmental or acquired. Settled at £250,000.
- Winspear v Turnbull – Traumatic lower limb amputation in a farming accident. Settled at £1.045m.

- *Sturt v Dairy Crest* – Represented the Defendant in a fatal accident claim principally concerning a services dependency of the Deceased to her young child who had Down’s syndrome. Settled for £492,000.
- *Page v Pugsley* – Successfully defended claim arising from a farm-worker being struck by lightning.
- *Hamilton v ARR Craib* – Multi-Defendant action arising from a bundle of scaffolding poles falling on the Claimant at Mersey Docks. Settled for £800,000.
- *Drinkall v Whitwood* – Court of Appeal. Instructed by the Defendant. An agreement made by insurers with a Claimant who was a protected party but which had not been approved was not binding and could be resiled from at will.
- *Goundry v Hepworth* – Court of Appeal. A child Claimant, who was crossing a road in a group, stopped in the centre of the road to let a vehicle pass before running out in front of the Defendant’s vehicle, suffering catastrophic brain injury. Successfully represented the Defendant on appeal, the Claimant’s claim being dismissed.
- *Jones v JLA* – Court of Appeal. A dry cleaning machine exploded due to inappropriate oil being used. Scope of duty for the supplier of the oil. Claim dismissed on appeal.
- *Oldham MBC v Secretary of State for Work & Pensions* – Tribunal of Commissioners. Right of compensator to appeal certificate of recoupable benefits on the ground that the recipient of the benefits was not entitled to receive them.

Memberships

- Personal Injury Bar Association