

## Peter Burns QC

Called: 1993



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### Practice Overview

Chambers & Partners 2019 (PI)

"He is extremely intelligent and able to absorb vast amounts of information quickly" "He is one of the best juniors in the North of England for complex personal injury claims; its hard to fault him"

### PRACTICE AREAS

Personal Injury  
Industrial Disease  
Insurance Law  
Professional Liability  
Commercial Litigation  
Multi Party Litigation  
Inquiries and Inquests

### ASSOCIATIONS

Personal Injury Bar Association

### 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.

### Concluded cases

**Tomlinson v Congleton** [2004] AC 14. 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. (With Raymond Machell QC).

**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. (With Raymond Machell QC).

**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. (With Raymond Machell QC).

**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.

**North Wales cycling accident.** Multiple fatality when a vehicle lost control in ice killing 4 cyclists and injuring others.

**Drinkall v Whitwood** [2004] 1 WLR 462. 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** [2005] EWCA Civ 1738. 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** [2002] EWCA Civ 1120. 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. (With Mark Turner QC).

**Oldham MBC v Secretary of State for Work and Pensions** [2002] R(CR) 1-02. 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. (With Mark Turner QC).

Peter has a particular interest in occupiers' liability claims. Sample cases include successfully defending a claim where a youth suffered catastrophic brain injury when he fell in a derelict building to which he gained unauthorised access (**Dunne v Tyne & Wear**; discontinued); where a claimant fell from a tree in a cemetery suffering catastrophic brain injury suffered (**Mansell v Rotherham**; discontinued); where a girl fell down a hillside adjacent to the Road of Remembrance in Folkestone suffering catastrophic brain injury (**Gillespie v Shepway DC**; discontinued); where the edge of a cliff on Baildon Moor collapsed causing a walker to fall to his death (**Thornton v Bradford**; succeeded at trial); where a claimant fell from a balcony in a hotel in Crete suffering catastrophic brain injury (**Hanson v Thomas Cook**; discontinued).

Other interesting concluded claims include brain injury suffered by a Claimant when struck by a shot putt in a school games lesson (**Makin v McGloin**); brain injury suffered by a Claimant from being hit by a snow ball contaminated with sewage (**Williams v Blaenau Gwent**); multiple claims arising from a crash landing of a plane at an airport in Ibiza; fatal accident and psychiatric injury claims arising from a hotel fire (**Strachan & others v Queens Moat House**); claim arising from the speed of response of life guards at a swimming pool (**Chang Song v Active Life**).

#### Current cases

**Deegan v Birmingham**. Defective Premises Act claim. Claimant suffered catastrophic brain injury falling down stairs to which no banister had been fitted. Liability compromised at 55% of damages to be assessed at a joint settlement meeting. Proceeds on quantum.

**Atkinson v Hodsons Coaches & others**. Claimant rendered tetraplegic when bounced out of his seat when travelling as a passenger in a coach over a level crossing.

**Buswell v Beer**. Claim pleaded at £6m for catastrophic 'frontal lobe' brain injury suffered in a road traffic accident. Listed for trial spring 2011.

**McKune v Cohen**. Claim pleaded at £5m on a full liability basis for a paraplegic victim of a road traffic accident. Listed for trial Spring 2011.

**Meyer v Wrexham BC and others**. Fatal accident claim arising from the escape of horses placed without permission on the Defendant's land. Listed for trial Summer 2011.

**Smith v Bolton MBC**. Social workers negligence claim, Claimant alleging failure to protect from sexual abuse.

**Yeeles v Bristol CC**. Social workers negligence claim. Claimant suffered catastrophic 'shaken baby' brain injury alleged to have arisen from a failure to protect.

**Smethurst v British Waterways & others.** Claim brought for bilateral lower limb amputation suffered in a trapping incident on a canal lock (with Raymond Machell QC).

**Brocklehurst & others v Kravag.** The claimants suffered brain injury in a road traffic accident in Germany. Claiming in this jurisdiction under *Rome II*.

## Professional Liability

Peter's professional negligence practice relates primarily to actions against legal advisers arising out of failed or inappropriately compromised personal injury and clinical negligence claims.

## Industrial Disease

Industrial Disease and Multi Party Litigation

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

## Directory Comments

Specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury. He primarily represents defendants. "He is extremely intelligent and able to absorb vast amounts of information quickly." "He is one of the best juniors in the North of England for complex personal injury claims; it's hard to fault him."

**Recent work:** Acted in a case involving a cyclist who was rendered tetraplegic after a collision with a vehicle that was parked obstructing a cycle lane and on double yellow lines. The case concerned difficult liability issues. Chambers and Partners 2019 (PI)

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**Strengths:** "Incredibly thorough and takes a great analytical approach to cases." "Very bright, and tactically he has mastery of the brief. He is liked by clients, down to earth and able to grasp complex issues very quickly." Chambers & Partners 2018 (PI)

Specialises in personal injury and industrial disease claims, with additional expertise in insurance matters. He is very able to handle cases related to injuries of some severity, including high-value claims for brain and spinal injury.

**Strengths:** "He adds value; he introduces new angles you might not have thought of, and always gives a little bit extra." "Without exception he provides thorough, precise and coherent advice cutting directly to the crux of the matter." Chambers & Partners 2017 (PI)

Assists clients with a broad spectrum of high-value cases stemming from brain and spinal injuries, chronic pain and industrial disease. Sources particularly note his skill in complex neurological cases.

**Strengths:** "He has been exceptionally strong on larger-value cases. He is very good on forensic analysis and has an ability to cut through the claim and decide where to go with it." "He is incredibly bright, very incisive,

practical and user-friendly."  
Chambers & Partners 2016 (PI)

'He never loses his cool, even in the most difficult situations.'  
Legal 500 2016

"The most reliable and forensic junior on the Northern circuit."  
Legal 500 United Kingdom 2015

"Much-admired junior with extensive experience in industrial disease and catastrophic injury claims. He is frequently instructed to act on behalf of defendants.

**Expertise:** "A senior junior who is far ahead of all his peers and most of his seniors. His analytical ability in complex causation cases is phenomenal."  
Chambers and Partners 2015 - Personal Injury

"Performs at the level of a silk."  
Legal 500 2014

"Has a wealth of specialist expertise both in catastrophic injury work and in industrial disease claims, particularly larger multiparty actions. He acts primarily for defendant solicitors.

**Expertise:** "He's a really decent opponent; a very polished advocate." "He's one of the best juniors in this area, with talent far exceeding many QCs with much greater experience. He's strong all round: in negotiation, in analysis, in his presentation in court, and in dealing with the client."

**Recent work:** He was instructed in a complex social workers' negligence claim where the claimant, a paranoid schizophrenic, suffered cauda equina syndrome and serious orthopaedic injury after jumping from a balcony. "  
Chambers and Partners 2014 - Personal Injury

"Advises and represents both claimants and defendants on a broad range of personal injury work, and is very strong on catastrophic injury claims. Commentators believe that "he is as good as a QC when it comes to local authority liability matters."  
Chambers and Partners 2013

"Recommended within Personal Injury and Clinical Negligence "  
Legal 500 2013

"Is "excellent at cutting through the mass of documentation and getting to the key issues"  
Legal 500 2102

"comfortably as good as any QC."  
Legal 500, 2011

"'Wonderfully helpful' public liability expert Peter Burns stands out for his 'effective and fair approach to negotiation' and for his 'brilliant management of complex issues.'"  
Chambers & Partners 2012

"...the most able junior in the North of England for catastrophic injury cases..."  
Legal 500, 2010

"...a leading junior who 'oozes intellect' and is widely considered to be 'a rising star of the personal injury bar...'"  
Chambers & Partners, 2011

"...comfortably as good as most Silks..."  
Chambers & Partners, 2010