



Peter Hurst LLB MPhil FCIARB was the Senior Costs Judge of England & Wales, at the Royal Courts of Justice, from 1992 to 2014.

During a judicial career which has spanned thirty years, he was also Judicial Taxing Officer of the House of Lords from 2002 to 2009 and of the United Kingdom Supreme Court from 2009 to 2014 and also of the Judicial Committee of the Privy Council from 2002 to 2014. He sat not only as a costs judge in the SCCO but also as a recorder in civil and criminal matters, including costs appeals from District Judges. He sat as an assessor with High Court Judges dealing with numerous costs appeals. He was invited to sit with the Court of Appeal as an assessor when that Court was dealing with difficult or complex costs appeals.

He was appointed Greffier substitute of the Royal Court of Jersey in 2005. He was elected an Honorary Bencher of Gray's Inn in 2007.

He worked closely with Lord Woolf on the Access to Justice Reforms and was an assessor to Lord Justice Jackson's Review of Costs and visited several overseas Jurisdictions in that capacity. He has been heavily involved in the implementation process with Lord Justice Jackson and Mr Justice Ramsay both in the Civil Procedure Rule Committee and with Ministry of Justice officials. He chaired the sub-committee charged with redrafting the costs rules and practice directions.

He was a member of the Advisory Committee on Civil Costs, which was disbanded in favour of the Civil Justice Council Costs Committee of which he was Deputy Chairman.

He is the author of Civil Costs (Sweet & Maxwell Litigation Library) now in its Sixth edition; and, Criminal Costs (OUP). He was until retirement a member of the Senior Editorial Board of Civil Procedure ("The White Book" Sweet & Maxwell) as well as being an editor contributing the commentary on all the costs rules and practice directions. He is now an advisory editor of "The White Book" and the main editor of Costs & Funding following the Civil Justice Reforms, now in its fourth edition. . He was a contributor to Butterworth's Costs Service (Lexis Nexis). He has contributed to a number of books on costs over the years and written numerous articles concerning costs for various legal periodicals both in this jurisdiction and in Europe.

He has lectured frequently at costs conferences and seminars including at the Westminster Legal Policy Forum, University College London and at Clare College Cambridge.

Examples of some of the cases which he dealt with either as a Costs Judge or as an assessor with the Court of Appeal or High Court Judge are given below.

COSTS AND LITIGATION FUNDING

Costs and Litigation Funding is the area of Peter Hurst's expertise. This covers all sectors of litigation as well as solicitor/ client disputes which may arise out of non-contentious matters as well as out of litigation. He is instructed as an expert in relation to costs and funding in numerous cases.

These include: a significant costs claim arising out of a successful arbitration of an insurance claim in respect of an environmental disaster in the USA: Tennessee Valley Authority (TVA) suffered losses in excess of \$1 billion from the largest fly ash spill in U.S. history. In the course of one hour, an 84-acre ash impoundment collapsed and released 5.4 million cubic yards of fly ash into the Emory River, wiping out entire ecosystems and clogging large portions of the river. Fly ash is a waste product from burning coal in a boiler to produce electricity. The claim for costs was strongly resisted by the insurer but was eventually settled without the need for a hearing. (TVA v Zurich Insurance).

Peak Hotels and Resorts Ltd, Re, also known as: Crumpler v Candey Ltd, [2017] EWHC 3388 (Ch), HHJ Mark Raeside QC, instructed as an expert in respect of the valuation of services provided under a fixed fee agreement the subject of a floating charge. Judgment for the defendant solicitors.

Persona Digital Telephony Limited & Sigma Wireless Networks Limited and The Minister for Public Enterprise, Ireland and the Attorney General, and, by order, Denis O'Brien and Michael Lowry. [2017] IESC 27. Whether a third party funding agreement was champertous. Primary legislation required to permit TP funding.

Harlequin Property (SVG) Ltd v Wilkins Kennedy, [2016] EWHC 3233 (TCC). Concerning the validity of DBAs. Settled before trial concluded.

Energy Venture Partners Ltd v Malabu Oil & Gas Ltd, [2013] EWHC 2118 (Comm). Validity of third party funding arrangement.

ARBITRATION AND MEDIATION

Litigation, including group litigation, in all sectors gives rise to claims for costs which are frequently very large and difficult to resolve. The use of arbitration, mediation, early neutral evaluation and expert assessment can all result in matters being brought to a satisfactory conclusion. Peter Hurst has been instructed in a number of such cases and has been asked to act as an Independent Costs Expert (ICE). The confidential nature of mediation means that it is not possible to list specific cases.

CFAs, SUCCESS FEES AND ATE PREMIUMS:

Callery v Gray (1) (2) [2002] 1 WLR 2000; [2002] 3 All ER 417; [2002] 2 Costs LR 205 CA

Claims Direct test cases [2002] EWCA Civ 428; [2003] EWCA Civ 136; [2003] 4 All ER 508; [2003] 2 Costs LR 254

Garrett v Halton BC and Myatt v NCB [2006] EWCA Civ 1017; [2007] 1 WLR 554; [2007] 1 All ER 147; [2006] 5 Costs LR 798

Hollins v Russell [2003] EWCA Civ 718; [2003] 1 WLR 2487; [2003] 4 All ER 590; [2003] 3 Costs LR 423

Jones v Caradon Catnic [2005] EWCA Civ 1821

Nizami v Butt [2006] EWHC 159 (QB); [2006] 1 WLR 3307; [2006] 2 All ER 140; [2006] 2 Costs LR 483

RSA Pursuit litigation [2005] EWHC 9003

The Accident Group test cases [2004] EWCA Civ 575; [2004] 3 All ER 325; [2004] 3 Costs LR 422

U v Liverpool CC [2005] EWCA Civ 475; [2005] 1 WLR 2657; [2005] 4 Costs LR 600

PRINCIPLES OF DETAILED ASSESSMENT:

Brush v Bower Cotton and Bower [1993] 1 WLR 1328; [1993] 4 All ER 741, Brooke J

Drew v Whitbread Plc [2010] EWCA Civ 53; [2010] 1 WLR 1725

Giambrone v JMC Holidays [2002] EWHC 2932; [2003] 1 All ER 982; [2003] 2 Costs LR 189, Moreland J

Lahey v Pirelli [2007] EWCA Civ 91; [2007] 1 WLR 998

Lownds v Home Office [2002] EWCA Civ 365; [2002] 1 WLR 2450; [2002] 4 All ER 775; [2002] 2 Costs LR 279

O'Bierne v Hudson [2010] EWCA Civ 52; [2010] 1 WLR 1717

Papera Traders v Hyundai Merchant Marine Co. Limited (the Eurasian Dream)(No. 2) [2002] EWHC 2130; [2002] 2 All ER (Comm) 1083

Solomon v Cromwell Group Plc [2011] EWCA Civ 1584; [2012] 1 WLR 1048; [2012] 2 All ER 825; [2012] 2 Costs LR 314

Three Rivers DC v Bank of England [2006] EWHC 816 (Comm); [2006] 5 Costs LR 714, Tomlinson J.

COSTS CAPPING AND BUDGETING:

AB v Leeds Teaching Hospitals NHS Trust (Organ Retention Group Litigation) [2003] EWHC 1034 (QB); [2003] 3 Costs LR 405, Gage J

Henry v News Group Newspapers [2013] EWCA Civ 1; [2013] 2 All ER 257; [2013] 2 Costs LR 334

King v Telegraph Newspapers [2004] EWCA Civ 613; [2005] 1 WLR 2282; [2004] 3 Costs LR 449

Ledward Group Litigation v East Kent HA and Ors [2003] EWHC 2551 (QB); [2004] 1 Costs LR 101, Hallett J

Leigh v Michelin [2003] EWCA Civ 1766; [2004] 1 WLR 846; [2004] 2 All ER 175; [2004] 1 Costs LR 148

GROUP LITIGATION:

Motto v Trafigura [2011] EWCA Civ 1150; [2012] 1 WLR 657; [2012] 2 All ER 181; [2011] 6 Costs LR 1022

Benzodiazepine litigation

British Coal Phurnacite litigation

British Coal Respiratory Disease litigation

MTVIL Phone Hacking Tranche 1

Nottingham Textile Workers Deafness litigation

Sellafield Litigation

The Marchioness / The Bowbelle

SOLICITOR AND CLIENT:

Mastercigars v Withers LLP [2007] EWHC 2733 (Ch); [2009] 1 WLR 881; [2008] 1 Costs LR 72, Morgan J.

Tim Martin Interiors Limited v Akin Gump LLP [2011] EWCA Civ 1574; [2012] 1 WLR 2946; [2012] 2 All ER 1058; [2012] 2 Costs LR 325.

LITIGANTS IN PERSON:

Agassi v Robinson [2005] EWCA Civ 1507; [2006] 1 WLR 2126; [2006] 1 All ER 900; [2006] 2 Costs LR 283

INQUIRIES:

Abu Musa Inquiry

North Wales Child Abuse Inquiry

Northwest Child Abuse Inquiry

Nottingham Child Abuse Inquiry

The Bloody Sunday Inquiry

APPOINTMENTS

Appointed to the Kuala Lumpur Regional Centre for Arbitration's (KLRCAs) Panel of Arbitrators and Mediators

MEMBERSHIPS

FCIArb, Panel Member CIArb Business Arbitration Scheme, Civil Mediation Council Registered Mediator, Member of the Expert Witness Institute, Panel Member Costs ADR, Panel Member PICArbs, Arbitrator Panel Member of KLRCAs, Mediator Panel Member of KLRCAs, Member SIAC Users Council.

QUALIFICATIONS

2015 Fellow CIArb

2014 Accredited Mediator; Associate CIArb; member of the Expert Witness Institute

1992 – 2014 Senior Costs Judge of the Senior Courts Costs Office, Royal Courts of Justice

2009 – 2014 Judicial Taxing Officer of the United Kingdom Supreme Court

2002 – 2014 Judicial Taxing Office of the Judicial Committee of the Privy Council

2002 – 2009 Judicial Taxing Office of the House of Lords

1981 – 1991 Costs Judge of the Supreme Court Costs Office

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