

Peter Atherton

1975 Gray's Inn

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Professional Associations

Education

University of Birmingham (LLB)

CEDR Accredited Mediator

Harvard University Certificate of
Mediation

Association of Regulatory and
Disciplinary Lawyers

Personal Injury Bar Association

Professional Negligence Bar
Association

Association of Northern Mediators

Appointments

Assistant Recorder 1995

Recorder 1999

Areas of Specialism

Professional Healthcare and Regulation

General Medical Council

Professional Discipline

Inquests

Health, Safety & Regulatory

Personal Injuries and Clinical Negligence

Professional Liability

Environmental

Employers Liability

Product Liability and Damage to Property

Mediation

Profile

Peter Atherton specialises in cases arising from alleged breaches of good professional practice with a particular emphasis on the healthcare professions. He frequently appears for the General Medical Council in medical Fitness to Practise Inquiries. He offers a wealth of advocacy experience gained in the criminal courts where, as Junior Counsel on the Attorney General's Panel, he prosecuted cases of serious revenue fraud and in the civil courts where he has acted for major insurance companies in defending suspected fraudulent claims.

He has advised and acted for corporate clients in cases brought by the HSE following fatal accidents and by the Environment Agency following incidents of water pollution.

He appeared as counsel in the major Public Inquiry into the Piper Alpha Disaster. He also represents individuals in their battles for compensation for injuries and losses caused by negligence and injustice. He has advised and acted

for Local Authorities across the wide range of their regulatory responsibilities for public health and safety and has a special interest in claims arising from the Carriage of Goods.

He acted for the claimant in the Court of Appeal in the leading case on workplace stress. He is also well known for his work as a mediator and for his skills as an advocate in mediations. Peter Atherton sits as a Recorder in the Criminal and Civil Courts. He is a trustee of the PSU Charity and co-founder of an award winning 'pro bono' advice scheme.

Notable Cases

Professional Discipline

Oyesanya v General Medical Council [2017] EWHC 409 (Admin)

Fitness to Practise, Appeal, Case management

Statutory appeal from decisions of MPTS at the conclusion of a case lasting 57 days.

Holman J. exercised robust case management powers to restrict the scope of the appeal by excluding complaints about the tribunal's case management and procedural decisions and decisions about the weight They attached to certain evidence saying.... "Quite frankly, it is unrealistic to suppose that this court, on appeal, is going to get behind the primary findings of fact made by the tribunal after so lengthy a hearing. That, however, is a different question from whether or not the primary facts as found do or do not amount, in any given case, to misconduct, let alone serious misconduct."

Please note that the appeal has now been heard and it raised another significant issue:

Oyesanya v General Medical Council: [EWHC] CO/5106/2017

On 19 October 2017, Her Honour Judge Alice Robinson sitting as a Judge of the High Court, upheld the Tribunal's findings of serious misconduct but remitted the finding of impairment and sanction because the Tribunal had been wrong to take into account the registrant's poor listening skills which had not formed part of the charges against him.

Professional Regulation

NMC v Midwife D

Peter Atherton (instructed by Burton Copeland) defends an experienced midwife who is accused of performing an episiotomy without informed consent.

Inquest

Recent Inquest [2014]

South Tyneside Inquest involving Care Homes/Regulatory/Coronial Law -

Emergency medical attention when a vulnerable person complains of chest pain.

Professional Negligence

Undervalued compromise of a CFA personal injury action. Post April 2013 funding and quantification of the professional negligence claim.

Personal Injury

Advised and represented school governors in defence of a mesothelioma claim brought by the family of a former teacher.

Personal Injury

Sutherland v Hatton 2002 EWHC Civ. 76

Leading case on psychiatric injury caused by stress in the workplace.

Health and Safety

Piper Alpha Public Inquiry

Case involving safety issues in the oil and gas industry following the catastrophe on the Piper Alpha platform.

Personal Injury

Khan v Armaguard [1994] 3 All ER 545

Developments in surveillance evidence in cases of insurance fraud.

Personal Injury

McEvoy v. A A Welding & Fabrication Ltd 1998 PIQR 266

Limitation arguments in the Court of Appeal on behalf of insurers.

Personal Injury

Hatton v. Sutherland [2002] 2 All ER 1

Leading case on workplace stress.

What the Directories say

Gains regular instruction from the GMC in medical tribunal cases, drawing on his wealth of experience handling civil and criminal cases when acting in court. He is also skilled at handling inquests concerning deprivation of liberty cases and Human Rights Act applications, among other matters. "He's such a class act. He has a wealth of experience which is used to good effect." "A very experienced, very capable advocate. He knows the case very well and presents it very clearly to the tribunal."

Chambers and Partners, 2018

Gains regular instruction from the GMC in medical tribunal cases, drawing on his wealth of experience handling civil and criminal cases when acting in court. He is also skilled at handling inquests concerning self-harm cases and Human Rights Act applications, among other matters. "He is a hugely experienced, long-standing prosecution performer." "He has the style and ability to do consistent consecutive and long-running cases, which he does with aplomb. He knows how to handle panels and is a very proficient advocate who knows the business." "He is extremely charming and nothing fazes him - a really safe pair of hands." "A very experienced practitioner - measured and meticulous."

Chambers UK, 2017

Focuses his practice on disciplinary cases in the healthcare profession. He often appears in medical fitness to practise inquiries, where he brings his experience in the criminal courts to bear. "He's very well organised and aware of all the issues. He's a good advocate and opponent to be against." "He has a breadth of experience in both public law and healthcare, which you don't see all that often."

Chambers UK, 2016

Has a breadth of expertise in professional discipline matters in the healthcare industry, particularly in fitness to practise inquiries. "He is a very experienced practitioner, particularly in the healthcare sector."

Chambers UK, 2015

Brings a measured approach to prosecuting serious cases and quickly masters the detail in complex matters.

Chambers UK, 2013

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