



**PRIVATE NUISANCE LITIGATION:
HOW CAN NUISANCE CLAIMS BEST BE DEFENDED OR THE
CONSEQUENCES MITIGATED?**

(2 CPD points)

Speakers: Stephen Hockman QC (Chair), William Upton and Gordon Wignall

Purpose: Immediately following “Jackson” and the LASPO reforms, few private nuisance multi-party or other claims were being issued. Claimant lawyers appear to have regained confidence and claims are now on the increase. Private nuisance proceedings, especially those managed as multi-party actions, are strict liability claims which are difficult to defend and the costs are still high. Participants will be able to discuss, following Jackson and *Fen Tigers* (UKSC), whether these claims have become any easier to defend, and if not, how the consequences for defendants can best be mitigated. The seminar will give both claimant and defendant perspectives.

Topics:

- Litigation funding: is QuOCS a practical answer open to today’s claimants?
- Group litigation: should an application for a GLO under CPR Part 19 be opposed?
- Is it relevant that claimants in a multi-party action have inconsistent cases? To what extent can claimant evidence be challenged at Court?
- *Barr v. Biffa Waste*: is it now time to re-align private nuisance claims with regulatory permissions?
- The prescriptive right to pollute: is this a realistic option or a paper-tiger following the Supreme Court’s ruling? Does public nuisance provide claimants with a complete defence?
- When is an injunction an appropriate remedy and what are the costs consequences if the claimant fail? Does a declaration offer claimants an alternative?
- How should damages be assessed?

Date/Venue: Monday 11th July 2016, 4.30-6.30 pm (tea/coffee available from 4.15pm) at 6 Pump Court Chambers. Drinks and canapés to follow.

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Cost: £25 per person. Subsequent bookings from your firm/ organisation charged at a reduced rate of £15 per person.