Helen Rutherford

Call 2010

Clerks

Leigh Daniels
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Memberships

- PIBA
- APIL
- Northern Circuit
- North Eastern Circuit

Education

MA Law, Gonville and Caius College, Cambridge

Credit Hire

Helen was called to the Bar in 2010. Since then she has built up a busy practice, covering all areas of civil law.

She has built a national reputation in credit hire litigation, acting for both Claimant and Defendants from interlocutory applications to appeals.

She is particularly requested for matters concerning the hire of replacement fleet or taxi vehicles and replacement prestige vehicles.

Helen is a popular court advocate as well as having a thriving advisory and paper practice. She appears in fast track and multi-track credit hire matters.

Helen has been invited to speak at national conferences and seminars on credit hire matters. She has also appeared as an advocate in national live/streamed mock trial for The CHO.

Having appeared in several appeals on a variety of credit hire issues, Helen has increasingly involved in the next generation of credit hire authorities.

Helen is known to be a strong advocate, with excellent case preparation and presentation skills.

Cases

Holt v Allianz Insurance [2023] EWHC 790
Junior counsel, led by Ben Williams KC, in the High Court appeal relating to pre-action disclosure of impecuniosity evidence.

Hardstaff v Fred Sherwood & Sons (Transport) Ltd [2022] EWHC 2413 (Ch)
High Court appeal on the issue of enforceability, in circumstances where the Claimant did not understand that she had entered into a hire agreement, and had access to a courtesy car under her policy.

Bunting v Zurich [2020] EWHC 1807 (QB)
Appeal relating to the reliance upon the oral evidence of a rates author which contradicted the documentary evidence served in support of his report (together with general challenge to the BHR evidence).

Zurich Insurance Plc v Nay & others (2019)
This was a test case of 11 applications for pre-action disclosure for impecuniosity documentation for credit hire vehicle users. The Applicant relied upon EUI v Charles. Acting for Respondent, successful distinguished that matter, had all applications dismissed with £10,000 of costs awarded.

Hillier v Southern Rock (2019)
High Court appeal dealing with the issue of abuse of process following settlement of personal injury damages at Stage 2, with credit hire charges being claimed separately in Part 7 proceedings. Permission to appeal further refused by the Court of Appeal.

Northumbria Healthcare v Various
String of several cases over multiple months, successfully defending claims for credit hire in cases concerning vehicles provided by the NHS to their employees by way of a salary sacrifice scheme. Claims weren't pleaded as loss of use for the individual driver in the alternative, and thus failed due to lack of evidence of necessity.

Carillion v Various
Successfully defending claims brought by Carillion in respect of vehicles damaged in various road traffic accidents. Arguments relating to evidence of fleet utilisation as well as need to hire.

Sandhu v MCE (2018)
Successfully defending application for strike out for abuse of process in multi-track matter. Claim had previously been issued but struck out for a failure to file DQs. Arguments on res judicata, issue estoppel as well as abuse of process (Aktas v Adepta, Aldi Stores etc). Application dismissed, costs awarded.

Hull v Aviva (2020)
FT trial by Skype. Successfully defeated Defendant's BHR, hire awarded in full (bar an additional driver charge, which was conceded). Period challenged by Defendant but period awarded in full despite arguments of failure to mitigate/unreasonable delay

Nixon v Barnden (2020)
FT trial by Skype. Successfully defeated arguments on enforceability of hire agreement, and misrepresentation. Recovered in full, beat Part 36 offer.

Lewis v BSS (2019)
Successfully defeated intervention letter and BHR evidence, as well as period arguments on failure to mitigate loss. Hire awarded in full, Part 36 offer beaten.

Davies v Rotala (2019)
MT matter. 97% recovery of hire charges for a pecunious Claimant . Part 36 offer beaten, additional damages and interest awarded. Procedural issues on the admissibility of BHR due to technical defects in complying with court order.

Recommendations

"Helen is a good communicator and a fantastic advocate in court, with the ability to think on her feet." **The Legal 500, 2026**

"A first-rate advocate." **Legal 500, 2020**

Beyond the Bar

Helen is a keen horse rider, and competes in dressage and eventing with her two horses. She also speaks fluent Spanish and enjoys Spanish music and cinema.