

BRIAN McCLUGGAGE



YEAR OF CALL

1995, Middle Temple

EDUCATION

MA (Hons) Law, Emmanuel College,
Cambridge University
LLM, University of Toronto
Middle Temple Fox Scholar

ASSOCIATIONS

Personal Injury Bar Association
Employment Lawyers Association

APPOINTMENTS

'Treasury Counsel' (Provincial) (2002)

SPECIALIST AREAS OF PRACTICE

Although Brian McCluggage is a predominantly civil advocate, he has developed a niche in health and safety criminal defence work.

In his early years at the Bar he conducted criminal cases in the Magistrates' Court and Crown Court, including the prosecution of hackney and private hire drivers on behalf of local authorities for breach of bylaws and licensing regulations, giving him exposure to regulatory work.

He now specialises in substantial personal injury and fatal accidents cases, together with heavyweight employment litigation, much of which is for government departments such as DCA (now MOJ), DWP and the Home Office.

He is comfortable with issues of technical evidence and statutory interpretation, both of which can be so important in this area of law. He has recently been instructed to draft a Private Members Bill amending the Vehicle Excise and Registration Act 1994 and the Police Reform Act 2002 on behalf of the Greater Manchester Police Authority in conjunction with various local MPs.

His experience of inquests includes deaths on construction sites and representing the Home Office in custody death cases.

His specialism in personal injury law means that solicitors often instruct him for the linked inquest, HSE prosecution and the resulting civil proceedings, so preserving continuity and cutting costs.

NOTABLE CASES

Significant recent defences in health and safety prosecutions include:

- *HSE v Southend Timber & 6 others*: Liverpool Crown Court: death and serious injury during demolition of terraced housing in Bootle. Instructed on behalf of demolition contractors.
- *HSE v Esprit Midland*: fall of employee through roof leading to spinal injury. Instructed on behalf of employer.
- *HSE v Esprit Midland*: Worcester Crown Court: loss of employee's arm in a screed machine. Instructed on behalf of employer.
- *HSE v Clarendon Haulage*: death resulting from fall of bales of cardboard from a truck onto employee. Instructed on behalf of employer.
- *HSE v F.O'Malley & Sons*: tipper truck accident leading to amputation of young employee's leg at knee. Instructed on behalf of employer.



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