# Mark Monaghan

YEAR OF CALL 1987

Email: criminalclerks@9sjs.com

### **AREAS OF EXPERTISE**

Inquests & Public Inquiries, Regulatory and Professional Discipline Group, Insurance Fraud, Criminal



## Regulatory and Professional Discipline Group CV

**Specialist Areas of Practice** 

Criminal Law Health and Safety Law Regulatory and Disciplinary Law Inquests

#### **Health & Safety Law**

Mr Monaghan has considerable experience in dealing with Health and Safety Executive Prosecutions. He has acted for both employers and employees - past blue chip clients include British Nuclear Group, Bruntwood, Smurfit, and United Utilities.

He has also acted both for prosecuting authorities and defendant companies in Trading Standards prosecutions, including copyright offences. Mr Monaghan has acted for clients in cases involving illegal loans, counterfeit goods and clothing and computer piracy.

Mr Monaghan has appeared at tribunal hearings and recently acted for a magistrate facing removal from the bench at a hearing at the Office for Judicial Complaints;

He has considerable experience of inquests, predominantly relating to accidents at work. He is familiar with coroners' practice and the drafting of narrative verdicts etc. Mr Monaghan has experience of cases involving care homes and has advised care home owners in respect of HSE/Local Authority prosecutions.

Mr Monaghan's expertise in this field is assisted by a love for and understanding of all things mechanical, especially engines and the like. He comes from a family of engineers and currently runs two classic cars, working on them himself when time and the size of his garage permit.

#### **Notable Cases**

- HSE - v - British Nuclear Fuels Group

Representing nuclear power and reprocessing company following the escape of radioactive material from its primary containment leading to the closure of the THORP reprocessing plant. The incident was given an International Nuclear

#### Event Scale level 3 categorisation

#### - HSE - v - Bruntwood

Representing a large commercial landlord after the death of an 11 year old boy who had been playing a game involving riding on the outside of automatically operated roller shutter doors. Issues of what was foreseeable and reasonably practicable.

#### - HSE - v - RH Property Management

Representing a property management company for breaches involving the storage and disposal of asbestos. Issues involving sub-contractors' duties and adequacy of supervision.

#### - HSE - v - Edwards

Representing a fork lift truck driver who was prosecuted personally (in addition to the prosecution of his employer) after his vehicle collided with and injured another employee who was crossing a poorly marked loading area

#### - HSE - v - United Utilities

Representing a utility company after overhead power linesman fell to his death from the top of an electricity pylon having failed to use the correct personal protective equipment. Issues relating to training and provision of correct PPE

#### - HSE - v - Smurfit

Representing a paper manufacturer after an employee was pulled into rollers and crushed to death - adequacy of safety measures, management's knowledge of unsafe practices

#### - HSE - v - Papermarc

Representing a paper manufacturer after an employee suffered a de-gloving injury in unguarded machinery

#### - HSE - v - Emboss (Europe) Ltd

Representing a paper goods manufacturer after an employee was injured by unguarded machinery. Issues relating to the liability of a new company formed from the remains of the defendant.

Representing a chemical manufacturer after an employee working at height fell through an unguarded trap door onto a gantry below and was severely injured.

#### - Tameside MBC - v - Airborne Environmental

Representing an environmental consultancy firm who were one of several defendants prosecuted by a local authority in respect of inadequate measures taken in the course of a construction project involving the removal of a large amount of asbestos

### **Quotes**

Crime ranked Tier 1 Noted for his experience in complex fraud cases

- Legal 500 2019

'Recent casework includes money laundering and murder.'

- Legal 500, 2017

"he has considerable experience in serious violence and sexual offences cases".

- Legal 500 2016

"His practice includes money laundering, drugs importation, fraud and sexual offences cases."

- Legal 500 2015

"recommended for defending in financial crime cases"

- Legal 500 2013