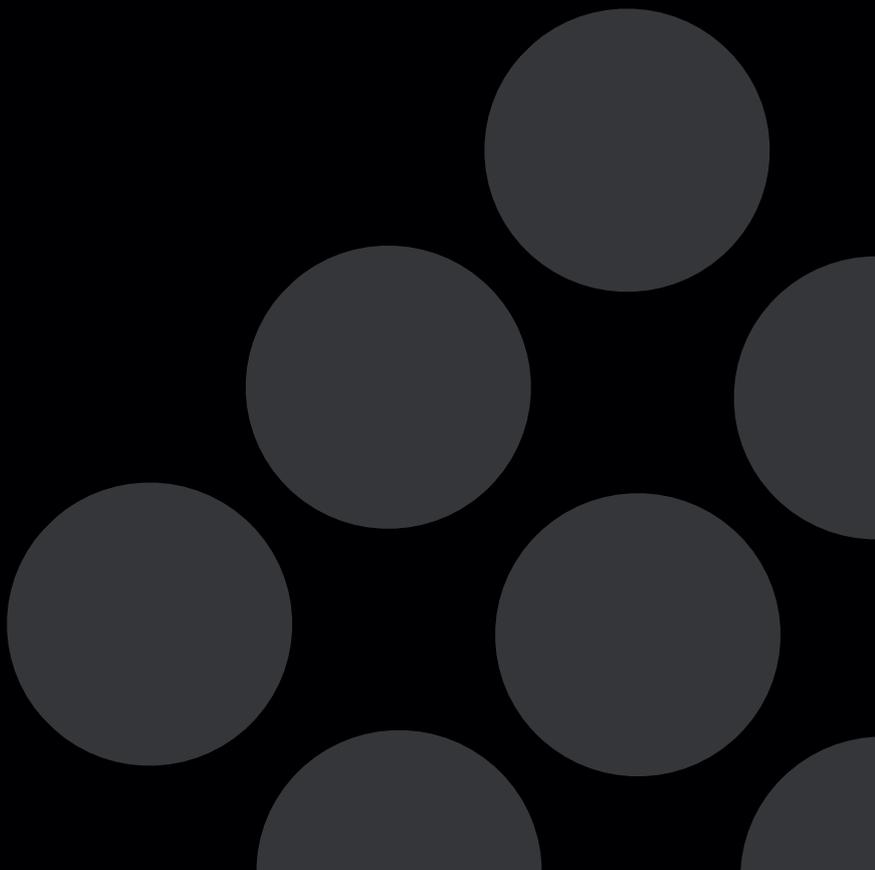


NINESTJOHNSTREET
HEALTH & SAFETY



Robust – Resourceful – Reliable

Commercial & Property

Crime

Employment

Family

Health & Safety

Housing

Insurance Fraud

Personal Injury

Public

*“A first tier firm – offers a very good
availability of counsel and the clerks
are superb at offering alternatives”*

Legal 500 2011

Health & Safety

“A significant amount of 9 St John Street’s health and safety work derives from high-value personal injury cases. Practitioners are also noted for their expertise in inquests linked to HSE investigations, and advising employers on how to better manage health and safety.”
Legal 500 2014

The Group has a wealth of experience in working in this specialist area. It is well balanced in terms of both prosecuting and defending serious and complicated health and safety cases, including ‘corporate manslaughter’ trials.

The Group also offers specialist expertise in relation to Inquests linked to HSE investigations and in particular those involving difficult disclosure and/or causation issues. Clients include the HSE, CPS Special Casework Directorate, Local Authorities, as well as private companies.

In addition, the Group has been pro-active in developing non-contentious work and has advised clients as to future developments in the law relevant to their field and how their safety systems or structures may need to adapt in order to meet with new regulations or legislation.

This approach has been developed with employers who have identified problems within their own systems and are keen to better manage H & S issues, the HSE and other enforcement agencies. This development is particularly important now that HSE is increasingly turning to Local Authorities to share/partner their enforcement obligations.

The H&S Group is also conscious of the need and desire of our clients to be kept abreast of the many new decisions this field, for example ‘reasonable practicability’ and to that end, a series of seminars dealing with key current issues are planned.

Simon Jackson QC
Head of Group



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CHARLES GARSIDE QC



Head of Chambers

YEAR OF CALL

1971, Gray's Inn

ASSOCIATIONS

Health & Safety Lawyers Association
Criminal Bar Association

APPOINTMENTS

Queen's Counsel
Recorder

PROFILE

Since his appointment as Queen's Counsel Charles Garside has been engaged in conducting serious and complex criminal cases, often involving technical and scientific evidence.

He has appeared in criminal cases involving allegations of breaches of health and safety legislation, as well as criminal infringement of intellectual property rights. He has also appeared in the Divisional Court and higher appellate Courts in cases involving criminal and quasi-criminal matters.

In addition to his Court appearances he lectures on topics including corporate manslaughter and the effect of human rights legislation.

RELEVANT CASES

- *R v Noonan* (A prosecution for counterfeiting clothing)
- *R v Charlton* (The defence of a gas fitter charged with the manslaughter of a house owner by gross negligence, and breach of Health and Safety offences arising out of the fitting of a boiler)
- *R v Glaves* (A prosecution for fraud involving the illegal disposal of large quantities of waste)

OTHER CHAMBERS

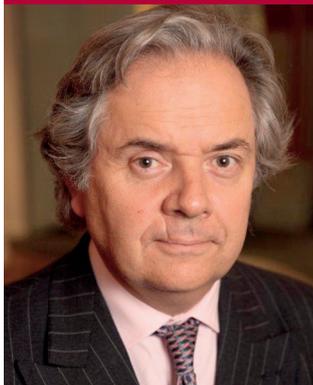
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SIMON JACKSON QC



YEAR OF CALL
1982, Gray's Inn

QUEEN'S COUNSEL
2003

EDUCATION
LLB (Hons), University of Leeds

ASSOCIATIONS
Health & Safety Lawyers Association
Association of Regulatory and
Disciplinary Lawyers
Criminal Bar Association

*"strongly recommended in
Health & Safety/Regulatory"*
Legal 500 2011

*"has particular expertise in
medically complex cases"*
Legal 500 2010

*"is outstanding in HSE cases
and is noted for instructions
of technical complexity"*
Legal 500 2008

*"is extremely effective in cases
with a complex technical
element"*
Legal 500 2007

*"is extremely effective in
medical defence"*
Legal 500 2005

Simon Jackson is Head of the Health and Safety/Regulatory Team.

APPOINTMENTS
Recorder General Crime 2005 [Civil 2006]
(Class 2 Crime 2014)

PRACTICE AREAS
Health & Safety
Medical Practitioners Tribunal Service [GMC]
Hearings/Appeals/ High Court Reviews,
Coroners & Inquests

PROFILE
The Health and Safety work has involved representing both individuals and corporate clients. [See notable cases listed below]

Simon Jackson was involved in what was the only the third corporate manslaughter prosecution (under the 2007 Act) and allied gross negligence manslaughter prosecution, involving an industrial (roofing) accident. [R v Lion Steel Equipment Limited & Others]

Most recently he has acted for a builder and care home proprietor in relation to a fatal fall involving a vulnerable resident, which arose from alleged historic structural defects and recent management failures, giving rise to a Local Authority prosecution. [R v DG (2015) Crown Court at Leicester]

The Professional Regulatory Disciplinary work involves acting for the GMC before Medical Practitioner Tribunal Service Hearings, and in related Appeals and High Court Review hearings, concerning alleged misconduct, deficient professional performance and health issues.

The Inquest work has involved representing corporate clients in connection industrial fatalities, deaths in custody and deaths of school children undertaking 'outdoor adventure activities' both in the UK and on overseas trips. [France & Morocco.]

Simon Jackson has been involved in a number of high profile inquests, involving deaths in hospitals and police stations, (including re: *Christopher Alder deceased*, which involved complex medical causation issues, including restraint techniques and positional asphyxia. This inquest resulted in verdict of unlawful killing, administrative review proceedings, and consequent manslaughter charges being brought against some of the police officers involved in the deceased's detention.

More recently Simon Jackson has acted for a client operating privately run detention facility where a detainee died [of natural causes] whilst in custody awaiting voluntary deportation. Since taking 'silk', Simon Jackson has been involved two further corporate manslaughter cases, one a trial involved the operation of an indoor motocross track in Sheffield. This case raised issues for the responsible NGB, and for the HSE, as to how 'risk based activities' are to be properly risk assessed and controlled in the future.

Simon Jackson has also acted as 'Legal Assessor' to one of Her Majesty's Coroners in connection with a two week inquest involving an infant death in hospital, where the alleged over administration of drugs was a possible cause of death and the issue of 'gross negligence manslaughter' had been raised by a reporting consultant.

He has also acted as Counsel to the Inquiry in a lengthy death in custody Inquest in South Wales. He has a particular interest in the issue of disclosure of un-used material in connection with 'Article 2' inquisitions and has written articles and presented a seminar on this topic.

NOTABLE CASES

- *Re: Dr D v General Medical Council* [2015] EWHC 3379 (Admin) (Case involving conduct of a UK based multi-centre industry sponsored medical research clinical trial)



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- *R v D G & Another* [2015] Defending a builder & care home proprietor following a fatality arising from structural defects and management failures in proceedings initiated by the local authority prosecution acting under s3(1) Health & Safety at Work Act 1974, relating to a fatality in a residential care home.
- *Re: Dr AM v General Medical Council* [2015] (Admin) Wilkie J. 19.06.2015
- *Re: TM* [Death in Custody Inquest: Detention Facility 2015]
- *Re: SB* [Oversees Adventure Activity Inquest: 2014]
- *R v Lion Steel Equipment Limited* [July 2012] Corporate Manslaughter prosecution under the new CMCHA 2007. The defendant company pleaded guilty at the close of the prosecution case and was fined £480,000 and ordered to pay substantial costs, in respect of fatal accident at factory premises where an employee fell through a roof light on a fragile roof.
- *GMC v Dr P* [August 2012] Case involving the London 'G20' Pathologist who was struck off the Medical Register for misconduct by a Fitness to Practise Panel arising out his conduct of the Ian Tomlinson post mortem in April 2009.
- *Re JS* [Death followed alleged failure of 'Care in the Community' Psychiatric Service. Uxbridge Coroner's Court [2012]
- *R v Shah Nawaz Pola* [2009] EWCA Crim 655 [Re: the definition of an 'employer' re: 'migrant workers', under s53 of the Health and Safety at Work Act 1974]
- *R v HTM [Hatton Traffic Management] & Colas* [2008] Crown Court trial at Teesside.
- *R v Hull Coroner for East Riding of Yorkshire and Kingston-upon-Hull, ex parte Dawson & Others* [2001] ACD 365 (Death in Custody re: Christopher Alder: Admin Review)

PUBLICATIONS

- Articles recently published in
- *Archbold News* (Re: Admissibility of Expert Evidence),
 - *New Law Journal*
 - *Solicitors Journal* (Disclosure in Coroners' Court)

OTHER INFORMATION

Articles on Expert Evidence: (Ear prints and Lip-reading etc, and Disclosure at Inquests).
Published in: *Archbold News*, *New Law Journal* and *Solicitors Journal*.

Seminars on Safety Issues re: School Visits/
Outdoor Trips. 'Double Jeopardy' Prosecutions
2014.



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CHRISTOPHER KENNEDY QC



YEAR OF CALL
1989, Gray's Inn

EDUCATION
BA (Hons), Gonville & Caius College,
Cambridge University

ASSOCIATIONS
Health and Safety Lawyer's Association
Personal Injury Bar Association
Professional Negligence Bar Association

"Focuses on defending individuals and companies facing enforcement proceedings for health and safety offences. He also acts for local authorities. 'He is always prepared and gets straight to the heart of a matter.'"

Chambers & Partners 2016

"Never fails to make a very positive impression upon clients meeting him for the first time."

Legal 500 2015

"He is nicely commercial and pragmatic. He doesn't just give you a legal opinion – he also gives you a business opinion."

Chambers & Partners 2015

"Expertise in the health and safety aspects of personal injury matters."

Legal 500 2014



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APPOINTMENTS
Queen's Counsel (2010)

PROFILE
Chris has over 10 years' experience in the field of regulatory work. He is instructed by a number of local authorities with regard to their enforcement work and defends companies and individuals on a regular basis in the following areas:

- prosecutions arising out of serious breaches of health and safety legislation
- prosecutions arising out of water-based and air-based pollution;
- litigation arising out of regulatory notices

Recent cases undertaken by Chris in this field include:

- the prosecution of a football club as a result of the death of a young motorcyclist at their ground;
- the representation of a local authority in proceedings to uphold an enforcement notice in relation to traffic movements;
- the defence of a demolition company in relation to a death at work;
- the defence of a construction company in relation to a death at work;
- the defence of a firm of auctioneers in relation to a death at premises for which they were responsible;
- the defence of a factory owner arising out of a death at a work-place
- the defence of a company arising out of the escape of toxic substances from its factory

- the defence of a local authority in a claim arising out of an incident of pollution for which it was responsible

- the defence of an individual in relation to a prosecution arising out of an explosion during the course of demolition work
- the representation of a railway company in relation to the death of a child on railway property

ADDITIONAL AREAS OF PRACTICE
Personal injury and Clinical Negligence
Professional disciplinary work



PETER CADWALLADER



YEAR OF CALL

1973, Gray's Inn

ASSOCIATIONS

Criminal Bar Association

PROFILE

Peter Cadwallader has specialised in criminal law, with increasing emphasis on serious and complex cases.

His work is wide ranging and extends from serious fraud to murder, manslaughter and other deaths.

Much of Peter Cadwallader's work has difficult technical issues with expert evidence. It includes areas such as pathology, analysis of CCTV footage and telecommunications.

He has experience of conducting corporate manslaughter cases. In particular he defended in a case concerning the death of a child as a result of health and safety failings on the company's premises and adjacent highway.

As a Leading Junior he undertook the prosecution of railway workers in a complex fraud that had health and safety aspects.

He has substantial experience in cases involving road traffic accidents resulting in fatalities. Consequently, he is well versed in road safety issues and the analysis of expert evidence in that field.

As part of his criminal practice he has extensive experience in all aspects of disclosure, including Public Interest Immunity applications.



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MARK MONAGHAN



YEAR OF CALL

1987

EDUCATION

LLB (Hons), Sheffield University

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



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- *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.
- *HSE – v – Lancashire Chemical Works*
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



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EDWARD MORGAN



YEAR OF CALL

1989, Lincoln's Inn

EDUCATION

LLB (Hons) University of Central Lancashire
LLM (Employment & Industrial Relations), University of Leicester
JCL, Katholieke Universiteit Leuven

Fellow of the Chartered Institute of Arbitrators (FCI Arb)

ASSOCIATIONS

Member of the Bar of Northern Ireland
Fellow of the Royal Society of Arts (FRSA)

APPOINTMENTS

Part Time Employment Judge
Fellow of the Centre for Law and Religion of the University of Cardiff, Law School

SPECIALIST AREAS OF PRACTICE

Contentious & Non-Contentious Employment
Commercial Law
Health and Safety

PROFILE

Ed Morgan has undertaken a wide range of Health and Safety related work including inquests, Magistrates Court and Crown Court hearings. The scope of work has ranged from: the revision of risk assessments within the transport and logistics sectors, defending proceedings arising out of enforcement and prohibition in the motor components industry notices, to advising and defending warehousing and construction clients in connection with fatal accidents.

NOTABLE CASES

- *R v Leicester CC Ex P HMCE EWHC Admin 33* (Judicial Review)
- *Oldham BC v Kwik Fit PLC* (Validity of Prohibition Notice)
- *HSE v Dickinson and Ors* (Construction Site fatality)
- *Re Eddie Stobart* (Fatality within Logistics environment)



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MICHAEL LEMMY



YEAR OF CALL

1994, Middle Temple

EDUCATION

LLB (Hons), Queen Mary College,
University of London

SPECIALIST AREAS OF PRACTICE

Health and Safety Prosecutions

Employers' Liability

Personal Injury

PROFILE

Michael Lemmy commenced his career at the Bar in a mixed set undertaking criminal cases in the Crown Court and Magistrates Court and personal injury cases in the County Court. He now specialises in personal injury cases with a particular specialism in employers' liability.

Michael Lemmy has been instructed by Solicitors acting for insurance companies on behalf of Defendants charged with offences under the Health and Safety at Work Act 1974. he has been involved in complex cases, including the collapse of a chimney stack, in a large Victorian house, which resulted in the death of a labourer who was working underneath it; and the prosecution of a farmer with respect to a farm labourer who drank from an old pop bottle which contained an organo-phosphate sheep dip.

Michael Lemmy is a skilled trial advocate who is accredited by the Bar Council to teach advocacy on the Bar Vocational Course at Manchester Metropolitan University.



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MATTHEW SNARR



YEAR OF CALL

2001, Inner Temple

EDUCATION

LLB (Hons), University of Manchester

ASSOCIATIONS

Health and Safety Lawyers Association
Personal Injury Bar Association
Employment Law Bar Association

"He's a very determined litigator, who is very able, particularly when handling complex areas of law... Very clever, very thorough and good on the detail."

Chambers & Partners 2015

"He's very clever, thorough, good on the detail, a good negotiator and very good on his feet... He is exceptionally well prepared."

Chambers & Partners 2015

"He is approachable and accessible.... He is someone in whom you have confidence."

Legal 500 2014

"He stands out for his enthusiasm, application and commitment, his understanding of issues, and his eagerness. He brainstorms and tries to get the best possible angles"

Chambers & Partners 2014

"the 'extremely thorough and meticulous' Matthew Snarr undertakes a large amount of health and safety work for the HSE."

Legal 500 2012



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APPOINTMENTS

Junior Counsel to the Crown (Provincial) –
"Treasury Counsel"

HEALTH & SAFETY PROFILE

Matthew Snarr is very experienced in the field of health and safety law with a particular emphasis on alleged breaches of health and safety legislation in the workplace.

His knowledge of this area stems from his well developed personal injury practice which regularly concerns breaches of statutory legislation in an industrial context. Matthew is conversant with the handling of costs arguments in the criminal courts.

Matthew's practice in the field of health and safety laws extends to acting both for the Health and Safety Executive as well as Defendant companies or individuals. Matthew has experience of prosecuting and defending complicated sentences in the Crown Court and the Magistrates' Court.

Matthew's regulatory practice extends to acting in difficult inquests ranging from multiple fatalities in road traffic accidents to death in custody to fatal injuries at work. His Coroners Court trial experience covers the full spectrum of work from judicial review applications to multi-day jury trials.

NOTABLE CASES

- *HSE v M & B.S.H. Ltd* [2013]

Matthew acted on behalf of two Defendants, a skip hire company and its managing director, both charged with causing the death of an employee due to breaches of health and safety law. An untrained employee was permitted to drive a skid steer loader with multiple mechanical defects that contributed to a crash causing the employee's death.

The case was complicated by allegations that the Defendants had cut corners to save profit

and the deceased employee was a vulnerable person because he was an asylum seeker.

The managing director was charged in a personal capacity and faced a jail sentence. Matthew was able to persuade the Court, on entering a guilty plea, to only impose a sentence of 160 hours community service. The company was fined £60,000 notwithstanding a finding that it significantly contributed to the death.

- *Inquest in the death of Matthew Nixon* [2013]
A gas maintenance engineer died whilst working inside a void flat whilst using a portable generator powered by diesel fuel.

Issues covered involved expert engineering evidence on the spread of carbon monoxide and lone workers policy.

<http://www.stokesentinel.co.uk/Fumes-flat-killed-Talke-gas-fitter-Matthew-Nixon/story-17938321-detail/story.html>

- *HSE v (1) PT (2) CHL Ltd* [2013]

Large scale HSE prosecution of Chestnut and its site manager, Mr T involving accident on scaffolding causing death. The case involved a bricklayer who fell of the edge of some scaffolding and died as a result.

The case lasted 2 years. Matthew appeared alone at the Coroner's Inquest, all the criminal case management hearings and was the junior, led by Chris Kennedy QC, for the two week scheduled trial.

The case involved complex arguments between experts on the suitability of the scaffolding structures, auditing procedures and delegation of duties to the site manager.



Upon the site manager pleading guilty and accepting his actions were a causative factor in the death of the bricklayer on the 1st day of the trial, CHL Ltd were able to plead to breach of duty without causing death and received a fine of £40,000.

<http://www.thisislincolnshire.co.uk/Justin-Gillman-tragedy-accident-waiting-happen/story-19776075-detail/story.html#axzz2nIWCJAGG>

- *Inquest into the death of Colm Glackin* [2013]
Matthew represented the family of a young doctor killed when he was cycling and was run over by a lorry turning left.

As a result of the evidence the Coroner concluded in his summing up that Mr Glackin died of a road traffic collision and that the lorry driver had failed to notice Mr Glackin in his left side mirror before turning left.

<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/court-tears-truck-tragedy-driver-6227330>

- *R v (1) SN (2) BN* [2013]
Representing two partners in a family run care home business both charged in an individual capacity.

The Deceased was a care resident who took a lift into a basement and died when she fell downstairs trying to leave the basement. The case was complicated because the Deceased had previous reported similar incidents.

Matthew persuaded the Magistrates Court to deal with the matter who imposed a fine of £37,000 fine after guilty pleas.

<http://www.crosbyherald.co.uk/news/crosby-news/2013/04/04/blundellsands-care-home-death-sparks-lift-safety-probe-68459-33112770/>

- *Inquest into death of Ann Johnson* [2012]
Matthew was instructed to represent a nurse allegedly responsible for the overfeeding of a patient in a nursing home potentially causing her to choke and eventually die of pneumonia aspiration via a peg tube feed into the patient's stomach.

The inquest lasted 3 days. The case involved complex medical causation arguments and cross-examination of two expert forensic pathologists.

- *Inquest into the death of Julian Webster* [2011]
Matthew was instructed to represent the interests of the Greater Manchester Police at a 10 day inquest. The GMP did not feature in the final verdict. The case involved issues of potential unlawful restraint by the doormen

of a nightclub and unintentional positional asphyxia.

<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/deadly-combination-killed-clubber-julian-688776>

- *HSE v IA* [2011]
Matthew acted for the Defendant, charged in a personal capacity, in the Magistrates Court. He provided the plea in mitigation for company guilty of faulty scaffolding leading to serious injuries to worker who fell from the scaffolding.

- *HSE v MP* [2011]
Matthew acted for the Defendant company prosecuted for letting a worker use an unguarded blending machine resulting in him losing his hand.

- *HSE v MHS* [2011]
Matthew acted for the Defendant company prosecuted by the HSE for letting a worker use an anband saw without a guard resulting in the loss of his fingers.

- *HSE v IAC Ltd* [2011]
Consett Magistrates' Court, instructed to act on behalf of a construction firm charged with a breach of s.2 of HSWA leading to serious injuries to the complainant following a fall from scaffolding.

- *Pembrokeshire CC v A restaurant* [2010]
Haversford West Magistrates' Court, instructed to present plea in mitigation on behalf of a restaurant business relating to admitted multiple breaches of food hygiene legislation and gas safety offences.

- *Traffic Commissioner v SSS Ltd* [2010]
Instructed to represent a company at a public inquiry to defend its operator's license to continue its haulage business after an inspection by VOSA. The company successfully retained its haulage license.

- *HSE v JHS Group* [2009]
Ormskirk Magistrates' Court, instructed on behalf of two partners prosecuted under s.2 of HSWA in respect of an accident in which the injured party fell from scaffolding at height resulting in a fractured neck.

- *HSE v The Elliot Group* [2009]
Welshpool Magistrates' Court, acted as junior counsel on behalf the Defendant facing charges under s.2 and s.3 of HSWA arising out of a fatal accident. Prosecution case discontinued after 3 days, successfully resulting in not guilty verdicts and defendant costs orders.



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- *R (on the application of Bodycote HIP Ltd) v HM Coroner for Herefordshire* [2008] EWHC 164 (Admin)

Matthew was instructed as junior counsel with Tim Horlock QC in a successful judicial review action concerning a jury's finding of unlawful killing by gross negligence against a company. The judicial review concerned argument on the legal framework of corporate manslaughter.

- *HSE v Airbags International Limited* [2008] Chester Crown Court, instructed on behalf of HSE to present prosecution sentence against a Defendant company responsible for failings under s.2 of HSWA resulting in amputation of employee's arm.

- *HSE v Edbro Machine Tools Limited* [2008] Stafford Magistrates' Court, instructed on behalf of manufacturing company to mitigate sentence for admitted breaches under Supply of Machinery (Safety) Regulations 1992.

PUBLICATIONS

'Proving it in reverse' *New Law Journal* 13th March 2009 p390-392 , co-author of legal article on the ramifications of *R v Chagot* [2008] UKHL 73.

Matthew regularly presents seminars on topical issues in health and safety law.



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TOM GILBART



YEAR OF CALL

2003, Middle Temple

EDUCATION

LLB, University College London (2002)

ASSOCIATIONS

Employment Lawyers Association
Health and Safety Lawyers Association

PROFILE

Mr Gilbert deals with all aspects of regulatory and health and safety work.

He is experienced in appearing before the Magistrates Court; Crown Court; High Court; Court of Appeal and Coroner's Court. Mr Gilbert's approach to his regulatory and health and safety work is informed by his experience of a decade at the criminal bar. For that work, Mr Gilbert was recommended by the Legal 500 on a number of occasions and was assessed in the 2013 edition as being "highly effective in complex cases".

Mr Gilbert has significant experience of jury advocacy on behalf of both the prosecution and the defence. He has conducted jury trials of the utmost seriousness including:

- murder cases
- paper-heavy regulatory offences
- fatal road traffic accidents
- large scale conspiracy cases

In addition to being well-versed in the skills of opening and closing jury speeches, Mr Gilbert also has significant experience of cross-examining expert witnesses. In 2015, Mr Gilbert was invited to assist a major national law firm in drafting their response to the sentencing guidelines council's public consultation on sentencing health and safety offences. He provides seminars on coronial law and health and safety law.

His recent work includes:

- *Matter of HW* (2015): Representing a farm owner in a high profile jury inquest concerning the death of a young boy
- *HSE v DM* (2015): Representing a manufacturing company in a case where a young apprentice had suffered significant and life-changing injury in the work place. The company entered guilty pleas and the magistrates were persuaded that they could

retain jurisdiction and use their limited sentencing powers

- *GMC v K* (2015): Representing the GMC in a sensitive case involving allegations that a GP had raped his own patient
- *The Matter of RJF* (2014) Representing the family of the deceased in a complicated jury inquest requiring detailed cross-examination of engineering experts and legal argument against Leading Counsel
- *The Matter of MS* (2014) Representing a care home in a case where a resident with dementia died shortly after being attacked by another resident. Reported in the national press
- *Environment Agency v Manning* (2014) Representing the man responsible for "one of Wigan's biggest ever environmental messes" in a case attracting significant attention from local press and the local Member of Parliament. This case involved 3 days of legal submissions before the High Court
- *GMC v P* (2015): Representing the GMC in a factually complicated case involving numerous allegations against a doctor accused of issuing a significant number of incorrect prescriptions. The case involved lengthy cross-examination of pharmacological experts. The GMC's case was successful
- *Matter of JM* (2015). Representing the family of the deceased in a jury inquest into a carbon monoxide death.
- *GMC v M* (2015). Representing the GMC in a case involving wide-ranging allegations of misconduct against a doctor (including sexual misconduct). Legal argument against Leading Counsel



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- *HSE v Blackburn Skip Hire* (2013) Advising and representing a company in an HSE prosecution over a fatal workplace accident.
- *R v Alston and Alston* (2012) Defence counsel in a case prosecuted jointly by the Gambling Commission and the Illegal Money Lending Team. Paper heavy case receiving national press attention.
- *R v Clephane* (2009) Junior to leading counsel on behalf of the defendant in case involving tens of thousands of pages of exhibits. Representing the Manager of a Nursing Home who was charged with offences under the Health and Safety Act.



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PROFESSOR STEPHEN HARDY



YEAR OF CALL

2005, Lincoln's Inn (England & Wales);
2006 (European Circuit).

EDUCATION

LLB, University College London
PhD, Staffordshire University

ASSOCIATIONS

Administrative Law Bar Association,
Bar European Group,
Employment Law Bar Association,
Industrial Law Society

*"first-class client service."
"a successful marriage of
academic excellence and
commercial astuteness."
Chambers & Partners 2011*

APPOINTMENTS

Junior Counsel to the Crown (Regional Panel),
appointed 2010
Fee-paid Judge of the First Tier Tribunal (Social
Entitlement Chamber)
Diamond Jubilee Professor of Law, University
of Bolton

AREAS OF HEALTH & SAFETY PRACTICE

- Working time
- Inquests
- Judicial Review
- Human rights

PROFILE

Professor Hardy is a law academic (latterly of
the University of Manchester), during which
some of his scholarship was in the area of
health and safety law, especially EU regulation.

Stephen Hardy has lectured many health and
safety practitioners, including IOSH. He has
also advised HSE as a former special advisor to
the UK Government (the then DTI).

PUBLICATIONS

He contributed to the health and safety chapters
of Tolley's Employment Handbook (praised
for his 'dedication and verve' in the field) from
2001 – 2006.



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