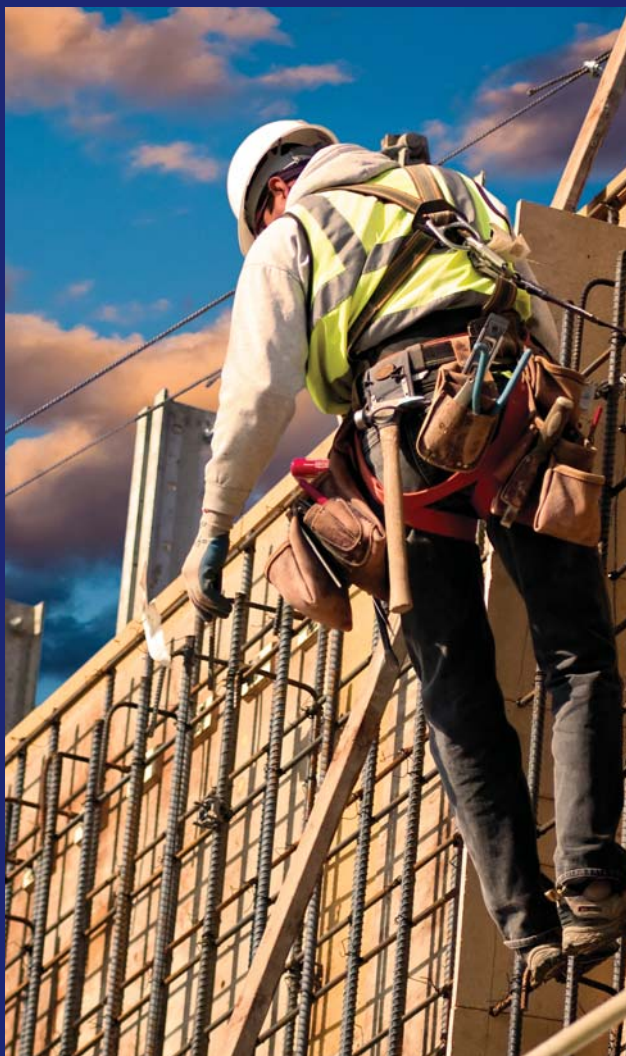


“CIVIL CASES IN A CRIMINAL COURT?”

THE INVESTIGATION AND PROSECUTION OF HEALTH AND SAFETY BREACHES IN THE CRIMINAL COURTS.



You are invited to a seminar on Thursday 24th September 2009 at Hotel Novotel, Manchester, commencing at 5.30pm, to be presented by Kevin Donnelly, Kate Blackwell and Peter McNaught.

The seminar will comprise of a timeline-based analysis of a Health and Safety at Work Act prosecution from the fatal accident itself through to the conclusion of criminal proceedings at sentence. We will identify particular aspects of the proceedings where the investigative process, the analysis and presentation of evidence and the legal / procedural issues differ from the generally understood process in relation to the prosecution of “conventional” criminal cases in the Crown Court.

The presentations will be of interest to practitioners familiar with the prosecution and defence of “conventional” criminal cases who are eager to learn about the additional elements that feature in HSE cases. Equally, civil lawyers, with expertise in relation to Health and Safety legislation and practice in the context of advisory work / actions for damages / employment law etc. who may be interested in understanding more fully the criminal dimension.

Topics addressed will include:

- ◆ HSE enforcement policy
- ◆ Decisions to prosecute - who makes them and what are the criteria?
- ◆ Evidence gathering
- ◆ The roles of HSE Inspectors and Specialist Inspectors
- ◆ Relationship between HSE and other prosecution agencies
- ◆ Coroner's Inquests
- ◆ Indictments - what has to be proved ?
- ◆ Principal HSWA offences
- ◆ The importance of the Case Summary and the Friskies Schedule
- ◆ Shifting burdens of proof
- ◆ Defences
- ◆ Sentencing considerations

THE SPEAKERS



Kevin Donnelly was called to the bar in 1991. Kevin is regularly instructed by both the prosecution and defence in criminal and regulatory cases at the highest level. He is instructed by a range of government authorities and has built a particular reputation and specialty prosecuting for the Health and Safety Executive. He has acted for the defence and HSE in proceedings before Magistrates Courts, Crown Courts, the

Court of Appeal, Employment Tribunals and Coroners' Courts. In recent years he has been involved in a number of cases arising from fatal accidents in areas as diverse as the public transport sector, the National Health Service and the waste management industry.

He has advised on racetrack safety in motor sport and ongoing work involves areas such as the regulation of professional diving and charitable mental health services.



Kate Blackwell is a specialist criminal law barrister who also sits as a Recorder in the Crown Court. Kate has built up a considerable level of experience in a wide variety of areas of criminal defence and prosecution and has appeared in a number of high profile cases including representing the Greater Manchester Police in the Shipman Inquiry. As far back as 2003 the Chambers Legal Guide had identified Kate as a “leader in crime”. Kate is on the

Attorney Generals Advocate A list and regularly prosecutes cases on behalf of both the Environment Agency and the Health and Safety Executive.



Peter McNaught is Head of Enforcement in the Legal Adviser's Office of the Health and Safety Executive. He is a barrister and spent most of his professional career working in the Crown Prosecution Service until he joined the HSE in September 2008. He now leads a small team of lawyers based in HSE Headquarters in Bootle who deal with their most sensitive prosecutions and give advice on a wide range of enforcement issues.

The seminar carries 2 hours CPD and is presented free of charge.

To reserve a seat please contact:

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