

“An excellent tactician who is persuasive on his feet.” – Legal 500, 2019 – Inquests and Inquiries

“He combines fantastic technical ability with great client care skills.” – Legal 500, 2019 – Regulatory, Health and Safety and Licensing

“Knowledgeable and approachable.” “Very thorough.” – Chambers and Partners 2019 – Health and Safety

“His legal, tactical and presentational abilities are excellent.” - Legal 500, 2018 – Inquests and Inquiries

Austin Welch is a specialist in regulatory law.

Austin represents clients in relation to health and safety, fire safety, food safety, environmental and product safety offences. He is regularly instructed to represent individual directors, companies and prosecuting authorities in such matters in both the Crown Court and Magistrates' Court. Austin also represents clients in public inquiries and inquests, particularly those involving health and safety issues. Austin is recognised by the leading legal directories as being a leading junior in health and safety law, inquests and public inquiries.

Austin also regularly acts for medical professionals in disciplinary proceedings.

Prior to joining the Bar, Austin worked in the City of London, Tokyo and for the United Nations in The Hague. He is known for his extensive knowledge of regulatory law, approachability and skill as an advocate.

Health & Safety, Food Safety, Fire Safety and Environmental Law

Austin represents individuals and corporate bodies facing criminal proceedings in respect of health and safety offences, environmental offences, planning law offences, breaches of fire safety legislation and breaches of food safety legislation. Austin has an enviable record of achieving positive results for his clients in regulatory prosecutions and is recognised for providing focused, commercial advice. He is also experienced in representing clients in relation to appeals against enforcement notices. Notable recent cases include:

Notable Cases

HSE v G – Represented a national construction company charged with breaching section 2 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had suggested that the case involved high culpability and category 1 harm, resulting in a starting point of a fine of £950,000. Following submissions the court accepted that the case involved medium culpability and category 3 harm, and imposed a fine of £125,000.

R v J – Junior counsel for the Crown in the prosecution of a national retail company following an outbreak of Legionnaires' disease in Stoke on Trent in 2012, caused by a contaminated hot-tub, that resulted in the deaths of 2 people and hospitalisation of many more. The company was fined £1 million.

HSE v H & H – Represented two companies charged with breaching sections 2 and 3 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had originally suggested that this was a case of high culpability and category 1 harm. If accepted this would have attracted fines with starting points of £250,000 and £160,000 for each of the companies respectively. Following the service of applications to dismiss certain of the counts the HSE discontinued the charges under section 2 and 3 of the Health and Safety at Work Act and accepted that the case involved category 3 harm. A total fine of £34,000 was imposed.

HSE v D & R – Represented two linked companies charged with separate breaches of the Work at Height Regulations at the Crown Court at Southwark. The prosecution had suggested that the starting point for the fines for both companies was £1.2 million. Following submissions, the court imposed a total fine of just under £140,000.

Manchester City Council v R – Represented a clothing distribution company in relation to a prosecution under section 2 of the Health and Safety at Work Act following a fall from height at the company's warehouse. The prosecution had suggested that the case involved high culpability and category 1 harm, suggesting a starting point of a fine of £250,000 with a range between £170,000 and £1 million. Following the service of expert evidence by the defence in relation to the actual risk and likelihood of harm, and following submissions, the court found medium culpability and category 3 harm and imposed a sentence of £28,000.



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Bar Vocational Course

Queen Mother Scholarship awarded by the Middle Temple

HSE v S – Represented a company in relation to a workplace accident in which an employee had lost a finger whilst operating a piece of machinery. The court rejected the prosecution submissions in relation to culpability and harm and accepted the defence submissions that the case was one of medium culpability with category 3 harm. The prosecution had suggested the case fell within the range of fine between £30,000 and £110,000. Instead the court imposed a fine of £19,000.

HSE v U – Represented a company and managing director in a prosecution under section 3 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had suggested that the case was one of very high culpability and category 1 harm. Following the calling of expert evidence on the question of 'likelihood of harm' arising from asbestos exposure and submissions from the defence the court found the case to be one of medium culpability and category 2 harm. A fine of £5,720 was imposed.

South Kesteven Borough Council v L – Represented a company, which was a subsidiary of a German multinational company, in a prosecution under section 2 of the Health and Safety at Work Act. The prosecution had suggested that the case was one of very high culpability with level 1 harm. Following submissions by the defence the court rejected the prosecution assessment of culpability and harm and imposed a fine of £25,000.

Environment Agency v P – Represented a director and company in an Environment Agency prosecution for operating an illegal landfill site. The case against the director was discontinued and a minimal fine imposed on the company.

R v C – As junior counsel, represented a company and sole director charged with offences under section 3 of the Health and Safety at Work Act following a fatality at a construction site.

HSE v S – Represented the director of a company charged with an offence under section 37 of the Health and Safety at Work Act following a workplace fatality. Case discontinued by the prosecution.

HSE v R – Represented a construction company in an appeal against a prohibition notice.

Blackpool Borough Council v G&S – Represented the owners of a Blackpool hotel charged with breaches of the Food Safety and Hygiene Regulations

Blackpool Borough Council v G – Represented a restaurant owner charged with breaches of the Food Safety and Hygiene Regulations.

Thanet District Council v A – Represented a national retailer in relation to alleged breaches of the Food Safety and Hygiene Regulations. Case discontinued.

HSE v C – Austin is currently instructed to represent a company and director in a prosecution under section 2 HSWA in relation to allegations that a number of employees contracted hand arm vibration syndrome through the use of drilling equipment.

HSE v P – Austin is instructed in relation to the prosecution of a company under the Work at Height Regulations following an incident that involved an employee who fell from scaffolding.

HSE v C – Austin is presently instructed in to represent a large food distribution company, that is a subsidiary of a multinational food company based in Ireland, in a prosecution under section 2 HSWA arising out of an injury suffered by an employee whilst operating a piece of machinery on site.

Inquests and Public Inquiries

Austin represents corporate bodies, individuals, family members and government departments at inquests and public inquiries. He has appeared in some of the most high-profile inquests and inquiries in recent years and is considered a leading junior in this field. Austin is particularly adept at representing clients in inquests involving health and safety issues. He is also regularly instructed by medical professional bodies to represent their members at inquests. As a member of the Attorney General's list of junior counsel to the Crown, Austin is regularly instructed to represent government departments in complex Article 2 inquests. Notable recent cases include:

Notable Cases

In the Hillsborough inquests – As junior counsel, Austin represented two senior South Yorkshire Police officers who were alleged to have orchestrated the "cover up" following the disaster at Hillsborough football stadium in 1989. The inquests lasted 2 years and are the longest in English legal history.



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The Independent Inquiry into Child Sexual Abuse – Currently instructed to represent a senior police officer in relation to the investigation into alleged sexual abuse by Lord Janner.

The inquest into the Manchester Arena Bombing – Austin is currently instructed to represent a number of family members of those who died as a result of the bombing at the Manchester Arena in 2017.

The Gosport War Memorial Hospital Independent Panel – Part of the team involved in the drafting of the report into the deaths that occurred at the Gosport War Memorial Hospital between 1988 and 2000. Austin was responsible in particular for the drafting of the inquests section of the report.

The Grenfell Tower Inquiry – Advising various individuals and companies in relation to their involvement in the Grenfell Tower Inquiry.

In the inquest touching the death of S – Represented the family of a young woman who died as a result of suffering an anaphylactic shock having consumed a chicken burger coated in butter milk (to which she was allergic) at the Almost Famous restaurant in Manchester. The inquest lasted 7 days and attracted national press attention.

In the inquest touching the death of BW – Represented a waste company in relation to the death of a cyclist who had fallen into oncoming traffic having slipped on detritus on the road. The Local Authority for the area where the accident occurred instructed leading and junior counsel and had obtained expert evidence suggesting that the detritus had come from the waste company's premises due to a lack of cleaning of vehicles. The Coroner concluded that there was insufficient evidence to make any such a finding.

In the inquests touching the deaths of T & J – Appearing for an interested party at a 9-day inquest into the death of two contractors killed when operating heavy machinery at an industrial plant in Knowsley. Austin represented the supervisor of the contracting company. Following the inquests the HSE indicated that there would be no prosecution of the interested person Austin represented.

In the inquest touching the death of B – Represented a nursing home in an inquest into the death of a resident who had died after not having been administered medicine. No finding of neglect.

In the inquest touching the death of C – Represented a nursing home in an inquest into the death of a resident who had died following suggestion of a lack of ongoing treatment. No finding of neglect.

In the inquest touching the death of N – Represented the nurse in charge of a ward in which a patient died following complications relating to the administration of his care.

Trading Standards and Product Safety

Notable Cases

Hereford Council v E – Represented the Council in the prosecution of a rogue trader who had been selling unnecessary and overpriced services to elderly and vulnerable customers. The defendant was convicted after a two-week trial.

Gateshead Trading Standards v B – Represented a company director charged with conspiracy to defraud relating to the sale of energy saving heating products. Case discontinued after service of an abuse of process application.

The Premier League v G – Represented a company director charged with conspiracy to defraud relating to the sale of "set-top boxes" providing internet streaming services.

Hereford Council v J – Represented the Council in relation to the prosecution of the owner of a shop that was being used for the sale of illegal tobacco products. The defendant sentenced to two years imprisonment.

Manchester City Council v M – Represented a company charged under the Supply of Machinery (Safety) Regulations 2008 in relation to the sale of defective hoverboards.

Rochdale Borough Council v C – Represented the Local Authority in a joint prosecution with the Environment Agency of various individual and corporate defendants for offences under the General Product Safety Regulations and waste management offences.



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Professional Discipline

Austin represents individuals facing professional disciplinary proceedings and members of the police force facing criminal prosecution.

Notable Cases

R v D – Junior Counsel representing a retired police officer being prosecuted for perverting the course of justice in relation to the alleged Hillsborough “cover-up.”

GMC v Dr P – Represented a consultant who had falsified professional references when applying for a promotion. A short suspension was imposed.

GMC v Dr B – Represented a doctor who had been convicted of drink driving and had ongoing alcohol issues

In the matter of Chief Constable G – As junior counsel, represented the Chief Constable of a major police force in relation to allegations of gross misconduct.

UKAD v B – Represented a professional rugby league player in proceedings brought for doping control violations.

R v Detective Constable M – Represented a serving member of GMP charged with criminal offences relating to an alleged ‘road rage’ incident. The case was dismissed on application by the defence.

R v Superintendent K – Represented a senior police officer charged with a public order offence.



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