



## SENTENCING IN HEALTH AND SAFETY CASES



YOU ARE INVITED TO A SEMINAR ON THURSDAY 19TH JANUARY 2017 AT BPP PROFESSIONAL EDUCATION, ST JAMES BUILDING, OXFORD ST, MANCHESTER. REGISTRATION AT 5.30PM, WITH THE PRESENTATION COMMENCING AT 6.00PM. THE SPEAKERS WILL BE SPECIALIST HEALTH AND SAFETY PRACTITIONERS AUSTIN WELCH AND DAN THOMAS

The new Sentencing Guidelines in respect of health and safety offences have been in force for 9 months. During that period there has been a dramatic increase in the level of fines imposed and the number of individuals prosecuted for health and safety offences. The seminar will consider:

- (i) some of the more significant cases that have been sentenced under the Guidelines;
- (ii) what the true impact of the Guidelines has been;
- (iii) recent guidance that has been provided by the appellate courts as to the interpretation of the Guidelines;
- (iv) the tactical considerations to be applied when approaching sentencing for health and safety offences.

The Court of Appeal recently laid down guidance as to the interpretation of the Guidelines in the conjoined appeals of Watling Tyres and Thelwall, in which Dan was instructed by the HSE at first instance.

Austin and Dan will be exploring the implications of the Watling Tyres and Thelwall judgment as it applies to corporate and individual defendants. A number of issues arising from the Guidelines remain unanswered and the seminar will address these as well as providing guidance and insight for practitioners involved in health and safety enforcement.

# AUSTIN WELCH

CALL TO THE BAR: 2005



Austin Welch was called to the Bar in 2005 and has established a busy practice specialising in the fields of health and safety enforcement, environmental law and food safety. Austin is regularly instructed to represent individuals and companies charged with regulatory offences in both the Crown Court and Magistrates Court. Austin also has particular experience in representing interested persons in inquests and public inquiries.

In the past 12 months some of the cases Austin has appeared in include:

- \* The Hillsborough Inquests - representing two senior police officers alleged to have orchestrated a cover-up following the disaster.
- \* R v C Smith and Sons - representing the defendant company and director following a fatality from working at height.
- \* Environment Agency v Peakstone Aggregates - representing the defendant company and director alleged to have operated an illegal landfill site.
- \* HSE v UK Night Life - representing defendants alleged to have committed multiple breaches of HSWA including relating to asbestos and working at height.
- \* Rochdale BC v Charnley - representing the prosecution in a joint prosecution with the Environment Agency arising out of the supply to consumers of a dangerous product.

Austin is presently instructed in the following cases:

- \* HSE v Gelder Group - representing the defendant company alleged asbestos exposure
- \* HSE v Hatters Hostels Limited - representing the defendant company in relation to alleged asbestos exposure at a construction site.
- \* South Kesteven Council v Losberger UK Ltd - representing the defendant company in relation to the serious injury suffered by an employee at a warehouse.
- \* The Independent Inquiry into Child Sexual Abuse - representing a senior police officer involved in the investigation into Lord Janner.

**"LINCOLN HOUSE SETS THE BENCHMARK FOR QUALITY ADVOCACY ON THE NORTHERN CIRCUIT  
AND HAS NAMES THAT ONE READILY ASSOCIATES WITH TOP-QUALITY ADVOCACY"**

**- CHAMBERS UK**

# DAN THOMAS

CALL TO THE BAR: 2005



Since Dan Thomas was appointed to the Attorney General's 'Regulatory List' of Counsel, he has been instructed by the Health & Safety Executive to prosecute its most serious offences including fatal accident and life changing injury cases. His regulatory law defence practice encompasses environmental law instructions in both criminal and civil law, Fire Safety, Food Safety and Trading Standards litigation. Dan is a member of the Attorney General's Civil Panel of Counsel (formerly known as Treasury Counsel) and acts for Government departments in challenging and sensitive litigation. He has been recommended by the Legal 500 in the last three successive years. Dan is the only junior on the Northern Circuit to have been appointed to the Serious Fraud Office panel of counsel.

He is currently instructed in the following regulatory matters:

- \* Trading Standards v. ASL Ltd - Leading Counsel in alleged multi-million pound importation and sale of counterfeit toys.
- \* Environment Agency v. J25 Recycling Ltd, Asset & Land Ltd & Recovered Fuels Shipping Ltd - Multi-handed prosecution in involving three linked companies and three linked waste sites.
- \* Operation Grape (Environment Agency) - Multi-handed covert investigation into illegal waste site.
- \* The Allensway Recycling Ltd proceedings.

Recent HSE matters include:

- \* HSE v Thelwall & Thorn Warehousing Ltd - Fatal accident resulting from crushing injury.
- \* HSE v Newhay Loft Conversions Ltd - Fatal accident resulting from fall from height.
- \* HSE v Lodematic Ltd - Life changing injury resulting from pressure test failure.

**The seminar carries 2 hours CPD and is presented free of charge. To register your interest please contact Jenny Quinn: [jquinn@lincolnhousechambers.com](mailto:jquinn@lincolnhousechambers.com)**



**BPP**  
PROFESSIONAL  
EDUCATION

BPP PROFESSIONAL EDUCATION

ST JAMES BUILDING

OXFORD ST

MANCHESTER

M1 6FQ

0845 226 2422

**LINCOLN HOUSE CHAMBERS**

TOWER 12, THE AVENUE NORTH, SPINNINGFIELDS, 18-22 BRIDGE STREET, MANCHESTER, M3 3BZ

T 0161 832 5701 F 0161 832 0839 E [info@lincolnhousechambers.com](mailto:info@lincolnhousechambers.com)