

**"David Pojur has experience defending companies and directors in serious and fatal cases. He has particular expertise in handling issues arising from allegations of gross negligence manslaughter."** Health & Safety - Chambers and Partners 2024

**"He has a wide range of experience in health safety law."** Health & Safety - Chambers and Partners 2024

**"David Pojur brings a wealth of expertise to the inquests field owing in part to his appointment as assistant coroner for North Wales. He has considerable capabilities acting in cases involving health and safety fatalities, suicides or deaths in healthcare settings."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"David is a competitive and punchy advocate."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"In a Coroner's Court David is the most knowledgeable person in the room; he has a great client manner and is highly robust."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"David is clear in his approach; he doesn't beat about the bush."** - Inquests and Public Inquiries - Chambers and Partners 2024

**"David is an exceptional advocate who also provides timely written advice that is logical and thorough. He is extremely well trusted and his expertise is faultless."** Tier 1 Inquests and Inquiries - Legal 500 2024

**"David is calm and unflappable. He quickly identifies the key issues and he is confident and polished in court."** Business and Regulatory - Legal 500 2024

**Recommended in Legal 500 2024 - Crime(General and Fraud)**

**"He is brilliant with clients and incredibly calm under pressure." "David is an excellent advocate who manages to robustly lead inquests so that other parties lean on him for direction, resulting in favourable outcomes for our clients."** Chambers UK Bar 2023 (Inquests & Public Inquiries)

**"David is very knowledgeable and puts together robust legal argument."** Legal 500 2023 (Business and Regulatory Crime)

**"Recommended Expert."** Legal 500 2023 (Crime, Planning and Environment)

**"David's knowledge of the coroners rules and procedure is second to none. He is excellent with lay clients and he is able to confidently handle complex and fast changing situations. During hearings, other parties look to him for guidance with strategy, and he is able to deploy this to the advantage of the client."** Legal 500 2023 (Inquests and Inquiries)



## CONTACT DETAILS

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## PRACTICE AREAS

Regulatory

## APPOINTMENTS

List A – Specialist Regulatory Panel Counsel in Health and Safety & Environmental Law, CQC, Ofsted.

Assistant Coroner for North Wales

## MEMBERSHIPS

Association of Regulatory and Disciplinary Lawyers

Health and Safety Lawyers Association

The Honourable Society of the Middle Temple

The Northern Circuit

The Coroners' Society of England & Wales

Bar Council Ambassador

***'He is very measured, has a lovely manner and cuts to the chase very effectively.' 'He is very good with clients and well prepared.' Chambers UK Bar 2022 (Inquests & Public Inquiries)***

***'David's knowledge is second-to-none, he is excellent at drafting legal arguments and written representations on behalf of clients.' Legal 500 2022 (Business and Regulatory Crime, Planning and Environment)***

***'David is our first choice for inquests in the north of England, particularly those involving the care sector. He cuts straight through to the issues, is unflappable no matter what problem crops up unexpectedly and lay clients find his confidence reassuring. As you would expect, as an assistant coroner, he has an encyclopaedic knowledge of coroners' rules and procedure.' Legal 500 2022 (Inquests and Inquiries)***

***'He is friendly, approachable and relatable with clients, who hold him in great regard. He commands great respect amongst his peers and those he finds himself before. He is intelligent and clear in his communications and lively on his feet.' Legal 500 2021 (Business and Regulatory Crime)***

***'He is approachable, accessible and flexible, very good with lay clients and robust in hearings. He is our first choice for serious inquests in the North of England where his experience as assistant coroner holds him in good stead. His knowledge of the coroner's rules often exceeds those of the coroner he is appearing in front of.' Legal 500 2021 (Inquests and Inquiries)***

***'Mr Pojur's advocacy skills are well tuned and he is respected by colleagues and well thought of by members of the Judiciary he appears before. He has excellent communication and interpersonal skills when dealing with clients, and he demonstrates a high level of commitment to clients.' Legal 500 2021 (Planning and Environment)***

David specialises in Regulatory law covering the areas of Healthcare & Professional Discipline, Inquests, Health and Safety, and Environmental law. He is regularly instructed by solicitors to act for many of the country's large insurers, multinational corporations, medical defence organisations and high net worth individuals. He acts in both contentious and non-contentious work and is often called upon for his advisory work. He is frequently led by and appears against King's Counsel.

David is appointed to List A as Specialist Regulatory Panel Counsel in Health and Safety & Environmental Law, CQC, Ofsted.

David has significant experience in matters concerning Healthcare and Professional Discipline. He is instructed in matters concerning GMC, CQC, NHS England, Safeguarding, NMC, RCN, Performer Lists, OFSTED, GDC, GPs, Consultants and the Civil Aviation Authority.



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He is very experienced appearing before Panels and Tribunals, addressing fitness, contested matters and appeals, as well as advising on strategy. He advocates on behalf of surgeons, nurses, doctors and dentists. His practice in healthcare also complements his inquest work where there has been a death in a medical setting.

David has a strong practice dealing with GMC, Care Quality Commission and Ofsted cases before the First and Upper Tier Tribunals. He advises Doctors as well as Providers and Managers on Notices of Proposal, Decision, Fit and Proper Persons, Mental Capacity Act and Deprivation of Liberty Safeguards. David also frequently advises NHS Trusts and their staff.

He appears at Urgent closure hearings before the Magistrates' and the Appellate Tribunals under the Section 30 & 31 Provisions HSCA 2008.

He frequently advises Registered Providers and Registered Managers on prospects of appeal and how to appeal under the Memorandum of Understanding for Urgent Appeals.

He has an insightful understanding and knowledge of the Health and Social Care Act and Regulations and their application.

He works with expert consultants and Registered Managers and Providers, ensuring their case is fully advanced.

He has been instrumental in defending Notices of Proposal and Notices of Decisions to restrict admissions. He mainly addresses cases where cancellation of registration and closure of a setting is sought.

David also advises the regulator, CQC and its Inspectors. He represents them at contested hearings and advises on urgent closure of settings where there is serious risk to life.

David gives training on Healthcare law and matters under the HSCA and Regulations.

## European Court of Human Rights, Strasbourg

David appeared before an exceptional convening of the Grand Court of the ECtHR to address miscarriages of justice. In *Victor Nealon and Sam Hallam v United Kingdom* [2023], 20 international judges heard argument concerning whether the statutory scheme for compensating the victims of miscarriages of justice (Criminal Justice Act 1988, s.133) violates the presumption of innocence guaranteed by Article 6§2 of the European Convention on Human Rights. An amended test, introduced in 2014, requires applicants for compensation to demonstrate that the fresh evidence which led to their convictions being quashed demonstrates beyond reasonable doubt that they are innocent. Both applicants argue that the scheme infringes their right to be presumed innocent.

## Health and Safety



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David represents companies and directors in complex proceedings involving fatalities arising out of breaches of health and safety regulations. David's clients include professionals at risk of corporate manslaughter liability or gross negligence manslaughter. He frequently advises on the Health and Safety at Work Act and potential liability and where it may fall under the Sentencing Council Guidelines.

David's article on risky definitions of roles when working at height under CDM has been published in Planning and Building Control Today.

## Notable cases include:

Manslaughter arising from noxious substances from neighbouring premises.

Gross Negligence Manslaughter – Led by silk in six-week multi-handed workplace fall from height.

Representing stables where a horse bit a child causing grave injury.

Success in Upper Tribunal CQC appeal concerning serious risk to life.

Acted for company directors in carbon monoxide poisoning of several people in residential premises.

Represented directors of a national plastics company – operative's arm caught in rotating machinery with degloving injuries.

Denbigh County Council v DS Ltd. Representing MD and his company regarding a fatal explosion of split wheel rims.

Appearing for company in gas explosion resulting in a fatality.  
Greater Manchester Fire Safety Authority v Khan & six others. 'Death Trap' shisha lounge case.

Advising on Safeguarding Investigation into fire at a setting with vulnerable service users.

HSWA fall from height resulting in life changing injuries.

Represented company where operative lost fingers on rotating saw.

Led by Queen's Counsel in 'Princess Parkway Pile Up' representing the lorry driver.

Barnsley Borough Council v Whitehead. Successful prosecution of Director under HSWA.  
Horrific injuries from converting semi trailers.

Representing HSE against a company who had repeatedly flouted safety rules. A steel girder fell onto an employee during shipping.

Successful prosecution of major UK supermarket chain for health, safety and food standards breaches.

## Environmental, Water and Nuisance



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David is Regulatory Counsel with expertise in Environmental Law. He has significant experience with PINS and the public inquiry procedure & NRW.

He was counsel in the leading environmental case of Jagger succeeding in the Court of Appeal to overturn a conviction concerning the definition of controlled waste.

David's specialism has led to his frequent instruction representing companies and individuals against the EA and NRW at PINS, contested hearings before the Crown and Civil Courts and the High Court of Justice. He is well respected in this area.

David is chosen by clients and solicitors because his cases are demanding and complex, requiring sharp analysis and attention to detail. His advocacy and advisory services are sought after. He advises clients pre interview, involving the EA, HSE, OFSTED, CQC, Civil Aviation Authority and Local Authority. He has been appointed by the Court to act as Special Counsel.

Notable cases include representing an international shipping company concerning controlled waste transportation to China. This was a multi handed and lengthy case, where the EA discontinued the case against David's client. David's time studying International Law at the University of Amsterdam was useful.

One of the largest environmental trials before the Crown Court was listed for four months. There were many parties and it was a very complex case. David successfully argued that the proceedings were unfair and the EA was abusing the courts process. This resulted in the acquittal of the defendants.

David also advises and contests cases for clients in actions against the EA, to hold them accountable for their failures. These proceedings are for high worth damages before the High Court.

David is approachable and has significant knowledge and court craft in his speciality field of Environmental Law. He works closely with leading solicitors in this field. He is a keen strategist, always seeking to achieve the best results for his clients. He ensures that the client is central to the team he leads.

## Notable cases include:

Representing Construction company in rare Tree Preservation Order prosecution.

Succeeded in having the prosecution against an international bakery dismissed for alleged breaches of Clean Air Act; secured large wasted costs.

Acting for company directors suing the EA for damages in negligence & breach of duty. Four-month EA prosecution. Led by Queen's Counsel in vast multi-handed and rare case. Ended on abuse of process application.

High profile international shipping broker in multi-handed case accused of large-scale environmental criminality. David successfully had the Indictment discontinued.

Advising and representing global company on odour management regulations and nuisance abatement and Environmental Information Regulations.



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Advocating for an international company accused of supplying huge amounts of toxic substances for land spreading.

Representing company accused of massive fish kill and water pollution as well as spreading carcinogenic waste

Environment Agency v Jagger [2015] EWCA Crim 348 2015 WL 997446. Successful appeal against conviction in ground-breaking environmental waste trial.

## Inquests and Inquiries

David Pojur brings a wealth of expertise to the inquests field owing in part to his appointment as assistant coroner for North Wales. He has considerable capabilities acting for clients in cases involving health and safety fatalities, suicides or deaths in healthcare settings.

David sits as an Assistant Coroner undertaking investigations and inquests both with and without juries. These are often complex proceedings with several interested persons addressing hospital, medical or care related deaths.

David has been appointed by the Court as Counsel to the Inquest (CTI) on several occasions by Senior Coroners and in Judge led inquests. He also advises and represents coroners in judicial review challenges before the High Court.

David advocates in difficult Article 2 jury inquests where there are a number of complex issues and experts. These often relate to health and safety issues, deaths in police custody or prison and hospital settings and homicides. Experts are commonly encountered, ranging from toxicology, psychiatric, psychological, pathology, to engineering and reconstruction expert reports. A routine part of his work is assimilating complex medical or legal information and explaining it to the jury.

David has acts for families, Police officers, Local Authorities, NHS Trusts, Ambulance Service, Doctors, Surgeons, Nurses, insurance companies and company directors. He often guides Serious Incident Reviews. He frequently argues areas relating to Prevention of Future Death Reports

## Notable cases include:

Appointed as Leading Counsel to the Inquest concerning the release of a patient from a secure hospital who went on to develop a relationship and murder his partner mirroring sadistic elements as against his first wife who survived.

Appointed as Counsel to the Inquest following a cold case murder from 29 years ago where the killer was acquitted in 1994.

Representing Local Authority concerning an immobile disabled man who was left with lit candles and died in house fire.

Successfully defending a Coroner in the High Court before the Chief Coroner.

Representing a construction company concerning the fall from height of an employee.

Representing Care Home group concerning risk of choking foods given to service user.

Appearing for a Local Authority whose employee was fatally struck by a vulnerable service user.



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Representing a son whose father died in prison custody by a ligature.

Represented NHS re elderly patient lacking capacity, subjected to violence.

Inquest into death of elderly patient whose food line was placed into his IV line. Implications flowing from this affected not only national but European healthcare.

Represented a family whose teenage son with mental health concerns went missing, focussing on action of the police.

Represented the NHS concerning a young man who went on a rampage with a weapon, inflicting fatal wounds on himself. The case was reported on the BBC website and in the Daily Post.

Death in Custody. Representing custodial services. Significant number of medical experts.

Representing the Chairman of a holding company and Managing Director of a quarry re laden volumetric vehicle.

## Business Crime

David has prosecuted and defended the most serious crimes before the Crown Court, Court of Appeal, where he has succeeded in having convictions overturned. He appears alone against silks and enjoys a strong reputation.

He is recognised as a leading junior and was appointed to List A of the Specialist Regulatory Panel Counsel for HSE, EA, ORR, CQC and Ofsted.

David frequently represents companies and directors in serious injury and fatal health and safety cases of significant complexity.

David has particular expertise CDM Regulations. He is fully conversant with handling expert witnesses and vulnerable defendants. He is often called to deal with grave crime cases that require the utmost sensitivity and planning.

## Notable cases include:

Appearing for accused in manslaughter trial where death occurred through noxious gases.

Representing terrorist accused of violent assault on prison guard.

Defending in a led case of Gross Negligence Manslaughter & Health and Safety offences in a multi handed 'cut throat' defence concerning poisoning.

Four-month EA prosecution, led by King's Counsel in vast multi-handed and rare case.

Defending murder and manslaughter, in a led case, to acquittal, where there was a death bed video identification of the killer.

Defending 'honour crime' where injuries were described as 'torture'.



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