



# Stephen Uttley

Year of call 1984



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Stephen Uttley defends exclusively in serious crime. He will fight unfalteringly on behalf of his clients and has an exhaustive list of cases of importance.

In regulatory matters, he often deals with a wide range of complicated HSE cases including fatal accidents. Stephen also appears in the Court of Appeal in relation to potentially unsafe convictions and excessive sentences.

## Expertise

### Crime

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#### Notable Crime cases

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##### R-v-H (2024)

H appeared before Manchester Crown Court for a number of offences including Causing Death by Dangerous Driving, Causing Serious Injury by Dangerous Driving to another passenger and Perverting the Course of Justice. The Defence were able to persuade the Court at the sentencing hearing that the offending fell at the lower sentencing range for these offences and H received a custodial sentence of 6 years and 4 months. The case attracted both local and national media attention.

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/my-son-innocent-person-this-30502316>

##### R v A (2024)

A was charged with two counts of rape as part of a large-scale Police investigation into historical sexual abuse which occurred many years ago involving A and others. During the course of trial the Defence were able to establish the unreliability of the main

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Prosecution witnesses relating to A and as a result Prosecution decided that they no longer wished to proceed with the case against him and not guilty verdicts being entered by the Jury.

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R-v-N (2024)

N was charged with another with two offences of kidnapping, robbery, false imprisonment and blackmail arising out of two separate incidents involving two unrelated complainants where the Prosecution case was that N had used during the commission of these offences violence and weapons including a knife and a blow torch. The Defence case was that the Complainants were not credible witnesses in relation to their accounts. During the trial it was argued on his behalf that there had been substantial failures by the Police and Prosecution to properly investigate the offence and disclose material including telephone evidence and CCTV footage which established that both the Complainants were unreliable. On the second day of the trial the Prosecution indicated that they could no longer proceed with the case after considering further materials and considering and not guilty verdicts on all Counts were directed by the Court.

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R-v-H (2024)

H was charged with an offence of doing an act tending and intending to pervert the course of justice over a period between 2021 and 2022. During his trial it was argued on his behalf that there had been substantial failures by the Police and Prosecution to properly investigate the offence and retain evidence relevant to the investigation. The Jury agreed and H was acquitted within an hour.

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R v B (2024)

B was charged with four counts of rape as part of a large-scale Police investigation into historical sexual abuse lasting over 8 years. During the course of trial a number of disclosure requests were made on behalf of B which resulted in the disclosure by the Prosecution of systematic disclosure failures both by the Police, CPS and Prosecution Counsel which prevented B and others from having a fair trial. B's trial last 4 weeks resulting in the Court directing not guilty pleas after the Prosecution indicated that they no longer wished to proceed with the case against B.

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R v Q (2024)

Q was charged with three serious offences arising out of an incident where whilst driving a car in the Halifax area he mounted a pavement and drove directly at a group of boys causing serious injuries to them. After a medical assessment had taken place he pleaded guilty to all matters and the Court made an order under Section 37 of the Mental Health Act 1983 together with a Restriction Order under Section 41 of the same Act.

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R v M (2024)

M was charged with offences arising out of an incident where he was said to have been the aggressor carrying a knife which resulted in him being attacked by others and receiving life threatening injuries. Another person was also murdered during the incident. The Defence were able to establish the unreliability of the evidence against him including DNA evidence which the Prosecution ultimately accepted, and a not guilty verdict was directed by the Court. Two others were convicted of murder arising out of the incident.

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R v T (2023)

T was charged with an offence of Armed Robbery involving two others. The Prosecution relied upon DNA evidence on a weapon

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used in the offence which was recovered at the scene and the purported identification of T by the Complainant. During a five-day retrial the Defence were able to undermine the credibility of the Prosecution's identification evidence and establish that the DNA was not compelling when considering all the evidence in the case. T was acquitted under two hours by the Jury.

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R v G (2023)

G was charged with five offences including two offences of rape involving a Police investigation over a three-year period. The Prosecution called several witnesses in support of their case and relied upon a purported written confession to all the offences made by the Defendant. During a six-day trial the Defence were able to undermine the credibility of all of the Prosecution's witnesses and establish that the confession was wholly unreliable. G was acquitted of all matters within four hours by the Jury.

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R v P (2023)

P was charged with five offences including two offences of rape and an offence of perverting the course of justice. It involved a Police investigation over an eight month period. The Prosecution relied upon several witnesses to the alleged offences. The case involved issues relating to the Prosecution failing to disclose material which assisted the Defence in relation to the credibility of the complainant and the witnesses they were relying upon. As a result, just before the trial was due to commence the Prosecution formally offered no evidence on all matters and not guilty verdicts were directed by the Court.

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R v R (2023)

R who was a successful businessman and a renowned UK DJ rapper was prosecuted for participating in the activities of an organised crime group in relation to the importation of £400k worth of Class A drugs by providing them with access to his warehouse premises knowing or reasonably suspecting that by doing so he was helping them to carry out those criminal activities. After a 7 day trial he was acquitted by the Jury within an hour.

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R v H (2023)

H was prosecuted for an offence of Section 18 wounding where the Prosecution alleged that she stabbed the Complainant in the stomach area and then attempted to stab the Complainant on a second occasion aiming for his face. The Prosecution as part of their case relied upon CCTV evidence, medical evidence, and transcripts of 999 calls to support their case. The Defence on behalf of H were able to establish that she had acted in self-defence. The Jury acquitted H of the offence.

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R v H (2022)

H and 4 others were prosecuted for an offence of conspiring to conceal criminal property in excess of £1.2 million over a period between 2010 and 2018. The investigation had taken 4 years. The Defence on behalf of H challenged the admissibility of parts of the Prosecution case which suggested that the criminal property derived from either drug activity and or tax evasion. As a result of two days of legal submissions the Prosecution deciding not to continue with the Prosecution and not guilty verdicts were entered by the Jury.

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R v R (2022)

R and another were prosecuted for three offences involved the possession and supplying of significant quantities of class A drugs. The Prosecution relied upon forensic and telephone evidence as part of their case. The Defence were able to establish during the trial the unreliability of this evidence. R was acquitted by the Jury of all drug related matters.

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R v M (2022)

M was prosecuted for three offences of Attempting to Pervert the Course of Justice involving a two-year Police investigation into false details that had been provided on numerous occasions in relation to the investigation of Road Traffic offences and offences of Fraud. The Prosecution decided not to proceed with the proceedings on the first day of the trial as the Defence were able to establish that the main ingredients of each offence could not be established by the Prosecution and a not guilty verdict was directed by the Court.

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R v Q (2022)

Q was prosecuted for being involved in the Production of Cannabis worth in excess of £600k. During the trial the Defence were able to successful establish that he was a victim of modern slavery, and a not guilty verdict was directed by the Court at the end of the Prosecution's case.

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R v M (2022)

M was acquitted in relation to an offence of Attempted Murder after a 4-week trial where it was argued that he had no intention to kill the Complainant when a firearm was discharged at the Complainant's vehicle. In addition, the case involved issues relating to the failures of the Police in the way they obtained a confession statement from a Prosecution witness which assisted the Defence in relation to the issue of intent to kill.

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R v H (2022)

H faced two allegations of Conspiracy to Supply Class A drugs which involved in the importation of multi kilos of Cocaine and Heroin from Pakistan and Turkey into the UK and that the offences form part of Operation Venetic Encro Chat communications. The Defence were able to successful challenge the admissibility of the telephone communication package that was relied upon by the Prosecution and not guilty verdicts were directed by the Court.

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R v R (2022)

R faced two counts over an investigation that lasted 5 years involved the laundering of monies in excess of £500k contrary to Section 328(1) of the Proceeds of Crime Act 2002 and Attempting to Pervert the Course of Justice. Not guilty verdicts were directed in relation to both Counts

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R v Y (2022)

Y and 5 other Defendants faced offences of Section 18 GBH and an offence of Violent Disorder. In the second week of the trial the case collapsed, and the Prosecution had to formally offer no evidence due to the Prosecution failure to disclose CCTV footage and other materials which were directly relevant to the credibility of the Prosecution witnesses and the way the Police had failed to investigate the case.

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R v M (2021)

B was charged with ten offences involving historic sexual offences involving a number of Complainants involving a Police investigation lasting nearly three years. M was acquitted of all matters within an hour by the Jury.

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R v H (2021)

M was charged with offences of rape involving a Police investigation over a four year period. The Prosecution called 9 witnesses in support of their case. In addition, the case involved issues relating to the Prosecution failing to disclose material which assisted the Defence in relation to the credibility of the Complainant. H was acquitted of all matters within 30 minutes by the Jury.

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R v N(2020)

D was acquitted in relation to an offence of attempted murder after a 5 day trial where it was argued that he was acting in self-defence. In addition, the case involved issues relating to the Prosecution failing to disclose material which assisted the Defence in relation to the credibility of the Complainant and to the issue of self-defence.

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R v K (2020)

D was acquitted in relation to an offence of being involved in a conspiracy to cultivate in an excess of a million pounds worth of Cannabis after a 4 day trial.

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R v D (2019)

D was acquitted in relation to an offence of GBH after a 6 day trial where it was argued that he was acting in self-defence. The case in addition involved issues relating to the Prosecution failing to disclose material which assisted the Defence in relation to the credibility of the Complainant and to the issue of self-defence.

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R v S (2019)

S and 10 others had been charged with a Violent Disorder that had occurred in the Halifax area. The Police investigation into the matter took over two years. After a two week trial S was acquitted as the Jury accepted that he was acting in self-defence. The remaining Defendants had previously pleaded guilty to the offence.

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R v K (2019)

K who had worked for the Home Office had been the subject of a three year investigation by the Home Office Anti-Corruption Criminal Investigation Unit in relation to offences involving the unauthorised access to computer material contrary to Section 1 of the Computer Misuse Act 1990. As a result of detailed Defence submissions about the investigation and matters raised in relation to disclosure, the Prosecution did not proceed with the offences and not guilty verdicts were directed by the Court.

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R v H (2019)

Successful defence of a man charged with a Section 18 wounding after a 5 day trial where it was successfully argued that he was acting in self-defence. The case in addition involved issues relating to the cross contamination between the Prosecution witnesses which assisted the Defence in relation to the credibility of the Complainant in the case.

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R v B (2018)

B was charged with offences involving a sexual assault and administered a substance to the Complainant so as to enable him and another to engage in sexual activity with her. After a two week trial he was found not guilty on both matters.

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R v S (2017)

Case involved the Defendant with 8 other Defendants fraudulently evading duty, contrary to section 170(2) of the Customs and Excise Management Act 1979. The duty evaded was calculated to be £1,150,175.80. The trial took place at Woolwich Crown Court and lasted for seven weeks. The Prosecution alleged that the Defendant and others were involved in the large scale and organised trade in illegal cigarettes on which duty had not been paid. Approximately five million cigarettes have been smuggled into the UK from Europe and were hidden in boilers when they were seized by HM Revenue and Customs officers. The case involved complex telephone and surveillance evidence. Only acquittal in the case.

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R v J (2016)

Successfully defence of a man charged with violent disorder who was a member of the “Rotherham 12”. The trial took place at Sheffield Crown Court and lasted over 6 weeks. The 10 men had been accused of violent disorder in the context of a conflict between local Asian men and far-right extremists. It was argued that the men had no choice but to act in self-defence of themselves and others present at the time. During the trial senior police officers involved in the case were subject to detailed cross-examination by Mr Uttley and other Counsel relating to their failure to plan for the end of the counter-demonstration and to ensure that the local people were able to leave the area safely. The case attracted local and national attention.

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R v S (2016)

Successful Defence of a man charged with Attempted Murder. The trial took place at Leeds Crown Court before Mr. Justice Edis. The Prosecution alleged that the Defendant after making threats to kill the Complainant to others attacked him from behind punching him to the back of the head. He then was said to have pushed him several times to the chest saying that he was going to kill him. The Complainant fell approximately 20 feet out a bedroom window sustained serious life changing injuries. During the course of the trial it was argued that the Prosecution could not establish an intention to kill or that the Defendant intended to cause really serious harm. The jury unanimously acquitted the Defendant of Attempted Murder and an alternative offence of Section 18 GBH. He was convicted on a majority verdict of Section 20 GBH.

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R v A (2015)

Successful defence of a man charged with robbery and possession of a firearm said to have been used during the robbery. West Yorkshire Police had investigated the case over a two-year period. The case involved issues relating to recognition and telephone evidence.

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R v L (2015)

Trial lasted for 5 days. It related to offences of false imprisonment and robbery. The case involved potentially, a number of aggravating features that would have been applicable in applying the principles as laid down in the Attorney-General’s Reference No 92 of 2014 [2014] EWCA Crime 2713 in relation to the detention of the Complainant. The jury unanimously acquitted the Defendant on all matters.

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R v A (2015)

A three-week trial where the Defendant faced allegations of involvement in serious organised vigilante violence and one incident involved the alleged use of multiple firearms. Acquitted on all matters.

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R v M (2015)

Successful defence of a man charged with robbery and possession of a firearm. The case involved a robbery with the use of a firearm in 2013 involving three men, two of which had previously pleaded guilty. The case involved complex legal issues surrounding facial mapping, whether the Police had complied with their legal duties under Code D of The Police and Criminal Evidence Act 1984 and the guidance given in R. v. Smith (Dean Martin) [2009] 1 Cr.App.R. 36, CA where the Court recommended the creation of a record where a police officer purports to recognise a person viewed on a CCTV recording.

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R v D (2015)

Trial involving 4 Defendants for offences of violence and public order offences. Acquitted on all matters.

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R v H (2014)

Trial involving an offence contrary to Section 2 SOA 2003. Acquitted.

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R v J (2013)

The case involved a two year investigation by the Police in relation to the management of brothels and the trafficking of women from Europe for the purposes of sexual exploitation. Evidence was relied upon by the Prosecution from overseas. After a two week trial the defendant was acquitted of all offences involving the trafficking of women.

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R v R (2013)

10 Defendants faced an allegation of conspiracy to supply heroin. Operation Leap was a cross-border Police investigation dealing with the supply of heroin and transportation of large amounts of money in Cambridgeshire, Norfolk, Lincolnshire and West Yorkshire areas. The case involved complex forensic evidence, intrusive surveillance, hi-tech analysis of communication devices and covert recordings. After a six week trial the defendant was the only Defendant to be acquitted on all matters.

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R v K (2013)

The case was part of an 18 month Police investigation into money laundering offences and fraud involving a number of companies. After a two week trial defendant was acquitted.

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R v K (2012)

The trial involved offences of violence and witness intimidation which the Prosecution asserted were committed as a result of a previous murder investigation. Acquitted on all matters.

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R v C (2011)

Drummer in the band When Giants Collide. Charged with Section 18 Wounding. Dealt with for ABH and received non- custodial sentence.

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R v S (2011)

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Leading Junior. Two conspiracies involving the importation of Glock Pistols from the USA to the UK. Defendant dealt with for his involvement with one firearm on one occasion.

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R v W (2011)

Armed Robbery. Wanted at the time of his trial on an international arrest warrant involving Interpol. Acquitted.

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R v A (2011)

Trial involving two other Defendants including offences of attempted murder, kidnapping and assault. Acquitted of main offence of attempted kidnapping.

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R v W (2011)

Dangerous driving. Represented his county and country at shot putt.

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R v D (2010)

Large scale police operations involving conspiracies to commit dwelling house burglaries. Subject to two Police operations code named Larkwood and Yankee. Acquitted in Operation Larkwood.

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## Regulatory

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### Notable Regulatory cases

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R v Edwin Hodge (2009)

Insolvency case in relation to non-disclosure of assets in UK and abroad. Convicted.

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R v Kerry Harrison (2009)

Insolvency case and non-disclosure of assets. Convicted.

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R v Bakish Alla Khan & Others [2008] EWCA Crim 531

[Prosecution of Michael Arshad Khan on behalf of BERR]. Leading case on persons who can sit on a jury. Case before The Lord Chief Justice of England and Wales. Applications rejected by the Court in applying the principles as laid down in the House of Lords in Abdroikof. Court ruled that conviction was safe and ruled against the Appellants Grounds of Appeal.

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## Health & Safety

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## Notable Health & Safety cases

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### R v The Mission to Seafarers (2024)

The Prosecution was as a result of an investigation by Stockton on Tees Borough Council in relation to a fatality that occurred at The Seafarers' Centre, Seal Sands Road, Stockton on Tees TS2 1UA where the deceased fell from height whilst attempting to replace a loft ladder.

The Mission to Seafarers, who are one of the largest maritime charities in the world, faced one offence contrary to Section 3(1) of the Health & Safety at Work etc Act 1974 Safety at Work etc Act 1974 in that they failed to ensure, so far as was reasonably practicable, the health, safety, and welfare at work of all their non- employees including the deceased.

Mr Uttley advised on the case from the outset. The Mission to Seafarers pleaded guilty to the offence and were dealt with at Teesside Crown Court.

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### R v Britcon (2021)

The Prosecution was for one offence contrary to Section 3(1) of the HSW Act 1974. Mr Uttley advised the HSE from the outset of the Prosecution. The case related to their failure to ensure, so far as was reasonably practicable, the safety and welfare at work of all their non- employees including the complainant in the case who was struck by a seven meter sheet pile weighing approximately 190 Kg whilst cleaning sheet piles as they were removed from a surge pit by a Doosan excavator causing serious injuries to the complainant. Britcon were fined £570K.

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### R v G (2019)

G was successfully prosecuted for an offence contrary to Section 2 of the HSWA. G had been the sole Director of a company which had been subsequently dissolved after the incident but before the Prosecution commenced. The Prosecution was brought against G when applying Sections 2 and 37 of the HSWA. The case involved a worker using a lorry loader crane to deliver soil, but when he brought the crane down his left arm was impaled on a spike protruding from the control system. The impact resulted in leaving him with life-changing injuries. The HSE investigation found that the safety system had been disabled and part of the safety guard around the controls had been cut off, leaving an exposed spike which impaled the man's arm.

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### R v Hull City Council (2018)

HCC were successfully prosecuted after a lengthy HSE investigation. The Prosecution was as a result of an accident where an employee at the Hull Arena was knocked unconscious suffering a head injury and three broken ribs when he fell on the ice. The investigation found that the Council had failed to address the obvious risk faced by employees when working on ice, and had not introduced a safe system of work.

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### R v Kentucky Fried Chicken (Great Britain) Limited (2017)

The Prosecution was for two offences contrary to Section 2(1) of the the HSW 1974. The first case related to a failure to ensure as far as reasonably practicable the safety of a 17-year-old member of staff who was not subject to adequate supervision, training and use of the provision of suitable personal protective equipment who suffered serious burns whilst he was preparing hot gravy in a microwave. The second case related to a failure to ensure as far as reasonably practicable the safety of a person in their employment who whilst not subject to adequate supervision and use of the provision of suitable personal protective equipment who suffered serious burns whilst she was preparing hot gravy in a microwave. Kentucky Fried Chicken (Great Britain) Limited were

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fined £950,000 in total and ordered to pay the Prosecution costs. The case attracted local and national media attention.

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R v Castelite Limited & Casa Events Limited (2015)

The Prosecution was as a result of an investigation following an accident where a metal framed timber clad cantilevered balcony structure collapsed from the rear first floor elevation of the residential part of the hotel resulting in serious injury being caused to 5 people who were stood on the balcony when it collapsed. The case attracted local and national media attention.

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R v PD Teesport Limited (2015)

The Prosecution was as a result of an investigation by HSE following an accident at Hartlepool dock which resulted in a fatality. Although PD Teesport had pleaded guilty, the Prosecution did not accept their Basis of Plea and a four-day Newton Hearing took place at Teesside Crown Court. It was successfully argued that they had failed to provide a means of collective fall arrest during the intermediate phases of the half-stow loading operation and thereafter at a greater height. In addition, that the breach was causative of the worker's death and that their risk assessment did not consider or follow the work at height hierarchy as laid out in Regulation 6 of the Work at Height Regulations 2005. The Company were fined £400,000. The case attracted local and national media attention.

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R v Total UK Limited (2015)

The Prosecution was as a result of an investigation by HSE following an accident at Total Lindsey Oil Refinery Immingham which resulted in an uncontrolled release of crude oil and a fire which resulted in a fatality. The case against Total UK Limited was that they failed to take all measures necessary to prevent a major accident, arising from the task of isolating a steam-out line at blinding point 23/144 beneath Crude Distillation Column 23C-1, which included the failure to undertake a suitable and sufficient process risk assessment and the failure to eliminate the risks associated with crude oil in process, which led to the release of crude oil and a fire which resulted in a fatality. The Company were fined £1.4 million. The case attracted local and national media attention.

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R v David Lloyd Leisure Limited (2015)

The proceedings related to an incident that took place at their Stockton-On-Tees site. A member of the club was involved in a personal training session outside with the assistance of a personal trainer who worked for the Company. During the training session, resistance bands with handles were being used attached to a nylon Velcro strap with a metal D ring on. Whilst pulling on the nylon strap the D ring gave way and flew back at speed. As a result, his left eye was damaged to such an extent that he lost sight in it and lost part of his vision in his right eye. The Company were fined £40,000 for each offence. It was the first Prosecution relating to this type of equipment and attracted local and national media attention.

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R v Tyne Slipway & Engineering Co Ltd (2014)

The case involved the company failing to ensure so far as is reasonably practicable the health and safety at work of one of their employees who whilst working on the maintenance and repair of a ship's tunnel thruster was crushed to death. Convicted.

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R v A & P Tees Ltd (2013)

The case involved the company failing to ensure so far as is reasonably practicable the health and safety at work of one of their employees who was crushed to death during the ranging of the anchors and chains on a ship. Convicted.

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R v Tata Steel UK & Vesuvius UK (2013)

The case against both companies related to a death at BOS Plant Teesside Cast Products Redcar Cleveland in that they failed to discharge the duty imposed on them by Regulation 10(1) of the Work at Height Regulations 2005. Convicted.

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## Appointments

- Bar Pro Bono Unit
- Junior Counsel to the Attorney General's Panel of Prosecution Advocates List A (2012)
- Specialist Regulatory Advocate in Health & Safety and Environmental Law (List A)

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