

RICHARD MATTHEWS QC

Corporate criminal and regulatory specialist
Queen's Counsel

January 28, 2021

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Regulatory and Corporate Defence Specialist QC

<https://www.richardmatthewsqc.com/introduction/>

Richard Matthews QC is ranked as the best health and safety Silk by the independent guides to the legal profession, *Chambers and Partners*, ('He's a lightning-sharp barrister who knows the law inside out.') and the *Legal 500* ('Without peer in health and safety enforcement, and a dream to work with.') and a leading Silk in Environmental work by both guides. Richard is widely regarded as the foremost regulatory and corporate defence Queen's Counsel in England and Wales.

His expertise spans the breadth of regulatory and business crime, especially health and safety enforcement, fire safety and environmental enforcement. His particular expertise encompasses gross negligence and corporate manslaughter.

He has considerable experience of representing corporations, directors and individuals facing a wide range of regulatory investigations and enforcement action, particularly [health and safety](#), [environmental](#) and [fire safety](#). In addition to prosecutions and trial representation, Richard's experience of these fields extends to actions for judicial review (of both the HSE and Environment Agency) concerning the exercise of powers and issuances of notices with consequent pursuit of claims for damages.

Richard Matthews QC has regularly advised and represented many leading UK and international corporations. He has appeared for interested parties, particularly corporations, in a great many [jury inquests concerned with work related deaths](#) and Public Inquiries. He has advised in respect of a great many of the UK's most sensitive safety related issues over many years.

Richard's experience extends to prosecutions related to unlawful storage of pesticides, trade in 'parallel products', copyright protection and the Proceeds of Crime.

Richard was educated at Girton College, the University of Cambridge, and was called to the bar in 1989. He was appointed Queen's Counsel in 2010.

Publications

[Health and Safety Enforcement: Law and Practice \(Oxford University Press\)](#)

Published: 2016

Richard Matthews QC, together with James Ageros QC, is the author of the standard practitioner's textbook on health and safety enforcement, which is published by Oxford University Press and is currently in its 4th edition (January 2016)

[Environmental Offences Definitive Guideline Consultation](#)

Published: 2014

Richard Matthews QC acted as the expert advisor to the Sentencing Council in relation to the drafting of the definitive guideline on sentencing environmental offences. He presented to the Council on [24 February 2012](#) and was quoted in the published Response to Consultation published in [February 2014](#)

[Health and Safety Offences Definitive Guideline](#)

Published: 2014

Richard Matthews QC acted as expert advisor to the Sentencing Council during the drafting and consultation on the definitive guideline for sentencing in respect of Health and Safety offences. He presented to the Council on [31 January 2014](#)

[Consolidation: the practicality and effects of the options for consolidating health and safety Regulations](#)

Published: 2012

Professor Löfstedt's report [Reclaiming health and safety for all: An independent review of health and safety regulation](#), identified, four broad options that could be considered for consolidating regulations that apply to business.

In January 2012, HSE commissioned research to help decide if the core set of health and safety regulations could be consolidated in any way to provide clarity and savings for businesses.

The research report written by Richard Matthews QC – [“Consolidation: the practicality and effects of the options for consolidating health and safety Regulations”](#) was published in December 2012.

RICHARD MATTHEWS QC

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[Blackstone's Guide to the Corporate Manslaughter and Corporate Homicide Act 2007](#)

Published: 2008

Richard Matthews QC acted as an advisor to the Home Office lawyers responsible for the drafting of the Corporate Manslaughter and Corporate Homicide Act 2007 and subsequently was the author of Blackstone's Guide to the Corporate Manslaughter and Corporate Homicide Act 2007 (Oxford University Press, 2008)

Leading Health & Safety Barrister

<https://www.richardmatthewsqc.com/leadinghealthandsafetybarrister/>

Richard Matthews QC has been instructed, both for the prosecution and the defence, in a great number of health and safety cases. He has particular experience in cases involving the gas and oil industries, nuclear industry, asbestos exposure, traffic management, NHS Trust and uniformed services, construction industry fatalities, Control of Major Accident Hazards and the Construction (Design and Management) Regulations.

Richard is highly rated by the independent guides to the Bar: he is listed as the “star rated” QC in Health and Safety by Chambers & Partners and in the highest tier of leading QC’s in Health and Safety by the Legal 500

“He is incredibly bright, unbeatable on the law, and an effortless courtroom advocate; equally effective with judges and juries. He is also is a real team player with a relentless work ethic, and always has an eye on the the big picture strategy. When the stakes are at their highest, he is the man you want on your side.” (Legal 500, 2021 edition)

“A genuine expert in the health and safety world. Clients love him and he deploys a range of skills in court to get his points across.” (Chambers & Partners, 2021 Edition)

Richard Matthews QC appeared in the leading House of Lords decision on health and safety, [R v Chagot \[2008\] UKHL 73](#), and was leading counsel in two joined appeals in the Court of Appeal that followed the Supreme Court decision in [Baker v Quantum Clothing Group Limited & Others \[2011\] UKSC 17 \[2011\] 1 WLR 1003](#). The resulting judgment, [R. v. Tangerine & Veolia \[2011\] EWCA Crim 2015, \(2012\) 176 J.P. 349](#), provided a definitive authority on the approach to offences of breach of ss 2(1) & 3(1) of the Health and Safety at Work etc. Act 1974.

Richard has appeared in many of the leading Court of Appeal authorities concerned both with liability of employers and company directors. ([R. v. HTM \[2007\] 2 All ER 665](#); [R. v. P \[2008\] ICR 96](#)) and with sentence ([R. v. Pointon \(John\) and Sons Ltd \[2008\] EWCA Crim 513, \[2008\] 2 CrAppRep\(S\) 472](#), [R v. Transco Plc \[2006\] 2 Cr.App.R.\(S.\) 740](#), [R. v. Colthrop Board Mills \[2002\] 2Cr.App.R.\(S.\) 79](#)), including the leading authorities on the sentencing of major corporations decided by the Lord Chief Justice, [R. v. Sellafeld \[2014\] EWCA Crim 49; \[2014\] Env. L.R. 19; \[2014\] L.L.R. 572](#). and group/subsidiary companies, [R. v. BUPA Care Homes \(BNH\) Ltd \[2019\] EWCA Crim 219 \[2020 1 Cr.App.R. \(S.\)](#)

Richard Matthews QC is co-author of the leading textbook on Health and Safety Enforcement ([Health and Safety: Law and Practice; Oxford University Press, 4th edition, January 2016](#)). He gave expert assistance to the Sentencing Council during the drafting of the [Definitive Sentencing Guideline for Health and Safety offences](#). In October 2020, he was again given the Chambers Bar Award of Health and Safety Silk of the Year.

He has advised extensively on criminal liability arising under sections 2/3 [Health and Safety at Work etc. Act 1974](#). Richard has advised solicitors acting for directors investigated and charged in respect of personal responsibility for company health and safety failures (s.37) and senior managers investigated and charged with personal breaches of health and safety duties (s.7). He has conducted numerous trials concerning the same. He advises a number of major UK and international corporations on health and safety regulatory compliance. He has advised on and conducted numerous appeals against HSE and local authority prohibition/improvement notices and in relation to licensed activities subject to appeal to the Secretary of State. He acted for [Agchemaccess Ltd](#) in the successful judicial review challenge to enforcement notices served by the HSE under the plant protection product safety legislation.

Richard has regularly advised and represented many of the worlds leading corporations in relation to health and safety:

“An impressive silk who has a wealth of experience in cases spanning the full breadth of regulatory and criminal health and safety issues. He has represented international corporations and individuals, as well as FTSE companies such as Siemens and Walkers, in investigations and prosecutions brought by the HSE”Chambers & Partners [2021]

Previously, over more than 10 years, Richard was Standing Counsel to the HSE and the Office of Rail Regulation (now Office of Rail and Road). During that time, he advised the HSE and Environment Agency in respect of the investigation into the [Buncefield Oil Depot explosion](#) and fire of December 2005 and prosecuted the case at trial. He led the [prosecution of Marks & Spencer Plc](#) in a lengthy trial arising from risks of asbestos exposure to workers and the public in the company’s Reading store during refurbishment work.

Fire Safety Order

Richard has advised and acted for Fire & Rescue Authorities , public authorities, corporations and individuals in respect of the [Regulatory Reform \(Fire Safety\) Order 2005](#)

He has advised on the issuance and appeal against enforcement notices; advised responsible persons in relation to compliance; conducted the prosecution of a landlord/ responsible person of a HMO (House in Multiple Occupation) who was imprisoned for breaches of the Order following a fire in which a tenant received horrific injuries; advised and represented a number of large UK retail and hotel chains in regard to alleged breaches of the Fire Safety Order; and represented the store manager of a major UK supermarket chain charged with personal responsibility for breaches of the Fire Safety Order. Richard was also instructed to advise and represent the London Borough of Southwark following the fatal fire at the Lakanal flats.

Publications

[Health and Safety Enforcement: Law and Practice \(Oxford University Press\)](#)

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Professor Löfstedt's report [Reclaiming health and safety for all: An independent review of health and safety regulation](#), identified, four broad options that could be considered for consolidating regulations that apply to business.

In January 2012, HSE commissioned research to help decide if the core set of health and safety regulations could be consolidated in any way to provide clarity and savings for businesses.

The research report written by Richard Matthews QC – [“Consolidation: the practicality and effects of the options for consolidating health and safety Regulations”](#) was published in December 2012.

Reported Cases

R. v. BUPA Care Homes (BNH) Ltd

[\[2019\] EWCA Crim 1691; \[2020\] 1 Cr. App. R. \(S.\)](#)

Before: Lord Justice Davis Mr Justice William Davis and Mr Justice Julian Knowles

2019

Richard Matthews QC led for the appellant in this successful appeal against a sentence imposed upon a subsidiary company where the sentencing Court had increased the fine to reflect that the defendant company was part of a much larger group with a turnover of billions of Pounds. The case involved asbestos risk, issues around causation of death and the sentencing of a subsidiary that is part of a group, where the parent company is a Very Large Organisation.

The Court of Appeal gave further guidance regarding the operation of the Sentencing Council's Health and Safety Offences Definitive Guideline and, in particular, the circumstances in which a parent company's turnover might be taken into account in Step 3 of the guideline. The appellant company, BC, appealed against a fine of £3 million imposed on them for an offence contrary to s.3(1) of the Health and Safety at Work, etc Act 1974 to which BC had pleaded guilty.

In allowing the appeal the Court of Appeal held that at Step 2 under the guideline, a sentencing judge was not only concerned with turnover and the aggravating and mitigating features set out in the table in the guideline. Although Step 1 required an assessment of culpability in the range very high to low according to the factors listed, that did not mean that, in selecting a starting point within the appropriate range at Step 2, the judge must leave out of account, or not make, a quantitative assessment of the extent of the harm and culpability involved in the offending. An offender whose culpability was high because of the presence of a number of listed factors ought in principle to be punished more severely than an offender whose culpability is high because of the presence of just one factor. The presence of multiple culpability factors could properly be regarded as matter capable of increasing the starting point within the indicated range of fine as set out in the relevant table for the size of the organisation involved. In the present case, those matters justified a substantial increase above the starting point of £1.1 million in the relevant bracket and, given that BC's turnover was significantly in excess of the starting point of £50 million, the judge's starting point at Step 2 of £2,250,000 could not be faulted in light of her conclusion that a significant number of people were put at risk ([64]–[70]).

The Court held that the judge had gone wrong at Step 3 when she increased the fine from £2,250,000 to £4,500,000 on the basis of the parent company's turnover. This course did not properly reflect the economic realities of the situation. The mere fact that one company might be the wholly owned subsidiary of a larger parent did not mean that the resources of the parent could be treated as available to, or as part of, the turnover of the subsidiary company. The guideline phrase "economic realities" could not be extended to mean that the parent's resources belong to the subsidiary simply in order to justify a large increase in fine at Step 3, any more than they could be taken into account to increase the size of the subsidiary's turnover for the purposes of the tables in Step 2.

Importantly, the Court held that it is wrong to take into account the parent's turnover to increase the fine at Step 3 absent some special factor of the type identified in *R. v Tata Steel UK Ltd* [2017] EWCA Crim 704; [2017] 2 Cr. App. R. (S.) 29, or *R. v NPS London Ltd* [2019] EWCA Crim 228; [2019] 2 Cr. App.

R. (S.) 18 . There was no such factor here: the offence rose out of BC's breach of duty that was not delegated to the parent, it was a large and profitable organisation in its own right, and there was no suggestion that it would be unable to pay the fine and require instead the parent to pay it, or that it would not be a going concern absent the financial support of the parent company. That it remitted its profits to its parent was nothing to the point. The fine before discount for plea should therefore have been £2,250,000. Applying a one-third discount for the guilty plea, a fine of £1,500,000 was substituted ([82]–[87]).

R (on the application of Southwark London Borough Council) v London Fire and Emergency Planning Authority

[\[2016\] EWHC 1701 \(Admin\)](#) [\[2016\] All ER \(D\) 198 \(Jul\)](#)

The President of the Queen's Bench Division (Sir Brian Leveson) Mrs Justice McGowan D.B.E.

2016

Richard Matthews QC appeared as leading counsel for the London Borough of Southwark, the owner and landlord of Lakanal. Six fatalities occurred when Lakanal, a block of maisonnette apartments caught fire. The inquests were held over some three months before a Construction Court Judge, appointed as Deputy Coroner, and a jury.

The inquest jury found particular failings on the part of London Fire Brigade that contributed to the deaths. See [here](#) for verdicts and related information.

Following this, the London Fire Brigade (London Fire & Emergency Planning Authority) sought to continue a criminal investigation and prosecution of the London Borough of Southwark in relation to the Regulatory Reform (Fire Safety) Order 2005. Richard Matthews QC led the three counsel team that sought to Judicially Review this decision, and the case was decided by the Administrative Court in a [judgment](#) delivered by the President of the Queen's Bench Division, Sir Brian Leveson.

Corporate manslaughter – sentencing a small company

[\[2015\] All ER \(D\) 292 \(Mar\)](#) [\[2015\] Lexis Citation 38](#)

Macduff J

2015

Richard Matthews QC appeared for the first defendant company, P Ltd, which was convicted following a trial of corporate manslaughter of one of its employees, who had died after becoming trapped in an industrial oven. It was further convicted of offences under the [Health and Safety at Work etc Act 1974](#), along with the second defendant director, M. In sentencing, the judge expressed his intention to that the penalty should bite against the director shareholders whilst at the same time ensuring that the company was preserved for the benefit of its employees. The judge imposed a fine of £200,000 on P Ltd.

R v. Sellafeld Ltd

[\[2014\] EWCA Crim 49](#); [\[2014\] Env. L.R. 19](#);

The Lord Chief Justice of England and Wales Mr Justice Mitting and Mrs Justice Thirlwall

2014

Richard Matthews QC led for the defence in this defining appeal before the Lord Chief Justice of England and Wales, which concerned the sentence of very large organisations for health and safety offences and environmental offences. The approach adopted by the Court informed the subsequent guidelines issued by the Sentencing Council.

S, with turnover of £1.6 billion and an annual profit of £29 million, had been fined £700,000 for offences relating to the disposal of radioactive waste. N, with turnover of £6.2 billion, had been fined £500,000 following a collision at an unmanned level crossing which resulted in very serious injuries to a child. The judge found that S's failure was systemic and potentially exposed the public and those who handled waste off-site to unnecessary risk. S had relevant previous convictions. The judge took into account the fact that the instant breaches were not deliberate or reckless, no harm had been done and the actual risk of harm was low.

S submitted that the level of fine equated to a major public disaster or loss of life, a significant nuclear event or an unmitigated environmental pollution incident. N submitted that a starting point of £750,000 would only be appropriate where there was more than one fatality, a public disaster, or where the defendant was convicted of corporate manslaughter.

S's offences were of medium culpability, extending to management but with no actual harm and a very low risk of harm. Guilty pleas had been entered at the first opportunity and S had co-operated considerably. Account was also taken of its previous offences. It was not appropriate to consider a fine of £1 million as apposite only to a major disaster. That would ignore the court's obligation under s.164 of the 2003 Act to have regard to the offender's financial circumstances and the sentencing guidelines. There was no ceiling on the amount of fine that could be imposed. It was clear that a fine of £700,000 after a guilty plea reflected moderate culpability, no actual harm and a very low risk of harm. It also had to be viewed against the requirement that directors or shareholders of companies involved in the nuclear industry had to give the highest priority to safety, as Parliament had directed. The fine imposed would achieve the statutory purposes of sentencing by emphasising to those directors and professional

shareholders the seriousness of the offences, and provide a real incentive to remedy the failures found to exist.

Wilmott Dixon Construction Ltd [2012] EWCA Crim 1226

[2012] EWCA Crim 1226

2012

Appeal regarding nature of risk and asbestos exposure, in regard to the Health and Safety at Work etc. Act 1974. Led for prosecution.

R (Agchemaccess) v. HM Inspector of Health and Safety [2012]

2012

Richard Matthews QC was leading counsel for the claimants. The case concerned a series of Enforcement Notices issued under the Plant Protection Products Regulations 2011, which were quashed by consent follow a challenge by way of judicial review.

HSE v Marks & Spencer & Others

2011

Richard Matthews QC led the three counsel team that prosecuted Marks & Spencer Plc and others in regard to the control of and exposure to asbestos during refurbishment works to stores. The case followed a lengthy investigation into the Marks & Spencer Plc, refurbishment contractors and asbestos removal contractors undertaking work in various stores On 27 September 2011, Marks & Spencer Plc was fined £1 million.

R. v. Tangerine Confectionery Ltd; R. v. Veolia ES (UK) Ltd

[\[2011\] EWCA Crim 2015.](#)

Lord Justice Hughes

2011

Richard Matthews QC led for the prosecution in these joined appeals that resulted in the defining Court of Appeal authority on the nature of risk, causation and foreseeability, delivered by Lord Justice Hughes (as he then was).

The case followed the decision of the House of Lords in [Chargot](#) and the Supreme Court in [Baker v Quantum](#) [2011] UKSC 17 [2011] 1 WLR 1003.

In *Tangerine & Veolia*, the Court described how, “It is apparent from the history of these cases, and of others which have been cited to us, that the deceptively concise terms of [the Health and Safety at Work etc. Act 1974] may have given rise to a number of unresolved conceptual debates which are troubling Crown Courts. The present two cases are said to give rise to the following questions,

- i. What is the relationship between ‘safety’ (s 2) and ‘risk’ (to safety) (s 3)?
- ii. Where there has been an injury is the Crown required to prove that the offence caused it?
- iii. To what extent must the Crown prove that the risk ‘derives’ from the defendant’s activities?
- iv. What, if anything, is the relevance to these offences of foreseeability of injury or of an accident which has in fact happened?

The Court went on to answer all these questions.

R v. Winter, Winter & Alpha Fireworks Ltd [2011] 1 Cr App R (S) 78, [2011] 1 Cr App Rep (S) 78, [2010] EWCA Crim 1474

[\[2010\] EWCA Crim 1474](#)

2010

Richard Matthews QC appeared for the Prosecution in relation to the prosecution of two individuals and a company for gross negligence manslaughter and corporate offences following the death of two firemen in an explosion at a fireworks factory.

R. v. Chargot Ltd (t/a Contract Services) and others [2008] UKHL 73; [2009] 2 All ER 645 (HL)

[2008] UKHL 73

2008

Richard Matthews appeared for respondents. This House of Lords decision provided the seminal definition of the meaning and elements of the offences of breaching ss 2 and 3 Health and Safety at Work etc Act 1974 and the liability of directors under s 37 of the Health and Safety at Work etc. Act 1974.

R. v. Pointon (John) and Sons Ltd [2008] EWCA Crim 513, [2008] 2 CrAppRep(S) 472

[\[2008\] EWCA Crim 513](#)

[2008] 2 CrAppRep(S) 472

2008

Richard Matthews QC appeared for the appellant in this appeal against a sentence imposed for health and safety offences following acquittal on corporate and individual manslaughter charges, in which the Court of Appeal reduced the sentences imposed by the Crown Court judge.

R v P Ltd [2007] EWCA Crim 1937, [2008] ICR 96, CA

[\[2007\] EWCA Crim 1937](#)

2007

Richard Matthews appeared for Appellants in this interlocutory appeal to the Court of Appeal from a preliminary ruling concerning directors liability under s 37 Health and Safety at Work etc Act 1974.

R v HTM Ltd [2006] EWCA Crim 1156, [2007] 2 All ER 665, [2006] ICR 1383

[\[2006\] EWCA Crim 1156](#)

2006

Richard Matthews appeared for Appellants. This was an interlocutory appeal to the Court of Appeal from a preliminary ruling concerning foreseeability of risk and the Management of Health and Safety at Work Regulations 1999.

R. v. Total (UK) Ltd, Hertfordshire Oil Storage Ltd, Motherwell Control Systems (2003) Ltd, TAV Engineering Ltd and British Pipeline Agency Ltd

2003

Richard Matthews QC appeared for the prosecution in this Health and safety and environmental prosecution following the [Buncefield oil storage depot explosion and disaster](#).

Gross negligence manslaughter and corporate manslaughter

<https://www.richardmatthewsqc.com/gross-negligence-and-corporate-manslaughter/>

Richard Matthews QC advised the Home Office Legal Advisors on the drafting of the [Corporate Manslaughter and Homicide Act 2007](#) and is the author of the leading practitioner's textbook on the Act, [Blackstone's Guide to the Corporate Manslaughter and Corporate Homicide Act 2007 \(Oxford University Press\)](#).

Richard Matthews QC has particular experience in gross negligence and corporate manslaughter trials, having led for the defence in a great number of such high profile cases; he has advised and represented at inquests and trials employers, corporations, company directors, local authorities, NHS Trusts, hospitals and individuals involved in gross negligence and corporate manslaughter investigations.

Previously for more than 10 years, Richard Matthews QC was Standing Counsel to the Health and Safety Executive and throughout that time advised both the HSE and Crown Prosecution Service in respect of many of the investigations into public disasters, multiple fatality incidents and serious safety related incidents. Over many years, Richard advised the CPS and prosecuted a great number of the most serious gross negligence manslaughter cases, particularly those concerned with uniform services.

Reported cases

Corporate manslaughter – sentencing a small company

[2015] All ER (D) 292 (Mar) [2015] Lexis Citation 38

Macduff J

March 2015

Richard Matthews QC appeared for the first defendant company, P Ltd, which was convicted following a trial of corporate manslaughter of one of its employees, who had died after becoming trapped in an industrial oven. It was further convicted of offences under the [Health and Safety at Work etc Act 1974](#), along with the second defendant director, M. In sentencing, the judge expressed his intention to that the penalty should bite against the director shareholders whilst at the same time ensuring that the company was preserved for the benefit of its employees. The judge imposed a fine of £200,000 on P Ltd.

R v. Winter, Winter & Alpha Fireworks Ltd [2011] 1 Cr App R (S) 78, [2011] 1 Cr App Rep (S) 78, [2010] EWCA Crim 1474

[\[2010\] EWCA Crim 1474](#)

July 2010

Richard Matthews QC appeared for the Prosecution in relation to the prosecution of two individuals and a company for gross negligence manslaughter and corporate offences following the death of two firemen in an explosion at a fireworks factory.

R. v. Pointon (John) and Sons Ltd [2008] EWCA Crim 513, [2008] 2 CrAppRep(S) 472

[\[2008\] EWCA Crim 513](#)

[2008] 2 CrAppRep(S) 472

February 2008

Richard Matthews QC appeared for the appellant in this appeal against a sentence imposed for health and safety offences following acquittal on corporate and individual manslaughter charges, in which the Court of Appeal reduced the sentences imposed by the Crown Court judge.

Inquests & Public Inquiries

<https://www.richardmatthewsqc.com/inquests/>

Richard Matthews QC has acted for interested parties in a great many inquests, and has a particular specialism in representing corporations in jury inquests concerning work-related deaths.

“An impressive silk who has a wealth of experience in cases spanning the full breadth of regulatory and criminal health and safety issues. He has represented international corporations and individuals, as well as FTSE companies He is also noted for his representation of individuals at inquests arising from accidents at work.” – Chambers and Partners, 2021 Edition

Richard has also advised and acted for interested parties, including bereaved families, at inquests concerned with Article 2 of the ECHR and the right to life / state involvement in fatalities.

Richard represented the Whirlpool Corporation (the owner of the Hotpoint brand) at the public inquiry into the Grenfell Tower fire that killed 72 people. In 2013, Richard represented the London Borough of Southwark at the three-month [inquest into the six fatalities resulting from the fire at the Lakanal flats in July 2009](#).

Richard represented Taunton Rugby Football Club (which had hosted a public fireworks display) at the [inquest into the seven M5 motorway fatalities in thick fog on 4th November 2011](#).

Richard represented the HSE’s Chief Executive and the HSE at the second Francis Inquiry, examining the role of regulation and regulators. that culminated in the publication of the [Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry in February 2013](#)

Richard represented the Bexley Academy at the Inquest into the death of one of the school’s students, Samuel Boon, on a World Challenge trip to Morocco.

Richard also represented the family of PC Timothy Payne at the inquest into his death which resulted in the review of custody procedures and bail in cases of identified suicide risk.

He has advised the HSE, the Office of Rail Regulation and the CPS in relation to very many investigations in to fatal incidents, prior to and post inquest as well as in respect of decisions to prosecute.

Reported Cases

The Grenfell Tower Inquiry: phase 1

[Grenfell Tower Inquiry Report Phase 1](#)

October 2019

Richard Matthews QC represented the Whirlpool Corporation, at the first phase of the Grenfell Tower Inquiry, the Public Inquiry into the fire at Grenfell Tower on 14 June 2017.

The Phase 1 report was published in October 2019

Lakanal Fire Inquests

[\[2016\] EWHC 1701 \(Admin\)](#)

July 2016

Appeared as leading counsel for the London Borough of Southwark, the owner and landlord of Lakanal. Six fatalities occurred when Lakanal, a block of maisonnette apartments caught fire. The inquests were held over some three months before a Construction Court Judge, appointed as Deputy Coroner, and a jury.

The inquest jury found particular failings on the part of London Fire Brigade that contributed to the deaths. See [here](#) for verdicts and related information.

Following this, the London Fire Brigade (London Fire & Emergency Planning Authority) sought to continue a criminal investigation and prosecution of the London Borough of Southwark. Richard Matthews QC led the three counsel team that sought to Judicially review this decision, and the case was decided by the Administrative Court in a

Environmental Enforcement

<https://www.richardmatthewsqc.com/environmental-breaches/>

Richard Matthews QC has advised and acted for corporations in environmental cases concerned with the [Environmental Permitting Regulations 2016](#), [Environmental Protection Act 1990](#), the [Water Resources Act 1991](#), [The Food and Environment Protection Act 1985](#), groundwater / controlled waters pollution, waste management regulation, waste permits / licenses, the meaning of ‘waste’, Producer Responsibility Obligations and Transfrontier Shipment of Waste Regulations.

Richard provided expert assistance to the Sentencing Council prior to the consultation and publication of the [Definitive Guideline on Environmental Offences](#).

Richard is listed as a leading QC in Environmental by the independent legal guides, Chambers & Partners and the Legal 500:

‘Frighteningly intelligent with truly excellent forensic criminal acumen, he is the go-to barrister for serious or technical environmental matters.’ (Legal 500 [2021]).

‘He is frequently instructed to act on the defendant side for major corporate clients in cases concerned with water pollution and waste management.’ (Chambers & Partners [2021]).

He appeared for the appellant in the Court of Appeal before the Lord Chief Justice in *Natural England v Day* [2014] EWCA Crim 2683, a challenge to the strict liability causation test in environmental offending and concerning the sentencing of individuals for environmental offences.

Richard also appeared for the appellants in the leading sentencing authority concerned with major corporations and breaches of the Environmental Permitting Regulations (*R. v. Sellafield* [2014] EWCA Crim 49; [2014] Env. L.R. 19; [2014] L.L.R. 572) and for the appellant in *R. v. Frampton* [2012] EWCA 2697, concerning depositing substances in UK waters without a licence.

He has conducted a challenge on behalf of a company by way of judicial review to the issuance of an enforcement notice by the Environment Agency suspending the operation of an environmental permit to store waste wood.

Richard represented [Murfitts Industries Ltd](#) at Cambridge Crown Court in a prosecution brought two years after a devastating fire at the company’s licensed tyre recycling facility in Littleport for an alleged breach of the [Environmental Protection Act 1990](#) relating to the keeping of controlled waste allegedly in a manner likely to cause pollution. After two days of argument and following rulings by the trial judge, the EA offered no evidence and the company was acquitted. See [here](#) and [here](#).

Richard acted for [Community Waste Limited and Atlantic Paper](#) in the Environment Agency prosecution

brought in relation to exports of sorted waste paper in alleged breaches of Transfrontier Shipment of Waste Regulations. Both companies were acquitted when no evidence was offered by the Prosecution. This followed a defence statement challenge regarding Environment Agency sampling of alleged waste and the percentage contamination threshold.

Richard was instructed on behalf of the HSE and Environment Agency in the prosecution resulting from the investigation into the Buncefield oil terminal explosion and fire.

Reported Cases

R. (Natural England) v. Day

[\[2014\] EWCA Crim 2683](#) [\[2015\] 1 Cr. App. R. \(S.\) 53](#); [\[2015\] Env. L.R. 15](#)

Lord Thomas (Lord Chief Justice), Openshaw and Lang JJ

December 2014

Environmental prosecution by Natural England in which Richard Matthews QC acted for the appellant (but not in the court below) following conviction in respect of the felling of 43 trees in an area containing a Site of Special Scientific Interest without an authorisation and the consequent imposition of a £450,000 fine and a sum of costs of approximately £457,000.

The appeal concerned legal arguments regarding causation and the appropriate test in law.

The Lord Chief Justice of England and Wales described how Richard Matthews Qc had “conducted the appeal with his customary skill and learning”.

R v. Sellafeld Ltd

[\[2014\] EWCA Crim 49](#); [\[2014\] Env. L.R. 19](#);

The Lord Chief Justice of England and Wales Mr Justice Mitting and Mrs Justice Thirlwall

January 2014

Richard Matthews QC led for the defence in this defining appeal before the Lord Chief Justice of England and Wales, which concerned the sentence of very large organisations for health and safety offences and environmental offences. The approach adopted by the Court informed the subsequent guidelines issued by the Sentencing Council.

S, with turnover of £1.6 billion and an annual profit of £29 million, had been fined £700,000 for offences relating to the disposal of radioactive waste. N, with turnover of £6.2 billion, had been fined £500,000 following a collision at an unmanned level crossing which resulted in very serious injuries to a child. The

judge found that S's failure was systemic and potentially exposed the public and those who handled waste off-site to unnecessary risk. S had relevant previous convictions. The judge took into account the fact that the instant breaches were not deliberate or reckless, no harm had been done and the actual risk of harm was low.

S submitted that the level of fine equated to a major public disaster or loss of life, a significant nuclear event or an unmitigated environmental pollution incident. N submitted that a starting point of £750,000 would only be appropriate where there was more than one fatality, a public disaster, or where the defendant was convicted of corporate manslaughter.

S's offences were of medium culpability, extending to management but with no actual harm and a very low risk of harm. Guilty pleas had been entered at the first opportunity and S had co-operated considerably. Account was also taken of its previous offences. It was not appropriate to consider a fine of £1 million as apposite only to a major disaster. That would ignore the court's obligation under s.164 of the 2003 Act to have regard to the offender's financial circumstances and the sentencing guidelines. There was no ceiling on the amount of fine that could be imposed. It was clear that a fine of £700,000 after a guilty plea reflected moderate culpability, no actual harm and a very low risk of harm. It also had to be viewed against the requirement that directors or shareholders of companies involved in the nuclear industry had to give the highest priority to safety, as Parliament had directed. The fine imposed would achieve the statutory purposes of sentencing by emphasising to those directors and professional shareholders the seriousness of the offences, and provide a real incentive to remedy the failures found to exist.

Environment Agency v. Murfitts Industries Limited

September 2011

This case involved a prosecution for alleged breach of Environmental Protection Act 1990 (keeping of controlled waste in a manner likely to cause pollution) arising out of a tyre fire that burned for weeks at the defendant's recycling premises, which was operated subject to an Environmental Permit with license conditions and thus was the subject of regular inspection by the Environment Agency.

Richard Matthews QC acted for the defence. After two days of legal argument the EA offered no evidence and the defendant company was acquitted with costs – reported [here](#). The case involved extensive expert evidence and argument concerning the status of Home Office Guidance.

Environment Agency v. Community Waste Ltd & Atlantic Paper

February 2010

Richard Matthews QC appeared for the defence. This was a prosecution of two companies by the Environment Agency for alleged breaches of the Transfrontier Shipment of Waste Regulations. The prosecution was not proceeded with following the service of a defence statement that challenged the prosecution's sampling of alleged waste and its evidence concerning the percentage contamination threshold.

The decision received widespread industry publicity and [reporting](#)

Corporate Governance, Investigations and Compliance: "Legal crisis management"

<https://www.richardmatthewsqc.com/corporate-investigations-legal-crisis-management/>

Richard Matthews QC spent five years as a non-executive director on the board of a major international asset manager. He has a deep understanding of corporate governance, regulatory compliance and the needs and responsibilities of Boards in relation to compliance and governance.

Richard has great experience of advising corporations throughout the very often lengthy process of regulatory investigation, inquiry/inquest/court proceedings and considerable experience of assisting non UK based corporations through such a challenging period.

Richard has particularly wide experience in advising corporations during long running police and health and safety investigations into some of UK's most significant disasters, fatal incidents and safety related incidents, including in sensitive areas engaging nuclear safety, state involvement/negligence and issues of great public concern and interest.

‘He is incredibly bright, unbeatable on the law, and an effortless courtroom advocate; equally effective with judges and juries. He is also is a real team player with a relentless work ethic, and always has an eye on the the big picture strategy. When the stakes are at their highest, he is the man you want on your side.’ (Chambers & Partners [2021])

Richard has previously been commissioned to report to Government/state bodies regarding some of the most sensitive safety related issues and on regulatory and legal issues arising from matters of great public concern; he has similarly been commissioned to report for corporations and organisations concerning issues of corporate governance.

Richard Matthews QC is able to work collaboratively with experts, in-house and external lawyers among others as well as assisting in putting together, and leading, a specialist team, helping manage corporate risk and reputational harm, throughout the arduous process of “legal crisis management”.

Instructing Richard Matthews QC

<https://www.richardmatthewsqc.com/instructing-richard-matthews-qc/>

Richard Matthews QC practises from his own chambers at One Mayfair Place, Mayfair, London, W1J 8AJ. With meeting room facilities able to host client conferences, mediations and enable the secure participation in virtual court hearings, alongside client representatives, the Chambers also has access to world-wide annex facilities, including at One World Trade Center, New York, and Haussmann, 21 Boulevard Haussmann in Paris.

RMQC's areas of practice

The areas of practice in which Richard Matthews QC most commonly provides legal services are:

- advising on corporate criminal liability;
- advising and representing clients in respect of health and safety enforcement, environmental enforcement, fire safety enforcement and the exercise of enforcement powers in those areas;
- advice and representation in respect of individual gross negligence manslaughter and corporate manslaughter, health and safety offences, environmental offences and fires safety offences;
- advice and representation in respect of Coroners' inquests, Health and Safety Inquiries and Public Inquiries;
- advice and representation in respect of and Judicial Review challenges to the exercise of enforcement powers.

Contacting RMQC

Richard Matthews QC greatly prefers receiving only electronic documentation, but hard copy papers can be sent securely to his chambers address at:

Richard Matthews QC
One Mayfair Place
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W1J 8AJ

All hard copy mail and courier deliveries of papers will only be opened by the addressee i.e Richard Matthews QC.

LawPage Services Limited ("LawPage") provides Richard Matthews QC with a state of the art IT platform to ensure that he meets his professional and legal obligations. LawPage's system manages both his case and client data to ensure GDPR compliance, including document and information security.

Professional clients may contact Richard Matthews QC at rmqc@lawpage.co.uk to obtain a quotation for

the provision of legal services.

Who RMQC will accept instructions from

Richard Matthews QC does not accept direct access instructions or provide legal advice directly to lay clients and only accepts instructions from:

1. an [Authorised Person](#) in England and Wales;
2. a [foreign lawyer](#); or
3. a Licensed Access client;

hereafter the “Instructing Person” (in short, a UK or international solicitor/lawyer in independent private practice or in-house legal department or a professional body/organisation/individual satisfying the [Licensed Access criteria](#)).

RMQC’s Pricing, Payment and Invoicing Structure

Richard Matthews QC’s standard pricing model for providing legal services is £750 per hour.

Invoices will be issued to the Instructing Person in respect of the legal services provided (and any expenses or disbursements) by Richard Matthews QC either upon completion of any part thereof of the agreed services or at three monthly intervals during the course of the provision of services or at another time if expressly agreed in writing between Richard Matthews QC and the Instructing Person.

Payment is accepted by BACS to the professional account of Richard Matthews QC (details on request)

Accessibility

The information on this and the accompanying webpages (“[Terms of Business](#)” and “[Complaints](#)“) can be provided in an alternative hard copy format (via attachment to an email or post) upon request to rmqc@lawpage.co.uk.

Terms of Business

<https://www.richardmatthewsqc.com/instructing-richard-matthews-qc/terms-of-business/>

All instructions accepted by Richard Matthews QC are done so in accordance with and subject to:

- a. the Bar Standards Board Handbook (as in force from time to time); and
- b. the Bar Council’s Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorised Persons 2012 (Updated for the GDPR in 2018) (“the [Standard Terms](#)”), subject to the amendments below; or
- c. some variation where this has been expressly agreed in writing between Richard Matthews QC and the Instructing Person.

The Standard Terms apply, subject to the following amendments:-

- a. The definition of “the Authorised Person” in Condition 1.2 shall include any licensed access client who delivers Instructions to the Barrister (Richard Matthews QC) pursuant to the Code; and
- b. There shall be added a new Condition 10.3 which provides: “If the Barrister (Richard Matthews QC) is liable to the Lay Client solely as a result of a breach or breaches of these Conditions or of any other contractual provision of the Agreement and would not otherwise have been liable (whether at common law, including negligence, in equity or otherwise), that liability shall be limited to the sum stated in the Agreement. If no such sum is stated, the limit of that liability will be £100,000, being the highest limit of cover for such liabilities provided to Barristers by the Bar Mutual Indemnity Fund.”; and
- c. There shall be added a new Condition 10.4 which provides: “For the avoidance of doubt and notwithstanding anything herein, the Barrister’s (Richard Matthews QC) liability (whether at common law, including in negligence, in equity or otherwise) in respect of (1) any and all breach or breaches of the Barrister’s obligations in providing the Services, and/or (2) any and all breach or breaches of the Barrister’s obligations in providing the Services arising from or which are attributable to the same act or omission, series or group of related acts or omissions, a series or group of similar acts or omissions, or the same originating cause, or any of them shall be limited to and shall not exceed the amount of cover provided by the Barrister’s insurers or, if the Barrister is solely liable as a result of a breach or breaches of these Conditions or of any other contractual provision of the Agreement as set out in Condition 10.3, the sum stated therein.”; and
- d. Condition 19.2 shall be subject to the proviso that, if the Barrister notifies the Authorised Person in writing that he requires any dispute regarding the fees payable (provided those fees exceed £5,000) or any other matter relating to the Agreement to be determined by arbitration, it is agreed by the parties that all disputes, claims and differences arising under or in connection with the Agreement (including any question regarding its existence, validity, interpretation or termination) shall be referred to arbitration by a barrister of not less than 15 years standing to be nominated for this purpose by the Chairman of the Bar Council. The award of such arbitrator shall be final and binding on the parties.

You can access useful information at the following websites: [Legal Ombudsman](#); [The Bar Register](#); and [Legal Choices](#).

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