



James Maxwell-Scott KC



Contents

Criminal Regulatory & Environmental	1
Environmental & Nuclear Safety	1
Enforcement Notice Appeals	2
Consumer Law	2
Selected Cases	2
Health & Safety	2
Fire Safety	3
Personal Injury	3
Property Damage	3
Selected Cases	4
Inquests & Public Inquiries	4
Inquests	4
Selected Cases	4
Inquests	4
Public Inquiries	5
Qualifications	6
Memberships	6
Recommendations	6

"He's fantastically bright, has a great manner with his clients and has an excellent legal head on him."
(Chambers & Partners 2017)



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James is a specialist in Criminal Regulatory law and inquests. His practice is a roughly equal mix of representing organisations and individuals facing prosecution for safety based regulatory offences and representing organisations, families and individuals in Coroner's Courts.

He was awarded Chambers & Partners Junior of the Year in Health & Safety in 2014.

Previous clients include: Siemens, Serco, First Group, Vinci, Persimmon Homes, the Atomic Weapons Establishment, Chatsworth House Trust, the Fat Duck, the Secretary of State for Defence, the Director General of HM Prison Service and the Chief Executive of the NHS.

He has been involved in many high-profile inquests and public inquiries over the past 20 years including the Hillsborough Inquests, the Lakanal House Fire Inquest (Lead Counsel for the Coroner), the Camber Sands drowning inquests, the HMS Tireless Inquest, the Hutton Inquiry, the Shipman Inquiry, the Mubarek Inquiry and the BSE Inquiry

In his earlier years of practice, he gained substantial experience in civil litigation as a member of the Attorney-General's Panels of Counsel (Civil) from 1999 to 2010. He is regularly instructed to advise and represent regulatory clients in civil claims (e.g. personal injury, property damage, fire and food safety claims) arising out of incidents which are the subject of a prosecution and/or an inquest.

Criminal Regulatory & Environmental

Environmental & Nuclear Safety

Advised AWE Plc (the company that runs the Atomic Weapons Establishment) in relation to the Office of Nuclear Regulation's investigation into the alleged breach of a Licence Instrument requiring the reduction in volume and encapsulation of drums of intermediate level radioactive waste. In April 2015, ONR announced that it would not seek to prosecute AWE plc in respect of the alleged breach.



Enforcement Notice Appeals

He has a particular expertise in this area having been involved in the leading cases of *Rotary Yorkshire Ltd v Hague* [2015] EWCA Civ 696 and *Chilcott v Thermal Transfer Ltd* [2009] EWHC 2086 (Admin). He has lectured on this topic at the IOSH annual conference and to the HSLA.

Consumer Law

He has experience of consumer law including acting for The Fat Duck in its civil claim arising out of the norovirus outbreak which led to the restaurant being closed for several weeks. He is currently acting for a supplier in a claim brought against it by Dinner by Heston Blumenthal.

Selected Cases

Health & Safety

- *R v Dobson*. Represented sole director of a solar panel installation company. The prosecution arose out of an incident in which a worker fell through a fragile roof. Obtained a Goodyear indication that an immediate custodial sentence would not be imposed. Defendant pleaded guilty and received a suspended sentence (November 2017).
- *R v London & Southeastern Railway Ltd*. Represented defendant at 5 week trial. The prosecution arose out of the fatal electrocution of a subcontractor's employee at a rail depot (Autumn 2017).
- *R v Ogrodnik*. Represented company director who was prosecuted following a fall from height at the company's warehouse. The HSE dropped the case before trial (2017).
- *R v Vision Redbridge Culture & Leisure Ltd* – Successfully defended a company that operated a cycling centre. The prosecution arose out of an accident to a child using the cycling track which resulted in serious injuries (February 2017).
- *R v EVT GmbH* – Successfully represented German designer / manufacturer at Newton hearing arising out of the explosion of a degreasing machine in a factory. Court accepted submission that this was a medium culpability / harm category 3 case (September 2016).
- *R v Chatsworth House Trust*. Successful submission that the defendant had no case to answer. The prosecution arose out of a fatal accident at the Chatsworth International Horse Trials (July 2016).
- *R v Inter Steels Ltd* – Successfully defended a construction company charged with breaches of section 3 HSWA and the Work at Height Regulations. The HSE offered no evidence on the first day of the trial (January 2015).
- *R v Siemens plc* – Junior counsel for the UK arm of Siemens in a health and safety prosecution arising out of a fatal accident. The case against Siemens plc was dropped after the Danish arm of Siemens pleaded guilty (2014).
- *R v Bingham Davis Ltd* – Defended (with Richard Lynagh Q.C.) a firm of structural engineers in a 4 week trial in Liverpool Crown Court (May 2012). The case arose out of the collapse of a tower crane in Liverpool city centre. The crane fell onto an apartment block causing damage estimated at in excess of £10m. In addition, the crane driver suffered catastrophic injuries.
- *R v Guildford* – Successfully defended a builder charged with a breach of Regulation 28(1) of the CDM Regulations following the partial collapse of a substantial residential property. Defendant acquitted after a 3 week trial (October 2011).

- R v Buro Happold Ltd – Successfully defended an award winning, international engineering firm charged with a breach of section 3 HSWA. The prosecution arose out of the death of a construction worker at a major residential development project in central Manchester; the Defendant was the structural engineer appointed to the project. Defendant acquitted after a 5 week trial (July 2011).
- R v Jones – Defended the owner and operator of a fairground ride who was prosecuted following an incident caused by weld failure which rendered a customer tetraplegic. Defendant pleaded guilty to the strict liability offence of breaching Regulation 5 of PUWER; section 3 HSWA charge dropped (June 2010).
- R v MHM Ltd – Defended a mental health housing charity which was prosecuted under section 2 HSWA after one of its employees was stabbed to death whilst visiting a client in his home. Defendant fined £30,000 following agreed basis of plea (February 2010).

Fire Safety

- He has a particular interest in fire safety.
- Stephen Hunt Inquest – Represented leaseholder of premises in 6 week inquest into death of a firefighter at the premises (April/May 2016).
- Lakanal House Fire Inquest – Lead Counsel to the Inquest (appointed by Her Honour Frances Kirkham CBE) into the fire in which 6 people died in a tower block in South London in July 2009 (January/March 2013).
- R v AWE Plc – Defended the company that runs the Atomic Weapons Establishment under a contract with the Ministry of Defence. The Defendant was prosecuted by the HSE following a fire in an explosives building in 2010. The Defendant pleaded guilty on a basis and was fined £200,000 (May 2013).

Personal Injury

He has experience of substantial personal injury litigation. Between July 2005 and December 2007 he was heavily involved in successfully defending HM Prison Service in two sets of group litigation arising out a riot which took place in HMP Lincoln in 2002.

He has particular expertise in fatal claims and is regularly instructed by the insurers of clients whom he is representing in inquests or in criminal regulatory matters.

Between 2009 and 2016 he represented the family of a New Zealand man who disappeared having been last seen during a nightshift at his employer's fridge recycling plant. He represented the family at a 3 week inquest (February 2011) which concluded with the jury finding that (although his body had never been found) he had died of asphyxiation in an industrial accident. He continued to represent the family in the subsequent civil claim which was settled in 2016.

Property Damage

He has experience of fire claims and other property damage claims and is regularly instructed by the insurers of clients whom he is representing in inquests or in criminal regulatory matters.



Representing leaseholder of premises in which a firefighter died in claims brought by landlord and other tenants.

Represented a firm of structural engineers in civil claims arising out of the collapse of a tower crane in Liverpool city centre. The crane fell onto an apartment block causing damage estimated at in excess of £10m.

Represented a builder in claims brought by a home owner and neighbours following the partial collapse of a substantial residential property.

Selected Cases

- Yeganeh v Zurich PLC [2010] EWHC 1185 (QB); [2011] EWCA Civ 398 – Insurance, arson and fraudulently exaggerated claim. The Claimant discontinued shortly before the re-trial that had been ordered by the Court of Appeal.

Inquests & Public Inquiries

Inquests

His coronial law practice covers the full range of scenarios that give rise to complex contested inquests. He has represented clients at inquests into deaths arising out of the following:

- Accidents in the workplace;
- Allegedly substandard medical care in hospitals and in the community;
- Incidents in care homes;
- Homicides;
- Explosions;
- Incidents involving the Armed Forces;
- Aviation accidents;
- Police pursuits;
- Deaths in custody.

Selected Cases

Inquests

- Camber Sands drowning inquests (2017). Represented local authority in combined inquests into the deaths of 5 men who drowned at Camber Sands on the same day in August 2016 (June 2017).
 - Represented an NHS Trust in combined inquests into two separate fatal “never events” that occurred within hospitals operated by the Trust (November/December 2016).
 - Stephen Hunt Inquest – Represented leaseholder of premises in 6 week inquest into death of a firefighter at the premises (April/May 2016).
 - Junior Counsel representing Sheffield City Council in the Hillsborough Inquests (2014-2016).
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- Represented care home operator at an inquest into the death of a resident who died of hypothermia (November 2015).
- R (Wilkinson) v HM Coroner for the Greater Manchester South District [2012] EWHC 2755 (Admin) – Test case on the use of unlawful killing verdicts in inquests following fatal road traffic accidents. Decided that the offences of causing death by dangerous driving and causing death by careless driving cannot constitute unlawful killing; only driving that constitutes gross negligence manslaughter can result in an unlawful killing verdict.
- Represented Siemens at an inquest into the death of one of its employees who died when a wind turbine blade which was being lifted onto a vessel from the quayside fell and crushed him to death (November 2011).
- Represented the German manufacturer and supplier of an industrial printing press at an inquest into the death of an employee of a printing company who was crushed to death whilst attempting to repair the press. Subsequently, the HSE took the decision to prosecute the printing company but not to prosecute the manufacturer (October 2010).
- Represented the Prison Service at a 5 week inquest into the death of a young man who died following an acute asthma attack (April/May 2010).
- Represented the Care Quality Commission at a 2 week inquest into the death of a man who died in a care home. Shortly after his death the home closed down and its owners, who were both GPs, were struck off by the GMC (March 2010).
- Lakanal House Fire Inquest – Counsel to the Inquest (appointed by Her Honour Frances Kirkham CBE) into the fire in which 6 people died in a tower block in South London in July 2009.
- HMS Tireless Inquest – Represented a chemicals company at a 6 week inquest into the death of two submariners. The chemicals company was the manufacturer of a self-contained oxygen generator which exploded on board the Royal Navy nuclear submarine, HMS Tireless (February/March 2009).
- Represented a youth offending team at a 10 week inquest into the death of a 16 year old boy from the Irish Travelling community (November 2007 – February 2008).
- Represented the Prison Service at a 5 week inquest into the murder of an Asian prisoner by his white cellmate (2007).

Public Inquiries

- The Hutton Inquiry – First junior counsel representing a number of MoD witnesses, including the Secretary of State for Defence and the Permanent Secretary.
- The Mubarek Inquiry – First junior counsel representing HM Prison Service and many individual members of the Prison Service including the Director General.
- The Shipman Inquiry – He was the most senior barrister in the legal team representing the Home Office in Phase 2 Stage 2 (death and cremation certification) and Phase 2 Stage 3 (controlled drugs).
- The BSE Inquiry – Worked for over 18 months with a team of other counsel and solicitors representing former Ministers, scientific advisers and senior civil servants from the Department of Health.
- The Rosemary Nelson Inquiry – Represented the Ministry of Defence at this public inquiry in Northern Ireland.
- The Billy Wright Inquiry – Represented a number of civil servants and soldiers at this public inquiry in Northern Ireland.



Qualifications

- BCL, Christ Church, Oxford
- MA (First Class), Christ's College, Cambridge
- Accredited Advocacy Trainer (Gray's Inn), 2017
- Recorder of the Crown Court, 2018

Memberships

Health & Safety Lawyers Association
Personal Injury Bar Association
Professional Negligence Bar Association
London Common Law and Commercial Bar Association
Administrative Law Bar Association

Recommendations

"He has a strategic overview of his cases and brings real gravitas to a matter." "He is so eloquent and knows everything about a case. A very impressive individual."
Chambers & Partners, 2022

"First-class. Understands the issues quickly and develops sound and principled arguments, which then develop into themes and key documents that reflect the approach and strategy of the client. His work on this case has been of the highest order and he has steered the team impeccably on such a high-stakes matter."
Legal 500, 2022

"A very composed and impressive silk."
Legal 500, 2021

"He is very professional, has good judgement and is very organised. He's a bright lawyer and a real pleasure to work with."; "The content of what he says in court is fantastic and his construction of arguments is brilliant. He's very effective at what he does."; "I have enormous respect for him, he's very bright and his integrity shines through."
Chambers & Partners, 2021

"Has excellent knowledge of the law, and works for high-profile clients in a lot of the important cases."
Chambers & Partners, 2020

"Excellent, informed and very helpful barrister."
Chambers & Partners, 2018

"An excellent trial tactician, who provides reasoned and committed advice"
Legal 500, 2017

"He's fantastically bright, has a great manner with his clients and has an excellent legal head on him."



Chambers & Partners, 2017

"He was very effective and is a good guy to work with; he really enters into the spirit of the case."
Chambers & Partners, 2016

"A level-headed advocate, combining intellectual ability with a lack of stuffiness."
Legal 500, 2016

"He is very good technically and on the detail."
Chambers & Partners, 2015

"He is very straightforward when explaining the issues."
Chambers & Partners, 2015