



John Cooper KC



Contents

Manslaughter and Corporate Manslaughter	1
Criminal Regulatory Health and Safety	2
Defence Cases	2
Selected Cases	2
Completed Safety Cases	2
Health Care	4
Corporate Manslaughter / Manslaughter	4
Health and Safety	4
Selected Cases	5
Completed Cases:	5
Corporate manslaughter / Manslaughter cases	5
Health and Safety	5
Fire Safety	5
Fire Safety	5
Inquests & Public Inquiries	6
Food Safety	7
Food Safety	7
Environmental	7
Selected Cases	8
Industrial Disease	8
Recommendations	8

"Tenacious and dynamic." "He is a total warrior: if you have to fight for a client, John is the man you want on your side. He is committed to seeking the right result for his clients and thinks outside the box in everything he does."

(Chambers & Partners 2020)



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John Cooper KC specialises in the fields of Safety and Environmental Regulatory work. He has appeared as an expert in this area in commercial litigation in the USA and has been involved in many of the appellate cases that have shaped the law in the field of Health & Safety.

He represents companies, directors and senior managers in the Criminal Regulatory field, involving gross negligence manslaughter, corporate manslaughter and safety and environmental breaches in cases involving fatalities and serious injuries in the workplace and environmental damage. He advises in relation to compliance and good practice in both fields.

John was named 'Health and Safety Junior of the Year' in 2010 and 'Health and Safety Silk of the Year' in 2016 at the Chambers and Partners Bar Awards.

Manslaughter and Corporate Manslaughter

- John is instructed in the corporate manslaughter case for the North East London NHS Foundation Trust – [BBC Link](#)
- Successfully defended TW a farmer accused of killing his son when he fell from height, having been knocked out of a man basket attached to a telehandler as a result of a sudden gust of wind catching a roofing sheet which he was handing to his colleagues, in an attempt to assist them with re-roofing a barn. [BBC Link](#)
- Successfully defended Kevin Pugh with Prosecution abandoning their allegation of gross negligence manslaughter and a plea being accepted to a Section 37 Health and Safety Offence that was agreed to be unrelated to the death of Stuart Towns. Mr Pugh was considered by Martin Spencer J to have "low" culpability and was fined £5,318. Press link: [BBC News](#)
- The most significant corporate manslaughter prosecution of a large organisation where John leading Mike Atkins, secured the acquittal of Maidstone and Tunbridge Wells NHS Trust, the first ever Trust to be prosecuted for Corporate Manslaughter. The Trust is also the largest organisation of any kind prosecuted for the offence so far. The prosecution arose out of the tragic death of an obstetric patient who failed to recover fully from a general anaesthetic. The Prosecution alleged that two of the doctors responsible for her care lacked vital qualifications and experience and that there were

- serious shortcomings in supervision, in particular on the day of the incident. One of those doctors, a consultant anaesthetist, was charged with manslaughter by gross negligence. The other, a specialty doctor, had left the jurisdiction and so played no part in the trial. Press link: [The Guardian](#)
- The fall from roof fatality (first corporate manslaughter prosecution) and acquittal of director in Lion Steel. Press link: [BBC News](#)
 - John has successfully defended both individuals corporations and with manslaughter acquittals in key cases such as the electric gates case of Cheshire Gates where the Director was acquitted of manslaughter.
 - Press links:
 - [BBC News](#)
 - [The Guardian](#)
 - [Daily Mail](#)

Criminal Regulatory Health and Safety

Defence Cases

John is instructed in the following cases:

- John has been instructed to defend a Director in a gas explosion case in a waste processing facility producing methane gas by anaerobic digestion (AD) [BBC Link](#).
- Defending the Priory Healthcare in relation a health and Safety Executive prosecution relating to the suicide of Francesca Whyatt in 2013.
 - Press link: [Daily Mail](#)
- To represent Coleman and Company in relation to the collapse at Didcot Power Station.
 - Press link: [BBC News](#)
- Jack Moody Ltd in relation to an accident on site in 2017.
- Representing Tarmac Aggregates Ltd after a fatality at their Mountsorrel works in 2017
 - Press Link: [ITV](#)
- Defending Mitie in a trial in Newcastle involving a fall from height

Selected Cases

Completed Safety Cases

- A drowning death at Bannatyne Fitness Group in Maida Vale.
- Creagh Concrete in relation to a fatality at a site in Nottingham in 2017.
- Defending Exolum Pipeline Systems Ltd in a two week trial at Grimsby Crown Court in relation to an allegation of exposure to petroleum under pressure. Conviction and sentence being appealed.
- Representing McLaren Services Ltd after a fatality fall from height at their Paddock Brand centre in 2016: [BBC link](#)
- Defending Kier in relation to a prosecution in relation to risks relating to the fall of an overhead power line close to a smart motorway [BBC link](#)
- A death following a pipe leak in Mirfield Yorkshire representing Northern Gas. [BBC Link](#)

- Two cases involving an arc flashing and a shunting incident in the Cleveland Potash Mine. [BBC Link](#)
- A fatality at Lanstar's site at Cadishead Manchester.
- A care home death at Aster Care Home in Bracknell – No evidence was eventually offered against Mr. Jeebun . [BBC Link](#)
- John represented the Priory Group in relation to a prosecution concerning a ligature fatality.
 - Press links:
 - [BBC News](#)
 - [ITV News](#)
 - [The Telegraph](#)
 - [The Times](#)
 - [The Guardian](#)
 - [Mirror](#)
- John represented Mitchells and Butler in relation to a prosecution concerning a norovirus outbreak. The Prosecution abandoned their case against the company upon receipt of the skeleton argument for dismissal.
- John successfully defends Morrison Utilities Services in Health & Safety case. The Company were acquitted by a jury at Newcastle Crown Court after a four week trial.
- John successfully defended William Hill in relation to a fatality arising from the collapse of a sign.
 - Press links:
 - [BBC News](#)
 - [Daily Mail](#)
- John (leading Mike Atkins) successfully defended ENW in a case concerning a fatality when ivy was being removed from a pole. The company were acquitted of failing to risk assess and of exposing anyone to a risk of harm. A outstanding appeal is to be heard (leave has been granted) in relation to an allegation under the Work at Height Regulations.
- John secured the acquittal of Maidstone and Tunbridge Wells NHS Trust, the first ever Trust to be prosecuted for Corporate Manslaughter. The Trust is also the largest organisation of any kind prosecuted for the offence so far. The prosecution arose out of the tragic death of an obstetric patient who failed to recover fully from a general anaesthetic. The Prosecution alleged that two of the doctors responsible for her care lacked vital qualifications and experience and that there were serious shortcomings in supervision, in particular on the day of the incident. One of those doctors, a consultant anaesthetist, was charged with manslaughter by gross negligence. The other, a specialty doctor, had left the jurisdiction and so played no part in the trial.
 - Press link: [The Guardian](#)
- John successfully defended a director of Watling Tyres in a two week trial at Canterbury Crown Court.
 - Press link: [BBC News](#)
- John represented the director of who was acquitted of gross negligence manslaughter and also represented his company CGA who were fined £50,000 following its plea to Corporate Manslaughter at the end of November. The case relates to an incident in June 2010 when a 6-year-old girl sustained fatal injuries after becoming trapped in an electronically powered gate at the newly constructed housing development in which she lived. The gate had been installed by CGA 2 months earlier. The sentencing judge made a publicity order but made no order for costs. The company was granted 7 years to pay the fine.
 - Press link: [BBC News](#)
- John successfully defended Ward and Burke Construction Ltd when the company were unanimously acquitted by the jury after a two and a half week trial at St Albans Crown Court. The company had been charged with offences relating to an accident arising from the movement of steel piles on a

site.

- John successfully defended a director of a specialist roofing company charged under Section 37 of the Health and Safety at Work Act of neglect in relation to fatality as a result of a fall from height at a construction site in Northampton. The jury returned a verdict of Not Guilty At Northampton Crown Court in November 2012 after an 8 day trial. [Dominic Kay](#) appeared for the Principal Contractor who were also acquitted. Both Defendants were awarded all of their costs.
- John successfully defended (leading [Mike Atkins](#)) a director of Lion Steel charged with manslaughter and an offence under the Health and Safety at Work Act 3 July 2012. Not guilty verdicts were returned at Manchester Crown Court after three and a half weeks of trial.
 - Press link: [BBC News](#)
- John successfully defended Booker Ltd in a four day trial in Nottingham.
- John successfully defended DSM Demolition in three appeals against two prohibition notices and an improvement notice at Leeds Employment Appeals Tribunal.
- John successfully defended AMEC in a three week trial in Manchester in a case concerning a fatality at the Spinningfields development September.
- Successfully defended a director of Innovia Films.
 - Press link: [BBC News](#)
- Successfully defended a Defendant in Penhallow Hotel Fire case.
- John represented Heineken Uk Ltd at trial at Reading Crown Court. On the fourth day of trial the Prosecution offered no evidence and not guilty verdicts were recorded.
- He has also successfully defended Balfour Beatty Rail Projects at trial.
- He successfully Brookfield Construction and persuaded Aylesbury Crown Court to stay proceedings against the company as an abuse of process in a prosecution relating to the construction of a town centre in High Wycombe.
- John successfully defended in the Golden Jubilee Bridge fatality case after the case had been referred back for a re trial by the Court of Appeal.
- He successfully defended at trial Enterprise Management Services Ltd
- He successfully represented Captain Mark Phillip's Equiland Company in the Gatcombe Park prosecution concerning a fatal accident at the annual three day event. The prosecution was stayed as an abuse of process. ([Stroud District Council v Equiland & Henson](#)).
- In addition, John successfully defended a Headmaster in an asbestos related prosecution under the Health & Safety at Work Act at Leicester Crown Court.
- John appeared on behalf of the company in R v HTM at first instance and in the Court of Appeal (see below under significant cases) and successfully defended the company at trial [HSE v HTM](#).

Health Care

Corporate Manslaughter / Manslaughter

- John is instructed in the corporate manslaughter case for the North East London NHS Foundation Trust – [BBC Link](#)

Health and Safety

- John is to represent the Priory in the case concerning the suicide of Francesca Whyatt – [Daily Mail](#)



[Link](#)

Selected Cases

Completed Cases:

Corporate manslaughter / Manslaughter cases

- The most significant corporate manslaughter prosecution of a large organisation where John leading Mike Atkins, secured the acquittal of Maidstone and Tunbridge Wells NHS Trust, the first ever Trust to be prosecuted for Corporate Manslaughter. The Trust is also the largest organisation of any kind prosecuted for the offence so far. The prosecution arose out of the tragic death of an obstetric patient who failed to recover fully from a general anaesthetic. The Prosecution alleged that two of the doctors responsible for her care lacked vital qualifications and experience and that there were serious shortcomings in supervision, in particular on the day of the incident. One of those doctors, a consultant anaesthetist, was charged with manslaughter by gross negligence. The other, a specialty doctor, had left the jurisdiction and so played no part in the trial. Press link: [The Guardian](#)

Health and Safety

- John represented the Priory Group in relation to a prosecution concerning a ligature fatality [BBC News](#)
- [John Cooper KC](#) and [Sandesh Singh](#) have acted in a prosecution by the HSE concerning the Priory Hospital at Aberdare, which cared for patients with learning disabilities, mental health and behavioural issues before it was closed in 2017. The case concerned alleged failures to mitigate the risk of assaults (primarily incidents of biting) by patients on care staff at the hospital. One care worker was bitten on the shoulder “through to the bone” and another required skin grafts following a bite to his forearm. [BBC – Link](#)
- Amber Valley v Milford House – John defended the case at trial and thereafter in the Court of Appeal. The case based on the causation of death was successfully defended. [BBC Link](#)
- Hafod Care Home – John defended the company in a death of a resident who fell from a window – [Press Link](#)
- Embrace Care Homes – John defended the company in relation to the death of a resident who fell down stairs [BBC Link](#)

Fire Safety

Fire Safety

John has represented a number of high profile companies including Shell International and New Look Retail in relation to enforcement action under the Regulatory Reform (Fire Safety) Order 2005. The New Look case was considered by the Court of Appeal and concerned an analysis of the principles behind the



Order. John represented a defendant in the Penhallow Hotel Fire prosecution ([BBC News](#)).

instructed in a prosecution relating to the construction of a timber frame building at Cherry Orchard House, a residential home in Pershore, Worcestershire. The timber frame building was erected as an extension to the residential home and was being built adjacent to the existing occupied residential home. The HSE alleges generally that measures taken to mitigate the risks from fire from this timber frame building were inadequate. The HSE abandoned after a Legal Argument

Instructed on behalf of Douglas Valley Breakers Limited ("the Company") who face seven charges; three charges under the Regulatory Reform (Fire Safety Order) 2005 ("RRFSO"); two charges under the Dangerous Substances and Explosive Atmospheres Regulations 2002 ("DSEAR"); one charge under the Work at Height Regulations 2005 ("WAHR") and one charge under the Lifting Operations and Lifting Equipment Regulations ("LOLER").

For Sartex Quilts in the fire related fatality in a factory in Rochdale.

- Press link: [Manchester Evening News](#)

John is also representing one of the main Core Participants in the Grenfell Tower Inquiry

Inquests & Public Inquiries

John has appeared in a number of inquests related to safety issues in the work place. He has represented interested parties in a range of inquests involving deaths in the work place. The range of such workplaces include hospital wards, care homes, factories, oil refineries, waste recycling facilities and building sites. In many cases concerning workplace accidents he has represented the company or an individual at a subsequent trial.

In the recent past, he represented the Shredmet and Hawkeswood in the inquest concerning the death of 5 men at their recycling site in Birmingham.

- Press links:
 - [BBC News](#)
 - [ITV News](#)
 - [Daily Mail](#)
 - [The Sun](#)
 - [Mirror](#)
 - [The Guardian](#)

He appeared for Crowley Carbon in relation to a fatality at the Carlsberg Brewery in Northampton.

- Press links:
 - [BBC News](#)
 - [ITV News](#)
 - [Sky News](#)
 - [The Guardian](#)
 - [The Sun](#)
 - [Mirror](#)

For Sartex Quilts in the fire related fatality in a factory in Rochdale.

- Press link: [Manchester Evening News](#)

For Mid UK Ltd in relation to a fatality in their recycling site in Lincoln.

- Press link: [BBC News](#)

Food Safety

Food Safety

John has represented a number of Food Business Operators in the past few years. In the All Bar One (Trial in July 2020), a number of fundamental issues as to the nature of the communication of ingredients on a cocktail list is to be determined. The three most recent cases are set out:

- R v Poundworld – Croydon Crown Court – Company fined £1M for Food Safety and Health and Safety Offences.
 - Press links:
 - [Independent](#)
 - [ITV News](#)
 - [The Sun](#)
- Exeter City Council v Mitchells & Butler – An outbreak of norovirus led to a prosecution of Mitchells and Butler. The Prosecution abandoned the case listed for trial at the Crown Court after a lengthy abuse of process skeleton argument was received. An agreed statement was drafted to explain that the Prosecution were unable to prove the outbreak related to a breach of duty of the company and their management of the outbreak was compliant with their legal obligations.
 - Press link: [BBC News](#)
- Bath & North East Somerset Council v All Bar One – Bristol Crown Court – Abuse and preparatory hearing arguments were conducted over three days in 2019. The Defendant is charged on an indictment containing 6 Counts. Counts 1, 3 and 5 concern allegations of placing unsafe food on the market contrary to Article 14 (1) of EU Regulation 178/2002 and Regulation 19 (1) and schedule 2 of the Food Safety Hygiene (England) Regulations 2013 and Counts 2, 4 and 6 allege offences of publishing an advertisement which was likely to mislead as to the substance of food contrary to Section 15 (2) of the Food Safety Act 1990. The scope of the allegations is wide and concern what an FBO's obligations are when providing food (here cocktails) in terms of communicating the ingredients of each cocktail.

Environmental

- John is representing a Director in a gas explosion case in a waste processing facility producing methane gas by anaerobic digestion (AD) [BBC Link](#).
- John is instructed for a party in the Llangennech derailment which caused a major environmental spillage. [BBC News](#)
- John is representing J & G Environmental Ltd in relation to a substantial cyanide leak at Heanor,



Derbyshire.

Selected Cases

Completed cases:

- John represented recycling company Mid UK in relation to a major fire that occurred at one of its Lincolnshire sites. Press link: [BBC News](#)
- John represented Glastonbury Festival and successfully persuaded the court in a two day 'Newton' hearing that the culpability of the Festival was low in relation to a category 2 pollution incident at the 2014 festival [BBC News](#)
- John successfully defended Red Industries after a 5 week trial at Stafford Crown Court with Not Guilty verdicts recorded in respect of 8 counts relating to a major pollution incident on the River Trent and the subsequent investigation concerning a cyanide release in the River Trent that caused a large fish kill.
- John appeared on two occasions for Cable & Wireless in relation to pollution incidents.
- John defended a waste company in a wide ranging case alleging exposure to noxious fumes from a composting process following fires on site.
- John represented Safapac in relation to a pollution incident at Peterborough Crown Court. Press link: [BBC News](#)

Industrial Disease

John was first junior counsel for the British Coal Corporation in the British Coal Respiratory Disease Litigation (see Kemp F2A-101) the largest Group Litigation conducted in the UK. He dealt with the engineering and apportionment aspects of the case at trial.

In 1998 he was retained by the DTI to advise upon the compensation scheme for the outstanding 580,000 miners' claims and to negotiate the terms of the Claims Handling Agreement. He was instructed to represent the DTI in the Coal Mining Contractors' Group Litigation in which judgment was successfully obtained (June 2004) against the Contractors imposing a liability upon them to contribute to the Scheme. He led for the DTI in relation to their Court approved fast track and scheme closure proposals.

Recommendations

"Very thorough and a good technical and strategic operator."
Chambers & Partners, 2022

"John is a superb trial lawyer – one of the very best in the health and safety world. Tenacious, energetic and entirely committed to his client's cause."
Legal 500, 2022

"John is a doughty fighter and a great choice in arduous proceedings. He is a superb trial lawyer. Excellent on strategy and tactics. Formidable in the courtroom. Great in front of a jury. Also fiercely on the client's side and an absolute pleasure to work with."



Legal 500, 2021

"He is no less than excellent. He is tenacious and exactly the sort of person you want to be instructing in a significant health and safety case."

Chambers & Partners, 2021

"A superb trial lawyer, he is excellent on strategy and tactics, and fearless in the courtroom."

Legal 500, 2021

"Tenacious and dynamic."; "He is a total warrior: if you have to fight for a client, John is the man you want on your side. He is committed to seeking the right result for his clients and thinks outside the box in everything he does."

Chambers & Partners, 2020

"...while John Cooper QC is also worthy of mention here for his meteoric rise through our health and safety rankings over three consecutive years."

Chambers & Partners, 2018

"He is able to instil confidence in the client by drawing on his vast experience of cases. He puts the client at ease and then in court has a very good manner with the judge. His arguments are clear, lucid and succinct."

Chambers & Partners, 2018

"An excellent advocate who commands respect." "He is very good on environmental law, particularly major pollution incidents."

Legal 500, 2017

"Great regulatory lawyer, who is a superb attack weapon. When you know you're in a fight he's your man"....."He is an incredibly capable health and safety lawyer" who is "extremely tenacious and skilful."

Chambers & Partners, 2017

"John Cooper QC is very tenacious and willing to fight a client's corner."

Chambers & Partners, 2016

"His elevation to QC status is much deserved. If you have a scrap on your hands, John Cooper is the man you'd want in your corner. He is also very commercial and good with clients."

Chambers & Partners, 2016