



Malcolm Galloway



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'He's a great jury advocate, who is very, very personable and extremely sharp'
(Chambers & Partners)



Malcolm Galloway, described by the directories as *'a great jury advocate, who is very, very personable and extremely sharp'* is an accomplished jury advocate practicing in regulatory law. He is recognised as a leading individual in the areas of Health and Safety, defending in Environmental Prosecutions and Inquests. He is regularly instructed in complex and high profile health and safety investigations including Gross Negligence Manslaughter, Corporate Manslaughter and frequently appears in long inquests forming part of an investigation by the HSE.

Presently representing clients in both the Grenfell Fire Inquiry and the prosecution arising from the Bosley Mill explosion, it is no surprise that he appears in the directories for both Health and Safety and Environmental Crime where it is said:

"His thorough preparation for a detailed and complex matter was impressive, and his approach with a very vulnerable client was absolutely perfect – he managed to gain the client's trust very quickly, which was not easy. I look forward to working with him again."

'a heavyweight advocate, who is robust when required with clients and opponents'

"Has excellent technical knowledge and is faultless in his case preparation."

"His client care is second to none and he is the top junior for environmental prosecutions"

He is instructed by high profile clients including DHL, Mitchells & Butlers plc, Stannah lifts, Bureau Veritas, Flybe, Electricity North West, UK Mail, Hilton Hotels, Wagamama, Brains Brewery, Ascot Racecourse, South Wales Police, South West Water, Thames Water and Northumbrian Water. His other clients include International Logistic Companies, Care Homes, Hotels, High Street Restaurant Chains, Supermarkets and Transport Companies.

COVID.19 – In 2018 Malcolm successfully defended, with John Cooper QC, the first prosecution brought as a result of a norovirus outbreak (<https://www.devonlive.com/news/toby-carvery-not-blame-exeter-2467448>). He has used that knowledge and experience during the present pandemic, to give detailed advise to companies and individuals and is frequently called upon to provide his views through webinars and publications.



In 2012 he was appointed a Crown Court Recorder (part time judge) on the Western Circuit.

Criminal Regulatory & Environmental

Health & Safety

Malcolm is described in the 2018 Chambers and Partners as having '*excellent technical knowledge and is faultless in his case preparation.*' He is instructed in complex and high profile health and safety investigations including Gross Negligence Manslaughter and Corporate Manslaughter and frequently appears in inquests forming part of an investigation by the HSE. Described by the directories as '*a heavyweight advocate, who is robust when required with clients and opponents*' his clients include International Logistic Companies, Care Homes, Hotels, High Street Restaurant Chains, Supermarkets and Transport Companies.

Environmental

The Legal 500 says '*his client care is second to none and he is the top junior for environmental prosecutions.*' In the past he has represented the Environment Agency in some of the most high profile prosecutions, but he now has a purely defence practice. He is standing Counsel to South West Water and also represents Northumbrian Water Ltd. He has extensive experience representing both corporate and individual defendants facing prosecution for breaches of environmental legislation. He has defended cases of major pollution incidents; permit breaches, the release of hazardous substances. His clients come from diverse backgrounds ranging from large Utility companies to restaurants, farmers and waste and recycling firms.

Selected Cases

Health & Safety

- HSE v Barrie Taylor – Director prosecuted after driver killed in 'roll away' incident. Acquitted before the close of the prosecution case. <https://www.bbc.co.uk/news/uk-england-suffolk-51389510>
- HSE v South Wales Police – Represented, with Jason Beer QC, SW Police after civilian employee suffered electric shock. <https://www.hsmsearch.com/South-Wales-Police-fined-employee-shocked>
- HSE v Electricity North West – Instructed for the Court of Appeal. Fine reduced by 85%. <https://www.counselmagazine.co.uk/content/R-v-Electricity-North-West-Ltd>
- HSE v Flybe – Represented Flybe after employee fell down a lift shaft. Company sentenced on 'non-causational' basis. <https://www.itv.com/news/westcountry/2020-02-05/flybe-fined-100-000-after-worker-falls-from-faulty-lift-at-exeter-airport/>
- HSE v Wayne Rees. Sentence of director after fatal fall from height of steeplejack. Suspended sentence. <https://www.ioshmagazine.com/window-cleaner-broke-back-suspended-access-platform-fall>
- Vale of Glamorgan Council v SA Brain – Represented Brains Brewery Cardiff after a customer fell

down cellar stairs. Matter dealt with in magistrates court.

<https://www.walesonline.co.uk/news/wales-news/brains-brewery-fined-140000-after-15868599>

- HSE v PDR Construction – Represented defendant after roofer fell constructing a new KFC.
- Devon Fire Service v SCM – Represented director of rental company for fire order offences. Non-custodial sentence passed.
- HSE v Winchmore Brickwork Ltd & Willmott Partnership Housing – Represented first defendant in prosecution arising after a housing estate had to be evacuated due to concerns with their boilers. Defendant acquitted at trial.
- HSE v Conservatory Outlet – Initially represented Directory who was being investigated under s.37, then Company in very contested sentencing hearing that continued over two days. Judge accepted defence submissions on culpability and harm.
- HSE v Littlewood Fencing Ltd – Represented Company after the crushing of an employee hand
- HSE v Electricity North West Ltd – Junior to John Cooper QC in successful appeal against sentence to the Court of Appeal (85% reduction in sentence)
- DCC v Kevin Duckworth & Others – Acquitted after trial of course manager of Cycling event after spectator was killed whilst watching Competitive Downhill Cycling event.
<https://www.bbc.co.uk/news/uk-wales-north-east-wales-44612429>
- ECC v Mitchells & Butlers PLC – Junior to John Cooper QC defending first prosecution resulting from a Norovirus outbreak.
- HSE v Frutarom Ltd – Represented an international pharmaceutical company relating to failures to properly control the risks relating to chemicals and guarding.
- HSE v Europlast (Blackburn) Ltd – Represented Company after employees hand crushed in workshop resulting in Level B injuries
- HSE v Paul Prior – Represented Company Director after employee fell at a building site and sustained life changing injuries.
- HSE v TN Beeston & Son – Represented farmer after employee was seriously injured by Bull at farm.
- HSE v Brightwell Dispensers Ltd – Represented Company after employee suffered ‘Level B’ injuries after trapping his hand in newly modified equipment.
- HSE v Mercian Recycling Ltd – Represented Company after fall from height resulted in catastrophic injuries to employee.
- HSE v JCB & DHL – representing DHL after its employee was crushed and seriously injured at JCB’s premises.
- HSE v Shufflebottom & another – Represented Company after worker fell 20m from a MEWPT and died whilst working at Pembroke Dock.
- HSE v Messer – Acquittal by the jury of alleged ‘site supervisor’ in a fall from height, which resulted in worker suffering paraplegia.
- HSE v Camelot Play Castle – Representing children’s Play center after a number of children suffered serious injuries due to defective matting.
- HSE v MJL Contractors – Representing ground works company after employee killed in dumper truck overturn.
- HSE v Perrin Stevens Ltd & others – Acquittal in multi-handed jury trial relating to a serious injury resulting from a fairground ride a music festival.
- HSE v Pioneer Design and Build – represented Company after third party fell through a void in building site.
- North Avon DC v Nailsea Power Cleaning & Another – Successful defense of director of Company after prosecuted under s.37 HSWA after serious fall from height of employee.
- HSE v Royal Brompton and Harefield NHS Foundation Trust Represented trust in prosecution brought under COSHH Regulations 2002.

- HSE v Quality Marking Services Ltd – represented Company after employee had his hand amputated using industrial mixing machine.
- HSE v Muir & Muir – represented owners of building company after employee fell from height.
- HSE v Febrey – Defended the managing director of a construction firm after a fatal fall from a site at ‘The Tower’ Swansea.
- London Borough of Havering v Pinnacle Construction & another – Represented Company after fall from height of an employee at the premises of the co-defendant.
- HSE v Activ Projects – Represented Company after employee had hand trapped into wood cutting machine resulting in serious injuries.
- HSE v DHL & another – representing DHL after the death of an employee who was crushed whilst making a delivery to the second defendants premises.
- HSE v Quality First Builders Ltd – representing Company after fall from height fatality of employee.
- Bristol CC v DHL & another – successful defence of DHL after third party was seriously injured after delivery of beer barrels to second defendants premises. Local authority dropped case after service of the defence statement.
- CBC v Barclays Bank PLC – Prosecution on behalf of CBC the first successful regulatory prosecution against Barclay’s Bank PLC.
- HSE v Williams – Instructed to defend wood mill after amputation of employee’s hand after he had operated unguarded machinery.
- HSE v Leese’s – Instructed to defend large recycling company after incident relating to the movement of plant and substantial life changing injuries to employee.
- Torbay BC v Rainbow Hotel – Acted for the prosecution resulting after the death in a swimming pool of a guest at the hotel.

Environmental

- EA v Timothy Hook – Farmer prosecuted after his herbicide spreader overturned after an RTA. Acquitted at trial.
<https://www.oxfordmail.co.uk/news/17576559.farmer-cleared-wrongdoing-west-oxfordshire-pesticides-spill/>
- EA v Northumbrian Water Ltd – Broomley STW prosecution. EA submitting ‘reckless culpability’ court found ‘low culpability’ and fined £27,000.
<https://www.crownofficechambers.com/2018/07/24/malcolm-galloway-secured-a-low-culpability-sentence-for-northumbrian-water-ltd/>
- EA v South West Water – Salcombe beach. EA prosecution after sewage spilled onto a popular beach. Fined £60,000. <https://wwtonline.co.uk/news/south-west-water-fined-after-repeat-sewage-spill>
- EA v South West Water (Salcombe & Dartmouth STW’s) – Contested sentence hearing. Judge found in favour of SWW in culpability and harm.
- EA v Northumbrian Water Ltd (Broomley STW) : – Breaches of Regulation 12 & 33 EPR – Prosecution alleging Recklessness by NWL, after hearing court found low culpability.
- EA v South West Water – Representing SWW on a number of prosecutions brought by the EA for breach of permit or unlawful discharges of effluent.
- EA v Lee Phelin – Instructed to represent company director being prosecuted for the handling and onward shipment of Hazardous material. Described by the EA as the largest ever hazardous material prosecution. Amounts involved run over £10m
- EA v ML Construction Ltd & Mike Lock – Successful representation of the Mayor of Yeovil and his company after allegations of large scale illegal deposits of waste.

- R v Dunn & Others – Successful defence of the main defendant in one of the largest prosecutions ever brought by the Environment Agency. Defendants ran multi-million pound business ‘recycling’ vast amounts of waste tyres into engineering pallets for use in the UK and Vietnam
- EA v Kier Construction & BKP – Prosecution counsel in the ‘Christchurch Hospital spill’ where over 10,000 liters of heating fuel was released into the ground after mistakes in a construction project.
- EA v Leggat – Defence of a farmer who had allowed animal feed to pollute the local water course resulting in ‘fish kill’.

Inquests & Public Inquiries

Malcolm frequently appears in the Coroners Court to represent corporate clients or individual directors. His recent clients have included mining companies, care homes, large cooperative entities, transport companies and individual directors facing a possible regulatory investigation.

Selected Cases

- Re: Elan Ltd – Represented lift company after employee electrocuted installing a lift.
- Re: Kent Community Health NHS Foundation Trust – Represented trust after elderly patient died after being admitted into a ‘social bed’. Detailed examination of assessment of needs and care plan.
- Re: Parks of London – Represented company after fatal fall from height by employee. Resisted submissions for ‘unlawful killing’ to be left to the jury.
- BR Industries, Kandents & Jewsons – Re: inquest into death of an employee who had been crushed between a dumper and Jewsons delivery lorry.
- Re: Bueau Veritas Ltd & Others – Re: Inquest in death of elderly resident at care home after failure of lift.
- Re: Ascot Race Course – Instructed by Ascot after they received a PFD report after an inquest they had not been an interested party in.
- Re: Kent Community Health – NHS Foundation Trust & others – Instructed by the trust after the death of an elderly patient in an ‘integrated home’
- Re: David Brown – Represented Transport Company after employee crushed in a ‘roll away’ incident.
- Re: Wagamama Ltd: – Represented Wagamama after a young woman collapsed and died an hour after leaving their restaurant. Initial suggestion that she died as a result of anaphylactic shock. Coroner concluded she died due to her ‘uncontrolled asthma’ – no connection to Wagamama.
<https://www.mirror.co.uk/news/uk-news/teenager-girl-died-asthma-attack-13285718>
- Re: DHL: – Represented Company after employee was killed and three others injured after collapse of stillages.:
- BE Wolverhampton BE: – Represented owners of shopping centre after death of young women from falling debris as a result of ‘Storm Doris’.
<https://www.theguardian.com/uk-news/2017/oct/06/absence-of-maintenance-played-role-in-tahnie-martin-storm-doris-death-inquest>
- Re: Racetech: – Represented Company after death of employee at Haydock Park Racecourse after being crushed.
- Re: Bureau Veritas Ltd: – Inquest into death at care home after lift failed and fell a level.
- Re: Barrie Taylor: – Death after crushing due to ‘vehicle rollaway’ a transport depot.
- Represented Care Home after death of elderly resident suffering from dementia who managed to

bypass an alarm system.

- Represented mining company after employee was crushed after gas outburst a mile underground.
- Represented company after employee fell 20 m from a MEWP whilst working at Pembroke docks.
- Representing Kent Fire Service at the inquest into the death of a civilian after a collision with two fire tenders.
- Representing the owner and director of a building company after a member of the public was killed following the collapse of 1.5 tons of wood being unloaded from a lorry.
- Representing a delivery company whose employee died of sepsis after being bitten by a homeowner's dog.
- Representing a Company and its managing director after an employee fell from height and died.
- Representing a multinational company after an employee was killed and two others seriously injured after a collapse of stillage's onto a temporary office.
- Represented driver of a HGV making a delivery on behalf of a High Street supermarket who knocked down and killed an elderly woman crossing the road.

Memberships

- Criminal Bar Association
- Health & Safety Lawyers Association
- UK Environmental Lawyers Association
- Western Circuit

Recommendations

"An excellent advocate with great awareness of the strategic importance of how an inquest is conducted. Always exceptionally well prepared and impressive on his feet."

Legal 500, 2021

"He is clear, concise, and formidable in his field, and his tactical knowledge and experience are second to none."

Legal 500, 2021

"Technically very strong with over 20 years of criminal advocacy experience. Rounded personality strengthened by a career which began outside of the law. Genuine courtroom presence. He has the ability to get juries on his side."

Legal 500, 2021

"His thorough preparation for a detailed and complex matter was impressive, and his approach with a very vulnerable client was absolutely perfect – he managed to gain the client's trust very quickly, which was not easy. I look forward to working with him again."

Chambers & Partners, 2020

"Has excellent technical knowledge and is faultless in his case preparation."

Chambers & Partners, 2018

"He has excellent client skills and management of expectations."

Legal 500, 2017



"A heavyweight advocate, who is robust when required with clients and opponents."

Legal 500, 2017

"An excellent criminal law barrister in relation to environmental, health and safety work"

Chambers & Partners

"His client care is second to none and he is the top junior for environmental prosecutions"

Legal 500

'He's got a very good tactical insight'

'He's a great jury advocate, who is very, very personable and extremely sharp'

Chambers and Partners

"A robust advocate and a good team player"

Legal 500