



Malcolm Galloway



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Malcolm Galloway

Call 1992

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



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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.

Malcolm has been shortlisted as Health & Safety – Junior of the Year at the Chambers UK Bar Awards 2023.

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 where he is described in the inquest section of the Legal 500 as 'Excellent with clients, from individuals to large corporates, with empathy and understanding of the case and wider issues – a top-notch advocate and good strategist.'

He has very recently represented clients in the Grenfell Fire Inquiry, the successful defence arising from the Bosley Mill explosion and another jury success in the trial arising from the Splott Church Collapse. Further recent high profile cases include the very high profile inquest into the death of Awabb Ishak (toddler who died after long term exposure to mould in his social housing). It is no surprise that he is recommended in both the directories for 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

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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

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### Health & Safety

Malcolm is described in 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.

Cases: –

Regina v Ian Leavers ('Greenfeeds Case') – Lead counsel for the MD of a Pig Feeds company where two employees were killed as a result of succumbing to the fumes whilst cleaning a feed tanker.

<https://www.itv.com/news/central/2022-06-16/company-bosses-sentenced-after-two-workers-drowned-in-toxic-pig-feed>

<https://www.theguardian.com/uk-news/2022/jun/16/greenfeeds-senior-management-jailed-over-death-of-two-employees>

Regina v Mark Redfern ('Alutrade case') – Lead counsel for the health and safety manager accused of manslaughter after the death of an employee who had his head crushed by an unguarded machine. After service of the defence statement, CPS agree a plea to S.37. Suspended sentence.

<https://www.itv.com/news/central/2022-03-25/company-fined-2-million-after-death-of-worker-at-oldbury-s-crap-metal-plant>

<https://www.expressandstar.com/news/crime/2022/03/25/oldbury-firm-alutrade-fined-2m-for-corporate-manslaughter-of-employee/>

Regina v Keith Young – Represented a director of a demolition company tried for manslaughter after a collapse of 'Splott Church' in Cardiff. Acquitted of Manslaughter and sentenced to a suspended sentence for S.37 HSWA. <https://www.bbc.co.uk/news/uk-wales-59667575>

<https://www.walesonline.co.uk/news/wales-news/splott-citadel-church-cardiff-death-22476337>

Regina v Peter Shingler & others (Bosley Mill explosion) – This case was tried by May J in the purpose built Nightingale court in Chester. It arose as a result of the Bosley Mill explosion where four employees died. Lead Counsel representing the mill manager, issues in the case included the 'cut throat' aspect of the defence cases and the issue of 'management' under s.37 HSWA. All defendants acquitted and a lead case on cause' decided by the Court of Appeal after a terminal ruling by the trial judge.



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<https://www.itv.com/news/granada/2021-04-30/bosley-wood-mill-managers-cleared-of-health-and-safety-charges-after-fatal-blast>

<https://www.bbc.co.uk/news/uk-england-53529866>

<https://www.cps.gov.uk/cps/news/cps-statement-charges-over-bosley-mill-explosion>

Torridge District Council v Stuart Clements & others – A tragic case where of a toddler drowning in a swimming pool at an activity centre. Malcolm advised at an early stage and represented a director charged with manslaughter. After Malcolm provided written submissions the manslaughter was withdrawn and the company and directors were prosecuted for Health and Safety offences. At the Crown Court Malcolm was lead negotiator for all defendants and persuaded the prosecution to drop the case against the two directors. From a period of one and a half years Malcolm's client went from facing a manslaughter charge to a s.37 HSWA charge to having the case dropped.

<https://www.bbc.co.uk/news/uk-england-devon-41081886>

<https://www.theguardian.com/uk-news/2017/aug/29/police-investigate-death-of-four-year-old-boy-in-devon-activity-centre>

HSE v Starbucks UK Ltd and Stannah Holdings Ltd – instructed to defend Stannah (with John Cooper KC) following a lift failure in a Starbucks coffee house which resulted very serious injuries to a member of the public. This was a 'cut throat' case between two large corporates both blaming each other for the dangerous state of the lift. Due to Malcolm's expertise in lift cases he took the lead in directing the defence expert evidence which eventually led to the prosecution dropping the case against Stannah. Co-defendant had to accept a caution. If Stannah had been convicted, it would have been a major blow to their reputation.

HSE South Wales Police – Representing South Wales Police in a case involved a civilian employee who received an electric shock when fitting cabling in police headquarters. His heart stopped and he received very serious injuries. A factual basis was accepted by the court which led to a nominal fine.

<https://www.policeprofessional.com/news/south-wales-police-pays-out-95000-after-employee-injured-during-cable-installation/>

<https://www.ioshmagazine.com/2020/02/12/hse-prosecutes-police-force-over-electric-shock>

HSE v Bureau Veritas UK Limited (and others) – BV are one of the world's leading certification companies who inspect lifting equipment and provide safe certification. They were prosecuted after a lift that they certified as safe was in 'freefall' and crashed resulting in the death of a resident in a care home. HSE dropped case against them 48 hours before trial.

## Inquests

Recommended by the Legal 500 due to his 'standout ability to be both approachable to the client, yet with an air of gravitas that instantly puts the client at ease. A go-to counsel for complex and high-profile cases due to his ability to digest complex evidence and put it simply to a client; and he does not sit on the fence when it comes to advising a client.' Malcolm frequently appears in the Coroners Court to represent

corporate clients or individual directors. His cases frequently attract national press interest and his recent clients have included Housing Associations, mining companies, care homes, large cooperative entities, transport companies and individual directors facing a possible regulatory investigation.

#### Cases:

Re: Awaab Ishak – Described by the coroner as ‘A wake up call for everyone in housing, social care and health’. This inquest was national news for a week and arose as a result of the death of a toddler in social housing as a result of prolonged exposure to mould in his home. Represented RBH the housing provider. No finding of neglect and no PDF against RBH, but PDFs to Minster for Housing and Minster for Health with letters to both the local council and health authority.

<https://www.itv.com/news/granada/2022-11-15/awaab-ishak-two-year-olds-death-caused-by-mould-in-flat>  
<https://www.bbc.co.uk/news/uk-england-manchester-63641438>

Re: Zack Richardson – Young worker crushed between a FLT and a wall. Unknown circumstances as to how the accident happened. Represented company and Managing Director.

<https://www.itv.com/news/anglia/2022-09-28/teenager-crushed-to-death-by-forklift-truck-at-new-job>

Re: Luke Hobson – 14 year old Luke Hobson died while training at Blueharts Hockey Club at night before the pitch lights had been switched on or coaches were on the pitch. Malcolm was instructed due to the involvement of a number of child witnesses. He was able to provide advice at an early stage which, thanks to the work undertaken by lawyers for the club, resulted in written statements being sufficient. This was high profile inquest with both the club, the family and England Hockey being interested parties. It resulted in a PDF report against England Hockey, not the club.

<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-54449114>

<https://www.dailymail.co.uk/news/article-8814637/Hertfordshire-boy-14-died-hit-head-hockey-stick-practice-inquest-hears.html>

<http://www.englandhockey.co.uk/news.asp?itemid=49696&itemTitle=Message+from+England+Hockey+foll+owing+inquest+into+the+passing+of+Luke+Hobson&section=22>

Re: Anastasis Uglov – This highly contested inquest relates to the death of a 17 year old, sixth form student from Bristol Grammar School who was found unconscious and unresponsive in the New York hotel the school's touring party was staying in. She was later found to have died of sepsis and the family have blamed teachers at the school for her death. Represented the school.

<https://www.bbc.co.uk/news/uk-england-bristol-50895446>

<https://www.itv.com/news/westcountry/2019-12-26/bristol-schoolgirl-dies-on-new-york-school-trip>

<https://www.theguardian.com/uk-news/2019/dec/24/british-teenager-dies-during-school-trip-to-new-york>

<https://www.independent.co.uk/news/uk/home-news/british-teenager-death-school-trip-new-york-bristol-grammar-school-a9258826.html>

Grenfell Public Inquiry – Represented two site managers for Rydon responsible for the refit

at Grenfell. They were both due to give evidence to the inquiry in 2020. As both are also police suspects was instrumental in the submitting to the inquiry that his clients would not agree to give evidence to the

inquiry without an undertaking from the Attorney General regarding the potential use of their evidence in the criminal proceedings. This led to the inquiry being adjourned until the undertaking was provided by the AG.

<https://www.gov.uk/government/news/attorney-general-provides-undertaking-for-grenfell-tower-inquiry>  
<https://www.theguardian.com/uk-news/2020/feb/04/grenfell-tower-public-inquiry-delayed-due-to-witnesses-demands>

Re: Stewart Ramsay – Stewart Ramsay suffered ‘un-survivable head injuries’ at a Creag Concrete Site. Ramsay was attempting to re-attach a rope to a ‘grab’ when the jaws of the grab slammed shut trapping his head. Before and during the inquest the authorities were deciding whether to prosecute the Company for Corporate Manslaughter and Gross Negligence Manslaughter against a Director. By cross examining the employees we were able to demonstrate the mistakes they had made resulting in the jury being back a conclusion of ‘accident’ not ‘unlawful death’. Therefore, the Company only faced Health and Safety offences. A substantial climbdown by the police.

<https://www.lawbreakingnews.com/2019/05/creagh-concrete-worker-died-of-un survivable-head-injuries/>

<https://www.nottinghampost.com/news/local-news/plant-worker-24-died-under-2851794>

## 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 at 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.

## 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 cooperate 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-tahniet-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.

## Food Safety

Wagamama inquest – family allegation that daughter had died as a result of ingesting peanuts after indication that she was allergic to them. Inquest found she had an extreme asthma attack not related to Wagamama.

Mitchells and Butler – All Bar One restaurant in Bath. Sentenced after plea in case where 6 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. Relating to a student having an anaphylactic attack after ingesting a cocktail which has not been properly labelled.

Toby Carvery – 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.

SBR Retail (Trading as KFC) – Plea and sentence for numerous food safety offences relating to a cockroach infestation.

Busy Bees Nursery – Plea and sentence for numerous offences of pest infestation and unclean food preparation at a national nursery.

SA Brains (The Brewery) – Offences relating to a failure to ensure that food was not contaminated after a customer had a piece of wire lodged in her throat as a result of eating a meal at the restaurant.

The Fremantle Trust – Various food hygiene offences in relation to the preparation of food for vulnerable elderly residents.



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Focus Hotels – Allegation that a student at a graduation ball had been given inappropriate food leading to her suffering an anaphylactic shock. Case dropped by prosecution after written submissions.

Mitchells and Butler – Plea and sentence for 21 offences relating to Food Safety Act and Consumer Protection from Unfair Trading Regulations 2008 in relation to improper labelling of food products.

## Environmental

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### Environmental

The Legal 500 says *'his client care is second to none and he is the top junior for environmental prosecutions'* and *He has excellent procedural and tactical knowledge to compliment top-grade advocacy skills, plus an excellent manner with clients.'* In the past he has represented the Environment Agency in some of the highest profile prosecutions, but he now has a purely defence practice. He is standing Counsel to South West Water and also represents Northumbrian Water Ltd and Thames Water. 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.

#### Cases:

EA v Northumbrian Water Ltd (Heds Hope Dean) – Trial where the unusual defence of 'third party intervention' was to be deployed requiring the Water Company to prove

something 'exceptional' has happened to break the chain of causation. Case was settled by service of a basis of and a day's legal argument on culpability and harm. Trial judge found in favour of water company on all points.

<https://www.standard.co.uk/news/uk/county-durham-newcastle-crown-court-environment-agency-north-east-b962807.html>

EA v Northumbrian Water Limited (Coundon Burn) – Defending the water

company being prosecuted or allowed its manholes on agricultural land to become

damaged therefore leading to a serious pollution event.

EA v South West Water (South Sands) – Prosecution of a large water company after repeated spillages onto popular tourist beach. Prosecution submitted that as SWW was a Very Large Organisation it should be receiving sentences similar to Thames Water (£1M). Court accepted submission on sentence and only fined £60,000.

EA v Thames Water Limited – Represented Thames Water after a power disruption at Hogsmill Sewage Treatment Works (STW), the pumps in the inlet pump stations failed. Substantial discharge onto a local park.

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## Selected Cases

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### Environmental

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- 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-pesticide-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://www.wtonline.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'.

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## Memberships

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

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## Recommendations

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"He is a heavyweight advocate but also personable and compassionate with clients."

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Chambers & Partners, 2024

"Malcolm has a commanding presence, and is calm and confident when speaking with clients. A tactically astute and incredibly knowledgeable barrister."

Legal 500, 2024

"Clear advice, robust advocacy, the ability to foreshadow opponents' arguments and to structure submissions accordingly."

Legal 500, 2024

"Malcolm is extremely personable and builds good relationships with clients and instructing solicitors alike. He is particularly adept at anticipating how a judge will view a case."

Legal 500, 2024

"The savviest of senior juniors who has an impressive track record."

Chambers & Partners, 2022

"A top-notch advocate who always approaches his cases with eagle eye detail and is a fantastic strategist."

Legal 500, 2022

"He is experienced, excellent in court and brilliant in cross-examinations."

Chambers & Partners, 2022

"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's very thorough, fantastic in court and gets great results."; "He's impressive on his feet and in conference with clients."

Chambers & Partners, 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