



Mark Balysz



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"Absolutely superb: the crème de la crème."
(Chambers & Partners 2020)



+44 (0)20 7797 8100

balysz@crownofficechambers.com

Mark Balyz is one of the country's leading criminal and inquest advocates, specialising in corporate and individual manslaughter, health and safety, environmental prosecutions, trading offences and financial crime. Mark is a regular guest lecturer in health and safety on the Construction Law and Dispute Resolution Masters degree at King's College, London University.

Criminal Regulatory & Environmental

Health & Safety

Since joining the team in 2010 Mark has developed into one of the country's leading health and safety practitioners, with the vast majority of his work on the defence side.

Clients have included:

The Joseph Rowntree Housing Trust, Crest Nicholson, BAM Nuttall, Ferrovial Agroman, Kier Infrastructure & Overseas Ltd, B&M Retail, GEA, Jaguar Land Rover, British Airways, Siemens, Galliford Try, Birse Civils, Sheffield Forgemasters, Metroline, Warburtons, Iceland, Sainsburys, Booths Supermarkets, Homebargains (TJ Morris), B&Q, New Look, Hampshire Fire and Rescue Service and Greater Manchester Fire and Rescue Service.

Notable Health & Safety Defence Trials

HSE v Metroline Ltd, The Central Criminal Court – client, a London bus operator, charged with s.3 HSWA after cleaning company employer seriously injured and crushed between two buses. Client acquitted by the jury. Case prosecuted by James Maxwell- Scott.

HSE v Francis Brown Ltd, Middlesbrough Crown Court – client charged with breaching electrical regulations after the death by electrocution of an employee. Client acquitted by the jury on the direction of the trial judge.



HSE v G & AM Lawson Ltd, Carlisle Crown Court – client charged with breaching s.2 HSWA and regulation 3 MHSWR after the death of an employee. Client acquitted by the jury on the direction of the trial judge.

HSE v CE Davidson Ltd, Norwich Crown Court – client charged with breach of s.2 HSWA after building collapsed onto young employee during demolition, causing life changing serious injuries. Client acquitted by the jury.

HSE v Sheppard Building Services Ltd, Weston Super Mare Magistrates' Court – client charged with breaching CDM regulations after the collapse of a partly constructed fourth storey floor in a construction project, causing a worker to plummet to the ground and suffer serious injury. Client acquitted. Co-defended with Simon Antrobus.

HSE v Enterprise Liverpool Ltd, Tarmac Trading Limited and Liverpool City Council. Liverpool Crown Court – Fatality trial. Acting for principle contractor Enterprise. Member of the public seriously injured at start of works to Liverpool ring road. One month later another member of the public was killed. Listed five weeks. After four weeks of trial co-defendants pleaded and prosecution made client offer which could not be refused. Enterprise fined £25,000 as compared to the Tarmac fine of £1.3 million.

Leading Health & Safety Court of Appeal Cases

HSE v Tangerine Confectionary Ltd [2011] EWCA Crim 2015 – prosecution counsel at trial and on appeal. Leading case on risk and approach to health and safety cases generally. John Cooper QC appeared on behalf of the company.

HSE v Willmott Dixon Ltd [2012] EWCA Crim 1226 – prosecution counsel at trial. Leading case on meaning of risk in asbestos cases. John Cooper QC appeared on behalf of the company.

Corporate Manslaughter

R v Peter Mawson Ltd and Peter Mawson Preston Crown Court – Mark represented both defendants from the outset of the police investigation into the death of an employee who fell through a sky-light whilst undertaking roof repairs. The director was directly involved in the works and this was a case of no safety measures being in place. Both Defendants were charged with manslaughter. Company pleaded to corporate manslaughter and s.2 HSWA. It was fined £215,000 with significant time to pay. Director pleaded to s.37 HSWA and received a non-custodial penalty. The prosecution unsuccessfully argued profit before safety. The judge rejected evidence from ex-employees as to a callous disregard for safety.

R v Sterecycle Ltd – Mark advised the Company, charged with corporate manslaughter, and its administrators pre-trial. As a result the Company was unrepresented at trial.

At present Mark is assisting four Companies and their directors, under investigation by the police. These include a television film studio, road works contractor, a building contractor and a national retailer.

Environmental Offences

Mark is instructed to undertake Environmental cases, most often involving charges brought under the EPA 1990, the Water Resources Act 1991, Pollution Prevention and Control Regulations 2000 and Packaging Regulations.



His most recent environmental work includes:

1. Defending companies charged under the EPA with allowing large volumes of waste to collect on unlicensed land.
2. Defending companies charged under the Packaging (Essential Requirements) Regulations.
3. Advising companies on the Producer Responsibility Obligations (Packaging Waste) Regulations.
4. Defending companies on allegations of water pollution.

Recent clients have included Yorkshire Water and house builder Barratt Homes.

Fire Safety

Mark's specialisation in fire safety goes together with his health and safety expertise. He defends both companies and directors charged with breaching the Regulatory Reform (Fire Safety) Order 2006, DSEAR and the general duties under HSWA. Clients in this regard have included, amongst others, ATS Euromaster Ltd and B&Q Plc.

Mark also represents fire services after the deaths of fire fighters. This includes:

1. Hampshire Fire and Rescue Service, for whom he acted in a six week inquest into the deaths of two fire fighters in Shirley Towers, before the Coroner for Southampton and the New Forest.
2. Greater Manchester Fire and Rescue Service, in a five week inquest into the death of a fire fighter at Paul's Hair World, listed in April 2016 before the Coroner for Greater Manchester.

Trading Offences

Mark is regularly instructed to advise and represent companies and directors in trading standards, food safety and licensing matters.

Recent Notable Cases

R v Bloor Homes Ltd Reading Crown Court – forthcoming trial defending national developer for alleged breach of Consumer Protection from Unfair Trading Regulations 2008.

R v The Home & Motor Club Ltd and David Mellen Cardiff Crown Court – Mark secured the acquittal of both Defendants charged with 28 counts of fraud and breaching the Consumer Protection from Unfair Trading Regulations 2008. HHJ Fitton QC ruled in favour of an application of no case to answer at the close of the prosecution's case and directed the jury to acquit. Both Defendants had previously pleaded guilty when represented by different counsel and solicitors, such pleas being set aside after the instruction of Mark and on his application. The basis of that application was a failure to follow the procedure for indication of sentence in R v Goodyear [2005] EWCA 888, inappropriate prosecutorial inducement and flawed advice by non-specialist lawyers.

Wolverhampton BC v JHAI Ltd Wolverhampton Crown Court – Successfully defended Building Regulations Approved Inspector and its Managing Director for charges brought under the Consumer Protection from Unfair Trading Regulations 2008. Retained by Company to advise on other trading standards investigations.



R v Dunwoody Building Legislation LLP Leeds Crown Court – representing Building Regulations Approved Inspector at trial in autumn 2019 for breach of the Regulatory Reform (Fire Safety) Order. As with the JHAI case arguments will revolve around a misunderstanding of an A.I.'s power.

Liverpool CC v Eurooffice Ltd and Spicers Ltd Liverpool Magistrates' Court – acted for both companies in defence against charges brought under the Packaging (Essential Requirements) Regulations.

Various v TJ Morris Ltd (Home Bargains), Nationwide, forthcoming trial Wolverhampton Crown Court – retained counsel advising and representing to trial company on licensing, criminal investigations and prosecutions.

R v Rosemary Beazley & Scott Beazley [2013] EWCA Crim 567 Portsmouth Crown Court / Court of Appeal – represented husband and wife directors in trade mark law prosecution and responded on appeal after judge stayed confiscation proceedings for an abuse of process.

West Berkshire DC v Superdrug Stores PLC Reading Magistrates' Court – advised company on prosecution under Packaging (Essential Requirements) regulations 2003. Charges withdrawn after receipt of counsel drafted submissions.

Various v Sainsbury's Supermarkets Ltd Nationwide – multiple instructions defending licensing prosecutions.

Financial Crime

Mark has throughout his 20 years of practice specialised in serious crime and continues to be instructed in such cases where a junior is required with experience, an attention to detail and proven ability.

Mark's first experience of fraud work was as a led junior in the London City Bond frauds of the late 1990s. Ever since he has represented both companies and directors charged with fraud and facing confiscation proceedings, individuals on money laundering allegations and has advised companies with regards to the Bribery Act 2010. Mark attributes his success in the criminal regulatory field to the years of practice he has had in serious crime, in particular financial.

Recent Financial Crime Cases

R v The Home & Motor Club Limited and David Mellen, Cardiff Crown Court – see Trading Offences above

R v Pummell & Others Northampton Crown Court – VAT carousel fraud and money laundering.

R v Kyriakides & Others Southwark Crown Court – alleged fraud of trustee in bankruptcy in sum of £100 million plus. Client acquitted on direction of judge at close of prosecution case.

Other Crime

R v Butt, Khan & Zaidi – client, with co-defendants, pleaded guilty to conspiracy to forge international travel documents and original terrorism charges not proceeded with.

In addition Mark has defended and prosecuted in 12 murder trials and countless cases associated with organised crime.



Inquests & Public Inquiries

Mark Balysz is regularly instructed to represent companies and organisations at inquest, both Jamieson and Middleton, including:

- Acting for principle contractors, contractors and clients with regards to deaths during the course of construction.
- Acting for care homes with regards to deaths of residents.
- Acting for a film studio with regards to a death on set.
- Acting for Greater Manchester Fire and Rescue Service in the inquest into the death of a fire fighter.
- Acting for Hampshire Fire and Rescue Service in the inquest into the death of two fire fighters.
- Acting for a children's nursery in the inquest into the death of a toddler in its care.
- Acting for a local authority in the inquest into the death of a member of the public from a collapsing tree.

Qualifications

- Criminal Bar Association
- Health & Safety Lawyers Association

Recommendations

"A superb advocate. He has a real depth of technical knowledge, commitment to strategy that is key in cases of this nature and has very persuasive advocacy skills that not only reassure clients but get results."

Legal 500, 2021

"He is fantastic in terms of his ability to cut through the issues and explain matters to clients in a very easy to understand manner."

Chambers & Partners, 2020

"A great junior with solid criminal knowledge and an impressive manner in court."

Legal 500, 2018

"An utterly reliable advocate with a great understanding of the law."

Chambers & Partners UK Bar, 2018

"He has excellent technical skills and a real ability to read clients' expectations."

Legal 500, 2017

"Health & Safety Junior of the Year"

Chambers & Partners, 2017