



Richard Tyrrell



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Richard Tyrrell has considerable experience in the fields of Health & Safety, NHS Governance and Consumer Protection (including Food Safety) and defends Companies and NHS Trusts, their Directors and employees both in the Magistrates' and Crown Courts. His Health & Safety experience includes fatalities arising from machinery, construction, chemical, quarrying and hospital activities. His experience of Homicide cases includes trials in the Crown Courts and appeals against both conviction and sentence in the Court of Appeal. He has also conducted appeals against Improvement and Prohibition Notices in Employment Tribunals. His work in the NHS Governance area includes representing NHS Trusts in NHS Performers List Cases both at the Reference Committee and First Tier Tribunal stages.

Prior to call to the Bar, he was Senior Litigation Partner at Hammonds London office with particular responsibility for defending Companies, their Directors and employees in Health & Safety prosecutions. Prior to that was a Senior Solicitor at ICI PLC with primary responsibility for defending Health & Safety, Environment and Consumer Protection prosecutions, advising the Company on existing and proposed Health & Safety law and representing the Company in the Health & Safety field in standing Industry and EC Committees. Prior to that he was Chief Prosecutor at Bow Street Magistrates' Court.

## Criminal Regulatory & Environmental

### Selected Cases

- Represented ICI in numerous environmental, Health & Safety and Consumer Protection prosecutions. These cases involved prosecutions in respect of deaths following explosions at two sites, injuries due to chemical exposure / spills and other site accidents and discharges of chemicals into water courses etc.
- Represented a Primary Care Trust in a Health & Safety prosecution successfully taking the point (before it was decided by the Court of appeal in R v Pennine Acute Hospitals NHS Trust) that the transfer of liabilities between an old and new Trust did not include the transfer of criminal liability.
- Representing an NHS Foundation Trust both at the Inquest and in respect of the prosecution concerning the death of a patient by falling from a window in a mental health ward.

- Representing a Boiler Installation company, the subject of a manslaughter investigation, following the death of a resident in a hotel by poisoning from carbon monoxide fumes.
- Representing an NHS Trust and a Director both at the Inquest and in respect of a prosecution following a manslaughter investigation into the death of a patient by hanging in a ward.
- Represented (with Michael Spencer QC) a nurse in an elderly persons ward at an inquest into the deaths of eleven patients there – known as the Kingsway Hospital (Derby) Inquests – Coroner Sir Richard Rougier.
- Represented a company prosecuted in respect of exposure to it's employees of gluteraldehyde in its processing of photographic film.
- Representing an NHS Trust both at the Inquest and in the prosecution in respect of its provision of services at a Care Home where a patient died by scalding in a bath.
- Representing an NHS Trust at the Inquest into the death of a patient-the Coroner's decision having been judicially reviewed on the point as to whether a friend of the deceased fell within the definition of an 'interested person' within Rule 20 of the Coroners Rules 1984.
- Regularly represents NHS Trusts in 'NHS Performers Lists' cases both before the First Tier Tribunal and more recently also at the first instance stage in cases where the employee has legal representation.
- Represented a food outlet in a local authority Food Safety / Hygiene prosecution in which sandwiches had been supplied to the city police force prior to a large scale demonstration and which involved many officers suffering food poisoning and several being treated in hospital.

## Inquests & Public Inquiries

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Richard has extensive experience of Coroner's Inquests, including the Kingsway Hospital (Derby) Inquests in 2005 before Sir Richard Rougier.