



Simon Antrobus KC



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"He is fiercely intelligent, very commercially aware and has a brilliant manner with clients. He has a real strength in understanding and simplifying technical and expert evidence for judges and juries alike and is amongst the most polished advocates around. Simon is particularly good at looking at novel arguments and bringing a new way of thinking to the case."
(Legal 500, 2021)



Simon has over twenty five years of experience as one of the leading barristers in this field of criminal regulatory law.

He has represented corporate clients in some of the highest profile health and safety cases that have been brought in this country, including the Buncefield Oil Terminal explosion, the prosecution of Merlin Entertainments for the Smiler Rollercoaster accident at Alton Towers, the recent criminal prosecution relating to the Hillsborough football stadium disaster of 1989, and the ongoing public inquiry into the Grenfell Tower fire. Most recently he successfully defended a managing director charged with four counts of manslaughter in relation to the explosion at his company's wood mill in Bosley, Cheshire, in which four employees died. Simon's legal submission of no case to answer was upheld by the Court of Appeal *R. v. WTL & George Boden* [2021] EWCA Crim 618. He followed this up by successfully defending a leading insurance company in relation to the death of an employee from a fall at height during the course of an inspection at one of its customer's premises.

Additionally, he has represented Arcadia Group in a three-month trial in Reading Crown Court in relation to the death of a young child at one of its TopShop stores in Reading and is currently instructed to represent ITV in relation to the suicide of a participant on the Jeremy Kyle show.

The notable cases in which he has defended are set out in the list below.

Manslaughter

Simon has particular experience in defending companies and individuals charged with the most serious safety-related crime: corporate manslaughter and gross negligence manslaughter.

He has a highly successful track record, having successfully represented a plumber accused in relation to the death of two residents within a new Barratts development, a site manager of a construction site in Hanover Square, Mayfair, accused in relation to the collapse of a huge window frame that killed a passer-by, a director of a business whose maintenance employee fell through a skylight in the roof and a director of a company whose industrial door collapsed onto 2 members of a band attending a gig at the G-Live



centre in Guildford, amongst many others.

More recently, Simon secured the acquittal of a waste recycling company charged with corporate manslaughter, even with the business in liquidation and also the acquittal of a managing director charged with four counts of manslaughter in relation to the explosion at his company's wood mill in Bosley, Cheshire, in which four employees died. Simon's legal submission of no case to answer was upheld by the Court of Appeal *R. v. WTL & George Boden* [2021] EWCA Crim 618.

He is currently retained in a number of corporate manslaughter investigations, involving multiple fatalities.

Health & Safety

He has experience of defending in all types of safety-related prosecution. These have ranged from successfully representing individuals charged with putting the public at risk, such as the fireworks organiser accused of causing the death of 7 people in a motorway pile up on the M5 by smoke from his adjacent event, and the organiser of the Chatsworth International Horse Trials charged with the death of an off-road motorcyclist at the event, to securing acquittals for large construction companies in relation to site-related incidents (Lend Lease, ISG, Geoffrey Osborne to name but a few).

He regularly represents very large businesses either defending safety prosecutions or seeking to advance mitigation in sentencing hearings, and has represented some of the largest businesses, both globally and in this country, such as MacDonalds, Balfour Beatty, Chevron, Tesco, BP, Exxon Mobil and Starbucks. Most recently he secured the acquittal of one of the country's leading insurance companies in relation to the death of an employee whilst carrying out an inspection at height at a customer's site. He also defended Arcadia PLC, leading Mike Atkins from chambers, in a 3-month trial in Reading Crown Court in relation to the death of a 10-year old boy at a TopShop store in Reading. He has also been responsible for shaping some of the legal arguments in this area, and regularly provides seminars and articles on such matters, including sentencing, both to companies, to firms of solicitors and to his peers within the Health and Safety Lawyer's Association (HSLA).

Food Safety, Product Safety and Trading Standards

Simon is experienced in all aspects of trading law, including the judicial review of regulatory decision-making. He was Junior Counsel on behalf of Nutricia (led by Thomas De La Mare QC) in a multi-million pound judicial review relating to the interpretation of European law as to the definition of Foods for Special Medical Purposes and the extent to which they are to be distinguished from food supplements and fortified foods.

He has also advised global food manufacturers and FTSE listed national retailers as to the legality of their products in relation to product launches in this country and also in relation to product recalls following the discovery of safety concerns. Additionally, he has represented and advised financial and loan companies in relation to cases brought against them in relation to the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008.



He has also represented the Fat Duck restaurant in Bray in relation to the outbreak of norovirus at the restaurant and the owners of the Godstone Farm petting zoo (led by Jonathan Waite QC) in relation to the e-coli outbreak on their premises.

Inquests & Public Inquiries

Simon regularly represents corporate defendants in inquests and inquiries arising out of fatal incidents. He is currently acting on behalf of ITV in relation to the inquest into the suicide of a participant on the Jeremy Kyle show.

He has previously represented BP in relation to the 3-month inquest concerning the Al-Qaeda attack on one of its gas refineries in In Amenas, Algeria, in which seven British citizens died. He also represented British Airways in an 8-week inquest into the death of Jimmy Mubenga, who was being deported on one of the company's planes and suffered asphyxia following being put into restraint by the G4S security guards who were escorting him.

More recently Simon has represented David Lloyd Leisure Ltd following the death of a young child at one of their swimming pools, and Arcadia PLC after a young child was crushed to death by a falling 'queue barrier' at one of their TopShop stores in Reading. He has been representing the M&E design consultancy Max Fordham LLP over the course of the last 5 years at the ongoing Grenfell Tower Public Inquiry.

Covid-19

Simon has regularly advised businesses on the impact of the Covid-19 virus in terms of their workplace safety, and has specifically advised one of the largest leisure and entertainment companies in Europe as to the legality of their policy on requiring face coverings at their attractions.

He has also written extensively on the subject, and provided a fortnightly Q&A webinar session, together with John Cooper QC and Dominic Kay QC from Chambers in front of a substantial regular audience amongst lawyers, safety managers and directors.

Recent Key Cases

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R v Arcadia PLC & Ors (Reading Crown Court) January – April 2022 – Simon represented both Arcadia PLC and Topshop Topman Ltd in a 3-month trial relating to the death of a 10-year old boy at a Topshop store in the Oracle shopping centre, Reading. The child was crushed to death when he overturned a heavy corian-clad 'queue barrier' in front of the tills, that had been inadequately secured to the ground by shopfitting

contractors appointed by Arcadia.

Inquest into the death of Dorothea Hale (Newport Coroner's Court) June 2021 – Simon represented the Registered Manager of a nursing home in relation to the death of one of its residents due to neglect of bed sores and consequent sepsis. The inquest was part of a series of investigations brought about by the Flynn Report into the conduct of various care homes in South Wales in which residents had died through poor or maltreatment.

R v WTL & George Boden & Ors [2021] EWCA Crim 618 – Simon successfully persuaded the Court of Appeal to uphold the decision of Mrs Justice May to dismiss the four counts of manslaughter against his client, George Boden, the managing director of the company that owned Bosley wood mill that exploded in 2015 killing four employees (see below).

R v WTL & George Boden & Ors (Chester Nightingale Court) January – April 2021 – Simon secured the acquittal of the managing director charged with four counts of manslaughter arising out of the explosion of the wood mill owned by his company, in Bosley, Cheshire. The case was one of the largest gross negligence manslaughter trials brought in this country, in front of Mrs Justice May and a jury in Chester Town Hall, sitting as a Nightingale Court during the second lockdown of the Covid pandemic. Simon and Dominic Kay QC (representing WTL) persuaded the Judge at the close of the prosecution case after hearing 3 months' worth of evidence that there was no case to answer in relation to the manslaughter charges for want of proof of legal causation. The decision was upheld by the Court of Appeal following an appeal by the Prosecution of the terminating ruling (see above).

Inquest into the death of Kaden Reddick (Reading Coroner's Court) March 2020 – Simon represented Arcadia Group at the inquest into the death of a 10-year old boy who died whilst swinging on a heavy corian 'queue barrier' in front of the tills at the TopShop store in the Oracle shopping centre, Reading. The jury delivered a conclusion of accidental death. The criminal investigation into the incident remains ongoing.

Inquest into the death of Rocco Wright (Wakefield Coroner's Court) February 2020 – Simon represented David Lloyd Leisure Ltd at the inquest into the death of a 3-year old boy who drowned at a swimming pool one of the leisure company's private member leisure clubs in Leeds. The jury delivered a conclusion of accidental death. The criminal investigation into the incident remains ongoing.

R v ACE Waste Haulage Ltd (Old Bailey) January 2020 – Simon secured the acquittal of a waste recycling company (in liquidation) charged with corporate manslaughter following a 4 week trial at the Old Bailey before Mrs Justice Thornton and a jury. The company was convicted of a lesser safety breach.

Grenfell Tower Inquiry 2018-2020 (ongoing) – Simon (together with Lynne McCafferty QC) has represented and continues to represent M&E consultancy, Max Fordham LLP, in relation to their involvement in the design of the M&E aspects of the Grenfell Tower refurbishment, including the design of the smoke ventilation system.

R v DJT Surfacing Ltd & Stagecoach (St Albans Crown Court) June 2019 – Simon, leading Harry Vann from these Chambers, secured the acquittal of a small highways contractor (DJT Surfacing Ltd) charged in relation to the death of a woman who was run over by one of its delivery vehicles, on a pedestrian crossing at Bedford Bus Station. The trial lasted 4 weeks at St Albans Crown Court before Mr Justice Turner and a jury. The co-defendant, Stagecoach, was convicted in relation to the incident.



R v Chevron Ltd and Valero Energy UK Ltd (Swansea Crown Court) (April 2019) – Simon represented Chevron in relation to the criminal prosecution concerning the explosion at the Pembroke Oil refinery in 2011, in which four workers died. The company pleaded guilty and the sentence was expected to be one of the largest ever financial penalties imposed under the new Sentencing Guidelines for this type of offence. Ultimately, the business was fined by Mr Justice Lewis a sum of £5 million, which, whilst at the time the joint largest health and safety fine, was nevertheless viewed as extremely lenient in the circumstances, given the sheer size of the corporate entity, the high culpability finding (stretching back 13 years), and the number of fatalities involved.

Hillsborough trial (R v Duckenfield and Mackrell) (Preston Crown Court) February 2019 – Simon, together with Jason Beer QC, represented Graham Mackrell, Sheffield Wednesday's Club Secretary and Safety Officer back at the time of the 1989 disaster at Hillsborough football stadium in which 96 people died, in this groundbreaking criminal prosecution arising 30 years later. The criminal investigation and resulting prosecution was initiated by the then Home Secretary, Theresa May, after a renewed inquest into the disaster chaired by Lord Justice Goldring made a number of causal findings against various people and organisations. In the criminal trial Mr Mackrell faced three safety offences, two of which (punishable by imprisonment) were withdrawn following legal argument during the course of the proceedings. Mr Mackrell was convicted of the remaining non-causative safety offence, which was punishable only by way of fine, and received a fine of only £6,500.

R v Interserve Facilities Ltd (Hove Crown Court) (November 2018) – Simon represented the company responsible for the facilities management of the Animal and Plant Agency's high containment biological agent facility at Weybridge, following an incident where there was a failure of the power supply serving safety critical containment and control systems. The company chose to plead guilty and notwithstanding the size of the business, it was fined only £93,000 after Simon's mitigation.

R v Adsett & Ors (Old Bailey)(February 2018) Simon represented a site manager charged with gross negligence manslaughter in relation to his management of a busy construction project in Hanover Square, Mayfair, London, from which a large and heavy window frame fell, crushing to death a female passer by. Simon led Alice Jarrett from these Chambers in the case. After an 8-week trial, the site manager was cleared by the jury of manslaughter and convicted of a lesser safety offence for which he received a suspended sentence. A sub-contractor's director was convicted of manslaughter.

R v McDonalds (Basildon Crown Court) (January 2018) Simon represented the well known burger chain in relation to an incident at its Lakeside Drive-Thru branch when congestion at the site caused an irate driver to run down an employee who was being required to direct traffic flow. The company chose to plead guilty and, notwithstanding the size of the business, the company was fined only £200,000 after Simon's mitigation.

Recommendations

"Simon is an excellent advocate, gaining the trust of clients, judges and juries alike."...."Simon is one of the best in this field. He makes clients confident because he makes it clear he's going to do his very best for them."

Chambers & Partners, 2024

'Simon is meticulous in his preparation and his advocacy is firm, persuasive and impressive.'

Legal 500, 2024



'Simon advocates on his clients' behalf with grace and panache. His statements are concise and precise, often encapsulating complex points and principles in both judge and jury-friendly terms and aided by his crystal-clear delivery.'

Legal 500, 2024

"One of the best trial counsel around and an expert at setting out mitigation. Simon can deal with those cases where you need a touch of magic to navigate difficult or complex issues."

Chambers & Partners, 2022

"Absolutely first class. He has a fantastic feel for a case, and really gets into the detail and understands every aspect."

Legal 500, 2022

"Real expertise, very approachable and measured in his approach – my go-to advocate!"

Legal 500, 2021

"His written work is brilliant, his cross-examination skills are very, very good and he's a brilliant trial advocate."

Chambers & Partners, 2021

"Simon is a star performer in the top bracket. He is very astute and his strategic thinking and attention to detail are second to none. Makes clients feel reassured that they have someone at the top of their game who will fight their corner."

Legal 500, 2021

"He is fiercely intelligent, very commercially aware and has a brilliant manner with clients. He has a real strength in understanding and simplifying technical and expert evidence for judges and juries alike and is amongst the most polished advocates around. Simon is particularly good at looking at novel arguments and bringing a new way of thinking to the case."

Legal 500, 2021

"A brilliant barrister who will fly in silk."; "He gets a great rapport going with clients and has a good criminal legal brain which is of great help on strategic issues that come up."

Chambers & Partners, 2020

"Simon Antrobus is unquestionably a star individual."

Chambers & Partners, 2018

"He is really knowledgeable, careful, clever and a safe pair of hands."

Chambers & Partners, 2018