



## Red Lion Chambers

**David Claxton**

**Call: 2008**

### **Introduction and Expertise**

David Claxton specialises in criminal and regulatory law. In 2012 he was appointed by the Attorney General to the Regulatory List. This is a list of a small number of barristers specialising in health and safety and related prosecutions.

David has acted for and against prosecuting authorities, private individuals, small businesses and large corporations in cases involving the following legislation:

- The Regulatory reform (Fire Safety) Order 2005
- The Health and Safety at Work Act 1974
- The Work at Height Regulations 2005
- The Environmental Protection Act 1990
- The Companies Acts of 1985 and 2006
- The Trade Marks Act 1994
- The Town and Country Planning Act 1991.

David has a particular understanding of the commercial and reputational damage that regulatory prosecutions can cause to businesses and is sensitive to this issue in the conduct of cases on behalf of corporate clients.

David has advised prosecuting authorities on the commencement of proceedings, the gathering and presentation of evidence and the selection of charges.

He has considerable experience of advising on and conducting disclosure exercises having been instructed as a disclosure junior on a number of occasions by the CPS and the Serious Fraud Office.

David is especially well-versed in the preparation and conduct of health and safety cases.

He has advised on, drafted and responded to Friskies schedules. David has an in-depth knowledge of the Fire Safety Order, sentencing in health and safety cases and the evidence and law related to causation in the context of breaches of health and safety law.

## Illustrative Cases

*R v B*, Carmarthen Crown Court

David represented a Welsh Fire and Rescue Authority in this prosecution of a small business on a 17 Count Indictment alleging a wide range of offences under the Fire Safety Order.

*R v S*, Bournemouth Magistrates' Court

David represented the Dorset Fire and Rescue Authority in this prosecution under the Fire Safety Order in a case centring on fire hazards at a recycling facility.

*HSE v JB Ltd*, Cambridge Crown Court

David represented the Health and Safety Executive in this prosecution of a grain processing company for two breaches of the HSWA which led to near fatal accidents.

*HSE v S*, St Albans Crown Court

David represented the Health and Safety Executive in this prosecution of a building company for breach of the Work at Height Regulations which led to a serious and life-changing accident.

*BIS v G*, Dover Magistrates' Court

David prosecuted this company director on behalf of the Department for Business Innovation and Skills for criminal failures connected to company administration.

## Appointments

- Crown Prosecution Service Panel
- Attorney-General's regulatory List
- Serious Fraud Office Prosecution List
- Serious Fraud Office Proceeds of Crime List

## Publications

- *Sentencing and Causation in Health and Safety Cases*, Webinar for Sweet and Maxwell.
- *Fraud, Law Practice and Procedure*, published by LexisNexis (Chapter Author and Editor)
- *Rook and Ward on Sexual Offences*, published by Sweet and Maxwell (Chapter Author – Expert Evidence)

## Career

2010	Tenancy at Red Lion Chambers
2008	Pupillage at Red Lion Chambers
2008	Called to the Bar, Middle Temple
2007	Major Scholar, Middle Temple
2007	LLM King's College London
2006	LLB University of Durham

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