

Ben Compton KC

Year of Call: 1979
Year of Silk: 2011
Direct Access: No

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Ben Compton KC is a specialist advocate in **health and safety** renowned for his extensive experience in civil and criminal courts, subsequent appeals at the Court of Appeal, and the Supreme Court, together with jury inquests throughout the UK.

He is recognised as one of the country's leading health & safety law barristers, ranked in Band 1 by Chambers & Partners, and in 2015 he was awarded the accolade of "Health & Safety Silk of the Year" at the Chambers & Partners Bar Awards. He is described by them as: "An outstanding silk. He explains client strategy effectively and he's always on top of the brief." "He's absolutely phenomenal – he's extremely good on his feet and really good tactically." "He's immensely experienced and has a fantastic manner with clients."

Ben is also ranked by Legal 500, described as "*a delight to work with and is an absolute star performer in court. Ben is engaged, strategic and willing to roll his sleeves up and think about tactics, which is greatly appreciated by clients. However it is in court where Ben's skill as an advocate really shines through. I have never seen anyone hold the attention of a courtroom like Ben Compton.*"

The vast majority of Ben's health and safety practice is spent representing corporate defendants and company directors and employees in complex workplace accidents, be they on land or at sea, which result in fatalities or serious injuries. His clients have included some of the country's leading, corporations, retailers, construction companies, care homes, leisure companies and public bodies.

He is currently instructed in a number of leading cases including the principal contractor in the Grenfell fire tragedy, the explosives contractors in the Didcot power station collapse, Universal studios in the latest Fast and Furious 9 film (serious stunt accident). Recent trials include acting for WH Malcolm in the ORR prosecution following the electrocution of a boy at the Daventry International Railway Freight terminal and for MCFT following the death of an electrician at hospital premises belonging to BMI Healthcare.

He has recently appeared in a number of high profile inquests: including acting for Beko PLC in the deaths of six members of the public from carbon monoxide poisoning from their Beko cookers. Also for Crossrail (MTR) following a suicide by a mother carrying her young child onto a railway line at Taplow.

He has also been retained by the controlling port company in relation to the 39 Vietnamese nationals who died in the back of a haulage lorry.

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He has over 15 years' experience sitting as a Recorder giving him a valuable insight and advantage in reading the likely judicial approach to be taken in any particular case.

Areas of Expertise

Health & Safety

Ben Compton KC was awarded the accolade of "Health & Safety Silk of the Year" in the 2015 Bar Awards (Chambers & Partners).

The majority of Ben's practice is defending corporate defendants and directors on the most serious criminal charges relating to fatalities or serious injury in the workplace. He has a vast experience in defending in corporate / gross negligence manslaughter prosecutions and also the most serious health and safety cases.

He has a particular knowledge of inquest work having been instructed in a number of high profile inquests such as Lakanal House and Lava Ignite. He also has appeared in a number of fire safety prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

Notable Health & Safety cases

R v WH Malcolm

Defending the company on health and safety charges, following the tragic death of a young trespasser who had climbed onto the roof of one of the company trains, parked in the sidings at the Daventry International Rail freight Depot and been electrocuted by the overhead lines.

R v FF9

Acting for Universal Studios in respect of a stunt accident during the filming of fast and Furious 9 (ongoing).

R v Matthew Gordon

Defending the owner of the runaway lorry charged with four counts of manslaughter, that killed four people in Bath and injured others when its brakes failed whilst travelling in a width restricted area. Convicted after a five week trial in front of Mr Justice Langstaff. A difficult and high profile case which required skilful tactics to attempt to reflect mitigation during the trial and to reduce sentence on conviction. Tactics which succeeded. (anticipated sentence 10-12 reduced to 7.5 years)

News story [here](#).

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R v John Green

A death by careless following the death of a cyclist at the interchange at Ludgate Circus with a large lorry. The case went to trial at the Old Bailey and turned on expert evidence as to lines of vision. Following conviction the defendant received a community service order.

News story [here](#).

In the inquests of the Branton, Smith and Cook families

Represented BEKO at an inquest into five deaths from carbon monoxide poisoning after using defective cookers. Ben successfully argued the case and whilst it was agreed there were "serious failings" the coroner returned a verdict of accidental death.

MCA v Port of London

Represented the Port of London on health and safety charges following the capsizing of the tug 'Chiefton' on the river Thames during a tow and the death of one of its crew. The trial lasted for 7 weeks before a high court judge and led to an acquittal.

R v Claire Gordon

Represented Claire Gordon, a project manager for window manufacturing company Drawn Metal Ltd, in her eight week trial for manslaughter by gross negligence and for breaches of section 7 HSWA 1974. She was acquitted of both charges. A set of window frames weighing in excess of 600kg had been delivered and left on the pavement on Hanover Street, by Hanover Square in central London, when they fell and tragically killed a pedestrian Amanda Telfer. The prosecution had alleged Claire Gordon had failed to take steps to ensure the frames were transported, secured and stored safely. The jury rejected the prosecution assertions against her in unanimous not guilty verdicts after three and a half days of deliberations.

R v Parker Hannifin

Mitigating in one of the first cases, post LASPO (new powers to impose unlimited fines in the magistrates court) to be dealt with at Lincoln Magistrates Court. Successfully persuading the Magistrate to deal with the case involving a fatality where the turnover of the company globally was in excess of a billion pounds. The end result was a reasonable fine (1m) for a high culpability case and limited press exposure.

R v Tarmac Ltd

An asbestos case on board a dredging ship where systematic failures to manage/risk assess asbestos over a long period of

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time were alleged. Again persuading the Magistrate at Southampton to deal with the case despite the size of the company. Fined 175K with very limited publicity.

R v South Lakes Safari Zoo Limited

Defending the zoo and David Gill, its sole director, in the tiger killing case involving a 24 year old zoo handler, Sarah McClay. Both company and director originally faced a 14 count indictment alleging widespread systemic failures in relation to the running of the tiger house. However, following successful negotiations, the prosecution agreed to drop all counts (seven in total) including four s.37 allegations against David Gill and the company pleaded on a prepared and limited basis to a section 2 and 3 offence under the Health and Safety at Work Act 1974. The section 2 offence concerned failings in the zoo's risk assessment to have a suitable and sufficient maintenance regime in respect of one of the internal tiger house doors which was open at the time of the attack. The section 3 offence likewise concerned the failure of the zoo's risk assessment to sufficiently address the risks of a big cat escaping from the internal area into the public domain.

Following lengthy mitigation, the case was finally concluded on Friday 9th June when Mr Justice Turner sentenced the zoo to a fine of £255,000 payable over 10 years. A recent press release is available [here](#).

R v Stephen Weaver

Acting for the operations manager in the Sterecycle manslaughter case in Sheffield following an explosion in an autoclave in Rotherham in 2012. Acquitted following a 4 week trial in front of Mr Justice Jay. Instructed by Shoosmiths.

R v Binnings

Gross negligence manslaughter prosecutions of father and son following fatality at farm. Both acquitted of manslaughter and the CPS ordered to pay £50,000 in costs towards the son's legal expenses. Instructed By BLM.

R v Warwickshire Council (representing the Warwickshire Fire Services)

Acting for the fire services in the corporate manslaughter trial in front of McDuff J following the deaths of four firemen at the Atherstone on Stour warehouse fire. Case successfully concluded by limited plea to s. 2 HSAWA74 on non-causative basis with a £30K fine.

R v Blackmoor Ltd

The death of the two workers in an air controlled apple store on the Blackmoor Estate in Hampshire. Successfully negotiated a non-causative plea. The co-defendant manager was convicted of gross negligence manslaughter.

R v Parry

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Successful defence of a man charged with gross negligence manslaughter following a trench collapse in Herefordshire. (This case went to trial).

R v Linley Developments Ltd

Corporate manslaughter prosecution following a wall collapse on a construction site. The company pleaded guilty and director/site manager pleaded to reduced charges. Fined £180,000.

R v Serco Ltd

Trial: Acting for Serco against allegations under the Merchant Shipping Act following the death of a deckhand on the Woolwich ferry. Acquitted of the most serious charge and fined £200,000 on second charge. The company had an annual turnover in excess of £2 billion.

R v Lewisham Houses Ltd

Plea acting for the company set up by Lewisham Council to run their housing stock – double fatality and breach of the RRO following very serious fire in a tower block – this resulted in a £40K fine.

R v Chagot [2008] UKHL 73

One of the most important cases in the last decade of health and safety law where the House of Lords adjudicated on what a prosecution had to prove as to the risk of injury before the reverse burden was triggered.

R v EGS Ltd [2009] EWCA Crim 1942

Further clarification given by the Court of Appeal on the 'Chagot' case following a successful submission of 'no case to answer' in a case involving the death of a small boy in some electric gates.

In the Inquest of Santosh Muthiah

Acting on behalf of Beko PLC in the four week inquest before the coroner of North London following a series of fatal fires in certain models of Beko fridge freezers. Following legal submissions the coroner rejected an unlawful killing verdict in favour of a narrative one. Instructed by Bates Wells & Braithwaite.

In the Matter of Lava Ignite Nightclub

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Inquest, acting for the manager of the club following the death of two girls crushed to death following tannoy announcements of the immediate departures of coaches, causing a stampede of clubbers to the exit.

In the Inquest of Captain Bedworth

Acting for British Airways at the Inquest following the death of one of its senior long haul pilots from a misdiagnosed pulmonary embolisms. The case raised important issues on long haul travel for both pilots and passengers.

In the Inquest of Gladys Jones

Acting for the Lewisham NHS in a complex two week inquest concerning the roles of the Trust, its PFI partner and subcontractors in a case involving repeated outbreaks of legionella in a hospital.

Inquest into the death of Doris Snook

Acting for European Health Group at both the inquest and the crown court sentencing hearing, following the death of an elderly patient suffering from dementia (scalded to death whilst being bathed by two nurses). Following the instruction of two burns experts, the defence was able to demonstrate to the Recorder of Guildford at the sentence hearing that both nurses had lied about their involvement and were highly culpable for the death. Systems were in place and the Judge in recognizing the steps taken by the company post accident to improve safety, passed a fine of 100,000 pounds under the new guidelines. Turnover 14 million.

In the Samuel Boon Inquest

Moroccan Youth trek that ended in the fatality of young student from heat exhaustion acting for the family of the deceased. Coroner highly critical of the company organising the trek. Instructed by Sonn Macmillan Walker.

Acting for neuro radiologist at Inquest stage following allegations of negligence in failing to identify false aneurysm in angiogram on four year old boy following collapse at home with substantial brain damage.

In the Matter of Vijay Harikshiva

Acting for young doctor at Inquest stage following insertion of female catheter into elderly male patient who subsequently died.

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In the Matter of Lucas Starchursky

Acting for consultant paediatrician in charge of nine month old boy with Sturge Webber disease who was administered with enormous overdoses of phenytoin leading to death.

In the Matter of Rita Edith Dare

Acting for junior doctor at Inquest stage – allegation that he had failed to spot NG tube in stomach resulting in death.

In the Matter of Carmel Shellar

Acting for Tesco's at Inquest following the incorrect prescribing of medication from a Tesco pharmacy, which led to death of patient.

Personal Injury

Ben has particular interest in equine cases and including catastrophic brain and spinal injury cases. He has been involved in numerous contested hearings, mainly for insurers in cases involving equine accidents and the Animals Act 1971.

Memberships

- [Health & Safety Lawyers Association](#)
- [Western Circuit](#)
- Recorder (2005)

Awards

- Health & Safety Silk of the Year (2015)
- Ranked by Legal 500 in Health & Safety
- Ranked by Chambers & Partners in Health & Safety (Band 1)

Recommendations

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