



Ben Compton QC

Year of call	Silk	Email
1979	2011	ben.comptonqc@outertemple.com

Ben Compton QC 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*, having been shortlisted in 2014. He is described as:

"A real star: hugely experienced and in a conference with clients he's absolutely compelling and can win them round at a stroke. He is really strategic and we're so pleased to have had him on the case and draw enormous comfort from having him in our corner." **Health & Safety, Chambers & Partners 2020.**

"A remarkably gifted advocate who is extremely knowledgeable and very strong on strategy." **Health & Safety, Chambers & Partners 2019.**

"One of the best jury advocates" and "without a doubt fantastic for corporate manslaughter cases." **Health & Safety, Chambers & Partners 2017.**

"His advocacy skills are superb and his preparation meticulous." **Health and Safety, Legal 500 2016.**

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.

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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 and Beko in the forthcoming inquest concerning the deaths of a number of individuals from carbon monoxide poisoning from their cookers. 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 and is also instructed on behalf of WH Malcolm in the ORR prosecution following an electrocution of a boy at the Daventry International Railway Freight Terminal.

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Health, Safety & Environment

Ben Compton QC was awarded the accolade of "*Health & Safety Silk of the Year*" in the 2015 Bar Awards (*Chambers & Partners*), having been shortlisted in the 2014 Bar Awards.

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.

Highlight examples of Ben's work in the Criminal and Coronial Courts are noted below:-

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

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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 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)

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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

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 Chargot [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 'Chargot' case following a successful

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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

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.

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Ben also has experience of defending commercial drivers, their companies and/or its Directors in Motoring accidents of the utmost severity and those of the highest profile. Such cases include:-

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](#).

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](#).

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Clinical Negligence

Ben has experience dealing with clinical negligence cases covering a range of areas, including: brain injury, laparoscopic surgery negligence, injuries at birth and loss of a chance.

Cases

Brocklesby v Royal United Hospital Bath NHS Trust

Claimant suffered severe brain damage as a result of being misdiagnosed as having lung cancer. Case settled.

Buttery v Dr Brittain

Petra Resolva v University College London Hospital – acting for Claimant following substandard appendicectomy with resultant infection. Case settled.

In the Matter of Dr Niven

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.

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

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

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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.

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Appointments & Memberships

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

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Awards

- Health & Safety Silk of the Year (2015)

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Recommendations



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Testimonials

“He explains client strategy effectively and he’s always on top of the brief. An outstanding silk.” **Health & Safety, Chambers & Partners 2021**

“He’s absolutely phenomenal – he’s extremely good on his feet and really good tactically.” **Health & Safety, Chambers & Partners 2021**

“He’s immensely experienced and has a fantastic manner with clients.” **Health & Safety, Chambers & Partners 2021**

“He makes advocacy look effortless. He is the consummate professional who has a very clear grasp of detail but never fails to appreciate the bigger picture when it comes to strategy. He is responsive and engaging with lay clients too and has the jury hanging on his every word.” **Health & Safety, Legal 500 2021**

“A heavyweight practitioner who is instructed in major disaster cases, representing company directors and corporate defendants. He has an enviable clientele of leading construction companies, retailers and corporations.” **Health & Safety, Chambers & Partners 2020**

“An outstanding silk.” **Health & Safety, Legal 500 2020**

“Reassuring and extremely client-friendly.” **Health & Safety, Chambers & Partners 2019**

“He is undeniably a safe pair of hands and extremely accomplished.” **Health & Safety, Legal 500 2019**

“He has an excellent manner with clients, is calm in difficult situations and manfully strives to ensure that he achieves the best results for clients.” **Health & Safety, Chambers & Partners 2018**

“He is very knowledgeable, very experienced and a crisp and clear advocate.” **Health & Safety, Chambers & Partners 2018**

“He has a way with the jury and builds instant rapport with clients.” **Health & Safety, Legal 500 2017**

“He is the genuine article. He is very, very polished, highly professional and an absolute pleasure to work with.” **Health & Safety, Chambers & Partners 2017**

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"He understands health & Safety and is an excellent advocate. When he addresses a judge he has real authority. Juries love him." **Health & Safety, Chambers & Partners 2016**

"He is someone that people listen to – including judges – and as a result is extremely persuasive in his arguments." **Health & Safety, Chambers & Partners 2016**

"Great with the lawyer, great with the judge, and great at cross-examination." "He's very good with clients, as he's keen to engage and be inclusive." **Health & Safety, Chambers & Partners 2015**

"A leading-quality silk who gives you complete assurance." **Health & Safety, Legal 500 2015**

"Very approachable, he offers sound advice and has a good client manner." "He is meticulous in his preparation and good with clients. He's also very good on his feet in front of a judge." **Health & Safety, Chambers & Partners 2014**

"One source described him as "a most beautiful courtroom performer, who is very laid-back but in a way that makes him very effective as an advocate. He is highly cerebral, which is why opponents have to be on their mettle with him." **Health & Safety, Chambers & Partners 2013**

"Hugely industrious and commands the respect and trust of clients immediately." **Health & Safety, Chambers & Partners 2012**

"Extremely professional and communicates well with clients." **Health & Safety, Legal 500 2011**

"A true health & Safety specialist, who is a highly thoughtful advocate with a good manner before juries." "Absolutely brilliant with clients, from directors down to the man who drives the truck." **Health & Safety, Chambers & Partners 2011**

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