



Simon Jackson QC

Qualification(s): LLB (Hons) University of Leeds
Year of Call: 1982
Inn: Gray's
Appointments: Queen's Counsel (2003)
Recorder (2004)

MAIN AREAS OF PRACTICE

- Crime
- Health & Safety
- Medico/Legal
- Inquests

AREAS OF PRACTICE

Crime:

Prosecution: All aspects of criminal law: murder, manslaughter, corporate killing, rape, fraud [VAT/Excise Duty] and other serious offences. Nominated by the Attorney General [for HM Revenue & Customs (see R v Berry [2010] CA below) and for the Health & Safety Executive, (see R v Pola [2009] CA below.)

Recently prosecuted a casual 'employer', who was employing migrant workers, on behalf of the HSE in respect of serious regulatory breaches on a construction site which led to an 'employee' sustaining catastrophic head injuries. This case was recently the subject of an appeal to the Court of Appeal, on the issue of who is an 'employer and/or employee', within the meaning of s53 of the Health & Safety at Work Act 1974. [See R v Pola below.] This case also raised the issue of the possible extension of the 'default' period of custody, in lieu, when an order for compensation is not complied with by the defendant.]

Prosecuted corporate manslaughter cases, involving, inter alia, construction (scaffolding and roofing) work and the operation of motor-cross track.

Experience of prosecutions based on complex scientific, medical and telecommunications evidence. Special interest in new methods of identification (ear-prints and facial mapping), the issue of the integrity/subjectivity of fingerprinting methodology and public interest immunity.

Prosecution of manslaughter case involving the allegation that a drug addict injected/assisted a fellow user, [following on from the ruling of the House of Lords in *R v Kennedy* [2007] UKHL 38]

Defence: In particular cases involving murder, manslaughter and serious sexual allegations. Recently instructed in behalf of a defendant charged with an 'honour' killing/murder.

Defending Regulatory/HSE prosecutions, in particular in relation to: construction/scaffolding/roofing/crane/plant hire fatalities, and on behalf of local authorities re: school/outdoor adventure activities and 'open water' fatalities).

Recently represented an employer (scaffolding company) where a young employee fell to his death from an underground 'bird cage' scaffold.

Currently instructed to advise in relation to a fatal industrial accident.

Acted on behalf of respondents in SIAC hearings.

Inquests

Specialising in cases particularly involving deaths in custody, in hospitals or involving organised 'adventure activities'. Has acted as a Legal Assessor and recently acted as "Counsel to the Inquest" in a death in custody case.

Simon Jackson has made formal submissions to an NGB and to the former Department of Education and Science (DfES) in respect of how to approach risk assessments in relation 'risk based' activities (motor cycling) and their governance.

Medico/Legal Work

Presentation of misconduct and deficient professional performance Fitness to Practice cases before the GMC.

RECENT IMPORTANT CASES

- *R v Hayward* [1999] Crim LR 71 (Conflict of Laws UK/EU re: Duty Evasion HMCE Prosecution)
- *R v Hull Coroner for East Riding of Yorkshire and Kingston-upon-Hull, ex parte Dawson & Others* [2001] ACD 365 (Death in Police Custody, Administrative Review)
- *R v Dallagher* [2002] EWCA Crim 1903 (Admissibility of Expert Evidence: Ear Prints)
- *R v Makin* [2004] EWCA Crim 1607 (PII/Prosecution's continuing duty of disclosure re: Prosecution Witnesses)
- *R v Shah Nawaz Pola* [2009] EWCA Crim 655 (CA) (Re: the definition of an 'employee' and 'employer' in the context of 'migrant workers', under s53 of the Health and Safety at Work Act 1974)
- *R v Sam Whitehead* [2009] CA (Unreported) (Re: the 'requirement' for an *R v Turnbull* direction where there is unchallenged identification evidence.)
- *R v Berry and Crisp* [2010] EWCA Crim 355 (CA) (Re: the issues of so called 'Double Recovery' and 'Abuse of Process' in the context of monies seized)

and forfeited monies by Customs in the Magistrates Court prior to Proceeds of Crime Act 2002 proceedings in the Crown Court.

- *R v Ian Bryan Stringer* [2011] EWCA Crim 1396 (Re secondary liability for murder and joint enterprise)

ADDITIONAL INFORMATION

Article on Health and Safety: Archbold News Issue 4: May 2010: Feature Article: 'Defining the terms 'employer/employee' under the Health and safety at Work Act 1974, relating to *R v Pola* [2009] CA, (see above)

Articles on Expert Evidence: (Ear prints and Lip-reading etc, and disclosure at inquests). Published in *Archbold News*, *New Law Journal* and *Solicitor Journal*.

Seminars on Safety Issues re: School Visits/Outdoor Trips

Member of the CBA, HSLA and PNBA.

Recommendations:

"Leader at the Bar; recommended in Clinical Negligence" Chambers 2000

"Leading Junior" Chambers 2001

"Recommended" Chambers 2003/4

"Is extremely effective in medical defence" Legal 500 2005

"Is extremely effective in cases with a complex technical element" Legal 500 (Crime 2007/08)

'...particular expertise in medically complex cases.' Legal 500 2010