

RICHARD MATTHEWS KC

Corporate criminal and regulatory specialist
King's Counsel

MAYFAIR PLACE CHAMBERS, ONE MAYFAIR PLACE, MAYFAIR, LONDON W1J 8AJ

+44 (0) 20 3205 7138 | RMKC@MAYFAIRPLACE.COM | MAYFAIRPLACE.COM

RICHARD MATTHEWS KC



Regulatory and Corporate Defence Specialist King's Council

Richard Matthews KC is ranked as the best health and safety Silk by the independent guides to the legal profession, *Chambers and Partners*, and the *Legal 500*. He is ranked as a leading Silk in Environment and in Inquests and Inquiries by both guides. Richard is widely regarded as the foremost regulatory and corporate defence King's Counsel in England and Wales.

His expertise spans the breadth of regulatory and business crime, especially health and safety enforcement, fire safety and environmental enforcement. His particular expertise encompasses gross negligence and corporate manslaughter.

He has considerable experience of representing corporations, directors and individuals facing a wide range of regulatory investigations and enforcement action, particularly [health and safety](#), [environmental](#) and [fire safety](#). In addition to prosecutions and trial representation, Richard's experience of these fields extends to actions for judicial review (of both the HSE and Environment Agency) concerning the exercise of powers and issuances of notices with consequent pursuit of claims for damages.

Richard Matthews KC has regularly advised and represented many leading UK and international corporations. He has appeared for interested parties, particularly corporations, in a great number of [jury inquests concerned with work related deaths](#) and Public Inquiries. He has advised in respect of many of the UK's most sensitive safety related issues over many years.

Richard's experience extends to prosecutions related to unlawful storage of pesticides, trade in 'parallel products', copyright protection and the proceeds of crime.

Richard was educated at Girton College, the University of Cambridge, and was called to the bar in 1989. He was appointed King's Counsel in 2010.

Year of call: 1989

Year appointed King's Counsel: 2010

Education: Girton College,
University of Cambridge

PRACTICE AREAS

Health & Safety

Gross Negligence Manslaughter
& Corporate Manslaughter

Inquests & Inquiries

Environmental Law

Corporate Governance, Financial
Regulation & Fraud

HEALTH & SAFETY

Richard Matthews KC has been instructed in a great number of health and safety cases, both for the prosecution and the defence. He has particular experience in cases involving:

- Gas and oil industries
- Construction industry fatalities
- Nuclear industries
- Asbestos exposure
- Traffic management
- NHS Trusts and the uniformed services
- Control of Major Hazards and the Construction (Design and Management) Regulations.

Richard is highly rated by the independent guides to the Bar: he is listed as a 'star rated' KC in Health and Safety by Chambers & Partners and in the highest tier of leading KC's in Health and Safety by the Legal 500:

"He is incredibly bright, unbeatable on the law, and an effortless courtroom advocate; equally effective with judges and juries. He is also a real team player with a relentless work ethic, and always has an eye on the the big picture strategy. When the stakes are at their highest, he is the man you want on your side."

— LEGAL 500

"A genuine expert in the health and safety world. Clients love him and he deploys a range of skills in court to get his points across."

— CHAMBERS & PARTNERS

Richard Matthews KC appeared in the leading House of Lords decision on health and safety, [R v Chargot \[2008\] UKHL 73](#), and was leading counsel in two joined appeals in the Court of Appeal that followed the Supreme Court decision in [Baker v Quantum Clothing Group Limited & Others \[2011\] UKSC 17 \[2011\] 1 WLR 1003](#). The resulting judgment, [R. v. Tangerine & Veolia \[2011\] EWCA Crim 2015, \(2012\) 176 J.P. 349](#), provided

a definitive authority on the approach to offences of breach of ss 2(1) & 3(1) of the Health and Safety at Work etc. Act 1974.

Richard has appeared in many of the leading Court of Appeal authorities concerned both with liability of employers and company directors. ([R. v. HTM \[2007\] 2 All ER 665](#); [R. v. P \[2008\] ICR 96](#)) and with sentence ([R. v. Pointon \(John\) and Sons Ltd \[2008\] EWCA Crim 513, \[2008\] 2 CrAppRep\(S\) 472](#), [R v. Transco Plc \[2006\] 2 Cr.App.R.\(S.\) 740](#), [R. v. Colthrop Board Mills \[2002\] 2Cr.App.R.\(S.\) 79](#)), including the leading authorities on the sentencing of major corporations decided by the Lord Chief Justice, [R. v. Sellafield \[2014\] EWCA Crim 49](#); [\[2014\] Env. L.R. 19](#); [\[2014\] L.L.R. 572](#). and group/subsidiary companies, [R. v. BUPA Care Homes \(BNH\) Ltd \[2019\] EWCA Crim 219 \[2020\] 1 Cr.App.R. \(S.\)](#)

Richard Matthews KC is co-author of the leading textbook on Health and Safety Enforcement ([Health and Safety: Law and Practice; Oxford University Press, 4th edition, January 2016](#)). He gave expert assistance to the Sentencing Council during the drafting of the [Definitive Sentencing Guideline for Health and Safety Offences](#). In October 2020, he was again given the Chambers Bar Award of Health and Safety Silk of the Year.

He has advised extensively on criminal liability arising under sections 2/3 [Health and Safety at Work etc. Act 1974](#). Richard has advised solicitors acting for directors investigated and charged in respect of personal responsibility for company health and safety failures (s.37) and senior managers investigated and charged with personal breaches of health and safety duties (s.7). He has conducted numerous trials concerning the same. He advises a number of major UK and international corporations on health and safety regulatory compliance. He has advised on and conducted numerous appeals against HSE and local authority prohibition/improvement notices and in relation to licensed activities subject to appeal to the Secretary of State. He acted for [Agchemaccess Ltd](#) in the successful judicial review challenge to enforcement notices served by the HSE under the plant protection product safety legislation.

Richard has regularly advised and represented many of the world's leading corporations in relation to health and safety:

“An impressive silk who has a wealth of experience in cases spanning the full breadth of regulatory and criminal health and safety issues. He has represented international corporations and individuals, as well as FTSE companies such as Siemens and Walkers, in investigations and prosecutions brought by the HSE.”

— CHAMBERS & PARTNERS

For more than 10 years, Richard was Standing Counsel to the HSE and the Office of Rail Regulation (now the Office of Rail and Road). During that time he advised the HSE and the Environment Agency in respect of the investigation into the Buncefield Oil Depot explosion and fire in December 2005, and prosecuted the case at trial. He also led the prosecution of Marks & Spencer Plc in a lengthy trial arising from risks of asbestos exposure to workers and the public during refurbishment work at the company’s store in Reading.

FIRE SAFETY ORDER

Richard has extensive experience in advising and representing public authorities, corporations, fire and rescue authorities and individuals in respect of the [Regulatory Reform \(Fire Safety\) Order 2005](#). Richard’s opinion on the provisions of the Order was submitted to the government and quoted in the [House of Lords debate](#) of what became the Fire Safety Act 2021.

Richard has:

- Advised on the issuance and appeal against enforcement notices;
- Advised responsible persons in relation to compliance;
- Conducted the prosecution of a landlord / responsible person of a HMO (House in Multiple Occupation) who was imprisoned for breaches of the Order following a fire in which a tenant received horrific injuries;
- Advised and represented a number of large UK retail and hotel chains in regard to alleged breaches of the Fire Safety Order;

- Represented the store manager of a major UK supermarket chain charged with personal responsibility for breaches of the Fire Safety Order;
- Advised and represented the London Borough of Southwark following the fatal fire at the Lakanal flats;
- Advised and represented [BUPA Care Homes \(ANS\) Ltd](#) in the proceedings brought under the Fire Safety Order following the death of a care home resident; and
- Advised extensively public authorities, housing and building contractors in regard to disputes regarding fire safety provisions in construction project contracts.

GROSS NEGLIGENCE MANSLAUGHTER AND CORPORATE MANSLAUGHTER

Richard Matthews KC advised the Home Office Legal Advisors on the drafting of the [Corporate Manslaughter and Homicide Act 2007](#) and is the author of the leading practitioner’s textbook on the Act, [Blackstone’s Guide to the Corporate Manslaughter and Corporate Homicide Act 2007 \(Oxford University Press\)](#).

Richard Matthews KC has particular experience in trials involving gross negligence and corporate manslaughter, having acted for the defence in a great number of such high profile cases. He has also advised and represented employers, corporations, company directors, local authorities, NHS trusts, hospitals, and individuals involved in gross negligence and corporate manslaughter offences, both at trials and at inquests.

For more than 10 years, Richard Matthews KC was Standing Counsel to the Health and Safety Executive (HSE), and during that time he advised both the HSE and the Crown Prosecution Service (CPS) in respect of many of the investigations into public disasters, incidents of multiple fatalities and serious safety breaches. Over many years, Richard advised the CPS and prosecuted a vast number of the most serious gross negligence manslaughter cases, particularly those involving the uniformed services.

INQUESTS & PUBLIC INQUIRIES

Richard Matthews KC has acted for interested parties at a large number of inquests, and has a particular specialism in representing corporations in inquests concerning work-related and fire-related deaths.

“An impressive silk who has a wealth of experience in cases spanning the full breadth of regulatory and criminal health and safety issues. He has represented international corporations and individuals, as well as FTSE companies... He is also noted for his representation of individuals at inquests arising from accidents at work.”

— CHAMBERS AND PARTNERS

Richard has also advised and acted for interested parties, including bereaved families, at inquests concerned with Article 2 of the ECHR and the right to life / state involvement in fatalities.

Richard represented the Whirlpool Corporation (the owner of the Hotpoint brand) at the public inquiry into the Grenfell Tower fire that killed 72 people. In 2013, Richard represented the London Borough of Southwark at the three-month [inquest into the six fatalities resulting from the fire at the Lakanal flats in July 2009](#).

He represented, together with Eleanor Sanderson, the Royal Berkshire Fire & Rescue Service at the [inquest](#) into the death of a psychiatric patient, with a history of setting fires, who died at a Reading hospital.

Richard represented Taunton Rugby Football Club (which had hosted a public fireworks display) at the [inquest into the seven M5 motorway fatalities in thick fog on 4th November 2011](#).

Richard represented the HSE's Chief Executive and the HSE at the second Francis Inquiry, examining the role of regulation and regulators. that culminated in the publication of the [Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry in February 2013](#).

Richard represented the Bexley Academy at the Inquest into the death of one of the school's students, Samuel Boon, on a World Challenge trip to Morocco.

Richard also represented the family of PC Timothy Payne at the inquest into his death which resulted in the review of custody procedures and bail in cases of identified suicide risk.

He has advised the HSE, the Office of Rail and Road (ORR) and the Crown Prosecution Service (CPS) in relation to many investigations into fatal incidents, including on decisions to prosecute, both prior to and post inquest.

ENVIRONMENTAL LAW

Richard Matthews KC has advised and acted for corporations in environmental cases concerned with the [Environmental Permitting Regulations 2016](#), [Environmental Protection Act 1990](#), the [Water Resources Act 1991](#), [The Food and Environment Protection Act 1985](#), groundwater / controlled waters pollution, waste management regulation, waste permits / licenses, the meaning of 'waste', Producer Responsibility Obligations and Transfrontier Shipment of Waste Regulations.

Richard provided expert assistance to the Sentencing Council prior to the consultation and publication of the [Definitive Guideline on Environmental Offences](#).

Richard has been listed as a leading KC in Environmental by the independent legal guides:

“Frighteningly intelligent with truly excellent forensic criminal acumen, he is the go-to barrister for serious or technical environmental matters.”

— LEGAL 500

“He is frequently instructed to act on the defendant side for major corporate clients in cases concerned with water pollution and waste management.”

— CHAMBERS & PARTNERS

He appeared for the appellant in the Court of Appeal before the Lord Chief Justice in the case of *Natural England v Day* [2014] EWCA Crim 2683, which concerned the sentencing of individuals for environmental offences and a challenge to the strict liability causation test in

environmental offending.

Richard also appeared for the appellants in the leading sentencing authority concerned with major corporations and breaches of the Environmental Permitting Regulations (R. v. Sellafield [2014] EWCA Crim 49; [2014] Env. L.R. 19; [2014] L.L.R. 572) and for the appellant in R. v. Frampton [2012] EWCA 2697, concerning depositing substances in UK waters without a licence.

He has conducted a challenge on behalf of a company by way of judicial review to the issuance of an enforcement notice by the Environment Agency suspending the operation of an environmental permit to store waste wood.

Richard has extensive experience and a deep understanding of the regulation by OFWAT and the Environment Agency of the water industry. He has advised and acted on many occasions for a number of the water companies, including [Thames Water](#), [Southern Water](#) and [Anglian Water](#).

Richard represented [Murfitts Industries Ltd](#) at Cambridge Crown Court in a prosecution brought two years after a devastating fire at the company's licensed tyre recycling facility in Littleport for an alleged breach of the [Environmental Protection Act 1990](#) relating to the keeping of controlled waste allegedly in a manner likely to cause pollution. After two days of argument and following rulings by the trial judge, the Environment Agency (EA) offered no evidence and the company was acquitted.

Richard acted for [Community Waste Limited and Atlantic Paper](#) in the Environment Agency prosecution brought in relation to exports of sorted waste paper in alleged breaches of Transfrontier Shipment of Water Regulations. Both companies were acquitted when no evidence was offered by the prosecution. This followed a defence statement challenge regarding Environment Agency sampling of alleged waste and the percentage contamination threshold.

Richard was instructed on behalf of the HSE and Environment Agency in the prosecution resulting from the investigation into the Buncefield oil terminal explosion and fire.

CORPORATE GOVERNANCE, FINANCIAL REGULATION & FRAUD

Richard Matthews KC spent five years as a non-executive director on the board of a major international asset management company. He has extensive understanding of corporate governance, regulatory compliance, and the needs and responsibilities of boards in relation to these areas.

Richard has great experience in advising corporations throughout the lengthy process of regulatory investigation, the proceedings at inquiries, inquests and trials, and has considerable experience in assisting non-UK based corporations through such challenging periods.

Richard has particular experience in advising corporations during long running police and health and safety investigations into some of the UK's most significant disasters. These have included incidents of great public concern and interest, those involving fatalities as well as sensitive areas engaging nuclear safety and state involvement and/or negligence.

“He is incredibly bright, unbeatable on the law, and an effortless courtroom advocate; equally effective with judges and juries. He is also a real team player with a relentless work ethic, and always has an eye on the the big picture strategy. When the stakes are at their highest, he is the man you want on your side.”

— CHAMBERS & PARTNERS

Richard has previously been commissioned to report to Government/state bodies regarding some of the most sensitive safety related issues and on regulatory and legal issues arising from matters of great public concern; he has similarly been commissioned to report for corporations and organisations concerning issues of corporate governance.

Richard Matthews KC is able to work collaboratively with experts, in-house and external lawyers among others as well as assisting in putting together, and leading, a specialist team, helping manage corporate risk and reputational harm, throughout the arduous process of 'legal crisis management'.

INSTRUCTING RICHARD MATTHEWS KC

Mayfair Place Chambers streamlines the process of instructing counsel, arranging conferences, scheduling hearings, and timely billing. It does so with the assistance of its Practice Manager, Sorcha Duncan, and through the use of state of the art software, provided by LawPage.

For initial enquiries as to counsel's expertise, availability and fees, please contact Sorcha Duncan at sorcha.duncan@lawpage.co.uk or at +44 (0) 203 205 7138. Once instructed, solicitors and those assisting them email counsel directly in order to provide papers and instructions, book conferences, and receive or provide notifications of hearings. Counsel's calendar is immediately updated on receipt of court listings, conference invitations and Teams meetings sent directly to their email address. At the point of instruction, solicitors are invited to provide dates or periods for their preferred billing schedule; additionally fee notes are provided within 24 hours of any request.

For further details and terms please see mayfairplace.com.

“He’s an outstanding and persuasive advocate”

— CHAMBERS & PARTNERS

“Richard is at the top of his game”

— CHAMBERS & PARTNERS

“Richard is a great advocate; he was impressive in front of a jury”

— CHAMBERS & PARTNERS