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# Keith Morton QC

## Head of Chambers

Year of Call: 1990  
 Year of Silk: 2011

### Practice Areas

- Health & Safety
- Inquests
- Inquiries
- Personal Injury
- Public Law

### Email:

[kmorton@tgchambers.com](mailto:kmorton@tgchambers.com)

### Awards



### Experience

Keith is recognised as a leading practitioner in the fields of health and safety law, inquests and inquiries. In October 2017 he was named Health and Safety Silk of the year at the Chambers and Partners UK Bar awards. His practice also encompasses administrative law and civil common law with a particular focus on personal injury.

Keith has appeared in many of the most high profile inquests and health and safety cases in recent years. He has represented some of the country's leading corporations and public bodies in health and safety related criminal proceedings, inquests and public inquiries. He represented and advised the Metropolitan Police in the Stockwell Shooting prosecution and Transport for London in the Inquests into the London Bombings of 7 July 2005. He represented the father of one of the SAS recruits who died from heat illness while training in the Brecon Beacons. He was junior counsel for the defence in R v Cotswold Geotechnical (Holdings) Ltd, the first prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007. In respect of his common law work Keith is accustomed to dealing with complex civil litigation for both claimants and defendants. He has extensive experience of public inquiries such as the Ladbroke Grove Rail Inquiry, the (first) Mid-Staffordshire NHS Foundation Trust Inquiry and the Grenfell Tower Inquiry.

### Directories

**Recommended in the top band of Chambers and Partners** in the fields of Inquests, Inquiries and Health and Safety.

**The 2019 edition** says that he is "A brilliant barrister who has a lovely manner with clients. He is very knowledgeable and very thoughtful" and "has good vision, a good eye for detail and experience of handling big cases".

**Earlier editions** say "He is extremely thorough, meticulous in

his preparation and tactically astute”, “A fantastic grasp of the law. He has a great jury manner and is a wonderful cross-examiner, which becomes immediately apparent” and “He is thorough, bright, intelligent and a pleasure to work with.” They have also reported that Keith is “Bright, hard-working, careful in court but capable of baring his teeth when necessary.” “He is incredibly user-friendly, has a knack with clients and an almost instinctive knowledge of what the judge or coroner is looking for”, “His attention to detail is phenomenal”, “He is very good with clients, as he is user-friendly. His advocacy is excellent and well judged, he knows which points to take and he has a good grasp of tactics”, “an absolutely fabulous advocate” and a “calm advocate who reflects wisely” and note that Keith is “a ferocious cross-examiner” who “is in demand and responsible for exploring acres of new grounds in case law”, “works tirelessly and ceaselessly” and that “he outshines just about any other” with a “solid grasp of the law” and “great attention to detail”.

**Recommended in Legal 500 top band** in the fields of both Health and Safety and Inquests and Inquiries. **The 2020 Edition** reports that Keith is “*Probably the best QC in the field ...*” and has “*First-class client skills, with meticulous attention to detail and focused on working with solicitors as part of an integrated legal team*”.

**Earlier editions** reported that Keith “*is one of the best cross-examiners of expert witnesses and is always polished*” and that “*He is undoubtedly one of the leaders in this area of law and a pleasure to work with*”. **The 2017 edition** said: “*An incisive cross-examiner and good tactician, who has the jury’s attention*” and “*He gets to the core of the issues quickly and with ease*”. **Earlier editions say:** “*He has a gravitas which inspires confidence in judges, juries and clients*”, “*Great with clients and good on his feet*”, and that Keith is “*direct, focused and decisive*” and “*has established an excellent reputation for his tremendous manner in court*”.

### **Appointments**

Assistant Coroner for Cambridgeshire and Peterborough

### **Education**

University of Hull, City University, Inns of Court School of Law

### **Memberships**

Health and Safety Lawyers Association, Administrative Law Bar Association, Personal Injuries Bar Association

## Cases

### **CROYDON TRAM INQUEST**

05/10/2021

Barristers involved: Keith Morton QC Fiona Canby

Fiona, led by Keith Morton QC, represented Transport for London at the inquests into the deaths of the seven people killed in the Croydon Tram crash at Sandilands on 9 November 2016. The inquests were held over 10 weeks.

The jury returned a unanimous conclusion of accidental death together with a narrative.

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### **R (HSE) v A Major Construction Company**

10.09.2021

Barristers involved: Keith Morton QC

Keith Morton, instructed by Madeleine Abas, Senior Partner of Osborn Abas Hunt, secured the acquittal of a major construction company following an 8 day trial before the District Judge (Magistrates' Court) at Derby Magistrates Court.

The case explored the relationship between concurrent duties on designers, principal contractors and contractors under the CDM Regulations, the significance of foreseeability in health and safety cases and the extent to which the prosecution may be permitted to broaden its case on exposure to risks in the course of the trial.

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### **Croydon Tram Inquest**

22.07.2021

Barristers involved: Keith Morton QC

Keith Morton QC, leading Fiona Canby, represented Transport for London at the inquests into the deaths of seven people killed in the Croydon Tram crash at Sandilands on 9 November 2016. The inquests were held over 10 weeks. The jury returned a unanimous conclusion of Accidental death together with a narrative.

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### **R (HSE) v X Construction Company Limited**

3 October 2019

Barristers involved: Keith Morton QC

Keith secures a reduction of almost quarter of a million pounds for a very large construction company following its guilty plea to a charge under section 2 of the Health and Safety at Work Act 1974.

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### **R (HSE) v Mick George Limited**

7 March 2019

Barristers involved: Keith Morton QC

Keith secures a substantial reduction in the fine imposed for breach of Regulation 25(3) of the Construction (Design and Management) Regulations 2015. Prosecution arose as a consequence of a tipper vehicle striking an overhead power line (OPL).

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### **Grenfell Tower Inquiry**

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2018 to date

Barristers involved: Keith Morton QC

Keith has been retained to advise some of those engaged in the Public Inquiry.

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## **Shoreham Air Disaster Inquest**

2015 to date

Barristers involved: Keith Morton QC

Keith is instructed by the Civil Aviation Authority in the ongoing Inquests in the deaths of 11 people on 22 August 2015 when a Hawker Hunter participating in the Shoreham Air Show crashed onto the A27

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## **Group Litigation Order arising out of alleged misfeasance in public office following the Hillsborough Stadium disaster**

14/03/2018

Barristers involved: Keith Morton QC Tim Sharpe Robert Riddell Elizabeth Gallagher

Keith Morton QC, Tim Sharpe, Robert Riddell and Elizabeth Gallagher are instructed by the Head of Legal Services at South Yorkshire Police in connection with the Group Litigation Order ("GLO") granted in November 2016.

The GLO issues include consideration of whether officers of South Yorkshire Police and/or of the West Midlands Police sought to deliberately conceal the true circumstances of the Hillsborough tragedy in order to deflect blame, liability or censure away from the police, and/or whether they sought to establish what is alleged to be a false narrative of events leading up to the tragedy, and whether those actions amounted to the tort of misfeasance in public office.

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## **R (HSE) V Tata Steel UK Limited**

**[2017] EWCA Crim 704**

07.06.2017

Barristers involved: Keith Morton QC Dominic Adamson QC

In what is believed to be the first successful appeal against sentence for a very large organisation sentenced for health and safety offences under the Definitive Guidelines, Keith Morton QC and Dominic Adamson secured a substantial reduction in a fine imposed on Tata Steel UK following its guilty plea to two health and safety offences.

The Court of Appeal has given guidance in relation to the approach judges should adopt when sentencing very large organisations under the Guidelines and when it is appropriate to take into account the resources of a linked organisation.

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## **R (OCS Group UK Limited) v Health and Safety Executive**

**2017 Administrative Court**

10/03/2017

Barristers involved: Keith Morton QC

Successful Judicial Review proceedings challenging the HSE's dispute process for challenging findings of contravention and fees issued under the Fee for Intervention (FFI) scheme and two specific notices.

The HSE settled the judicial review out of court shortly before the hearing. FFI was introduced in 2012 with the aim of passing the cost of health and safety regulation from the taxpayer to businesses that, in the opinion of an HSE inspector, are in "material breach" of safety legislation. The challenge was not to the principle of FFI but rather to the process for challenging notices of contravention and fees issued under the scheme. The challenge was on the basis that the exiting scheme lacked independence, fairness and transparency. The strength of the case was recognised by Kerr J who, when granting permission for judicial review,

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observed: "It is arguable that the HSE is, unlawfully, judge in its own cause when operating the FFI scheme; and that the scheme is either unlawful or being operated in an unlawful manner". The claim was settled by consent. The HSE agreed to introduce a revised process for determining disputes on or before 1 September 2017 which addresses these concerns, to withdraw the two specific notices and to pay OCS's costs.

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## **R v BAM Construction Limited**

(January 2017)

Barristers involved: Keith Morton QC

Keith represented BAM Construction Limited at a month long trial in which the Company was accused of failing to comply with its duties under Section 3 of the Health and Safety at Work Act 1974 and Regulation 22 of the Construction (Design and Management) Regulations 2007.

The prosecution arose out of a serious accident in August 2014 at the Leisure Plaza construction site in Milton Keynes. BAM was the principal contractor. Large panes of glass each weighing in excess of 200kg fell while being manually handled resulting in serious injury to one of the men attempting to move them. The judge withdrew the section 3 charge from the jury. The jury acquitted BAM of the Regulation 22 charge. The judge then directed a not guilty verdict on the Section 3 charge. The co-defendant, one of BAM's contractors, was convicted of an offence under the CDM Regulations.

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## **Vauxhall Helicopter Crash Inquest**

November 2015

Barristers involved: Keith Morton QC

Keith Morton QC acted for the Civil Aviation Authority at the Inquest into this high profile case in which a helicopter collided with a crane on top of St Georges Wharf Tower, then under construction in Vauxhall. The collision resulted in the death of the pilot and a pedestrian, a large number of injuries and significant damage to property.

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## **R v Dynamiq Cleaning Limited**

**Central Criminal Court**

August 2015

Barristers involved: Keith Morton QC

Company prosecuted for failing to ensure the safety at work of its employees following an accident at Edgware Bus Depot in which a cleaner suffered serious injury. The company was acquitted following a two week trial

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## **Inquests into the deaths of James Dunsby, Craig Roberts and Edward Maher**

July 2015

Barristers involved: Keith Morton QC

Keith Morton QC represented the father of one of three SAS reserve recruits who died from heat illness in the course of specialist military training on the Brecon Beacons. The Coroner concluded that their deaths were attributable to systemic failures and neglect

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## **Re Tiya Chauhan**

07/07/2015

Barristers involved: Keith Morton QC Charles Curtis Tim Sharpe

This inquest arose out of the death of a 22 month old girl who was attending a nursery school. As part of an activity session, cubes

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of jelly were made available in a sensory tray. Tiya choked on a cube of jelly taken from this tray. The jury considered that the death was contributed to by neglect. Keith Morton QC represented the company operating the nursery, Tim Sharpe represented a senior manager of the company and Charles Curtis acted for the London Borough of Merton.

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## **Cox v Ministry of Justice**

**[2014] QB 107**

February 2014

Barristers involved: Keith Morton QC

Leading decision of the Court of Appeal considering the reach of vicariously liability of the Ministry of Justice for the negligent act of a prisoner resulting in injury to a prison officer

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## **R v Austin & McLean Limited and Esso Plc**

December 2013

Barristers involved: Keith Morton QC

Keith represented Austin & McLean in a prosecution following the death of a sailor on board ship at Esso's Fawley Refinery. He was killed when the jib of a crane collapsed onto the ship's deck. Austin & McLean were charged with corporate manslaughter. However, after initiating a dismissal application of that charge the case was resolved by a plea to a lesser offence under the Health and Safety at Work Act

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## **Monk v Cann Hall Primary School and Essex County Council**

**[2013] EWCA Civ 826**

July 2013

Barristers involved: Keith Morton QC James Laughland

Court of Appeal decision on relationship between damages for unfair dismissal and common law damages for negligence causing person injury in the context of a dismissal. The Court of Appeal held that the Judge had been wrong to strike out the claimant's case

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## **R v Merlin Attractions Plc**

**[2012] EWCA Crim 2670**

August 2012

Barristers involved: Keith Morton QC

The then leading case on sentencing large corporations following conviction for a health and safety offence resulting in death

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## **University of Southampton v Mohtasham**

**[2012] EWHC 1630 QB**

July 2012 and April 2013

Barristers involved: Keith Morton QC

The Court granted the University a wide ranging permanent injunction against the Defendant restraining her from harassing employees and research students of the University by her repeated and unfounded allegations including allegations of plagiarism. The Court of Appeal rejected the Defendant's attempts to overturn the injunction on appeal

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## **R v BAM Construction Limited**

May 2012

Barristers involved: Keith Morton QC

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Defendant was the principal contractor on a large building project at the University of Bath. An employee of one of its sub-contractors was killed when temporary works which he was working under collapsed. BAM was acquitted of all charges following a 5 week trial.

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## **Macintyre v Ministry of Defence**

**[2012] EWHC 1690 QB**

May 2011

Barristers involved: Keith Morton QC

The Ministry of Defence succeeded in its defence to this claim arising out of serious injury sustained by an officer in the course of a mountain climbing accident during adventure training in the Alps

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## **R v Dalkia Utilities Services Limited**

January 2011

Barristers involved: Keith Morton QC

Prosecution arising from the death of a workman exposed to carbon dioxide in the course of his employment. The case was discontinued following Keith's cross-examination of the Prosecution's expert.

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## **Inquests into the London Bombings of 7 July 2005**

11.10.2010 - 11.03.2011

Barristers involved: Keith Morton QC Fiona Canby

Acted on behalf of Transport for London. Inner West London Coroners Court – Hallett LJ. Instructed by TfL Legal.

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## **Mid-Staffordshire NHS Foundation Trust Inquiry**

2010

Barristers involved: Keith Morton QC

Keith was Counsel to the (first) Inquiry presided over by Sir Robert Francis QC into allegations of very poor provision of care and treatment by the Trust

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## **Publications**

### **TGC Inquests and Inquiries Newsletter**

18/03/2021

Authors: Keith Morton QC Andrew O'Connor QC Nicholas Moss QC Fiona Canby David R. White Emily Wilsdon Ellen Robertson Scarlett Milligan Harriet Wakeman Olivia Rosenstrom

Welcome to the inaugural edition of the TGC Inquests and Inquiries newsletter, a twice-yearly publication containing articles on recent key legal developments in these fields, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

You can view the publication at [https://tgchambers.com/wp-content/uploads/2021/03/TGC066\\_Inquests\\_Newsletter.pdf](https://tgchambers.com/wp-content/uploads/2021/03/TGC066_Inquests_Newsletter.pdf)

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### **The Legal diary**

20/08/2020

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Authors: Keith Morton QC

Keith Morton QC writes the Legal Highlight of the Week in today's Edition of Edward Fennell's Legal Diary.

You can view the publication at <https://edwardfennelllegaleventsdiary450111829.wordpress.com/>

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## **TGC Podcast Covid - 19: RIDDOR Reporting and Causation in a Criminal and Civil Context**

10/07/2020

Authors: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

Members of the Health & Safety and PI teams at Temple Garden Chambers have recorded their second podcast in our Covid - 19 series. The podcast is essential listening on the implications for employers and employees in relation to the return to the workplace in the shadow of Covid 19. Please join ranked leaders in the field Keith Morton QC and Dominic Adamson QC along with Lionel Stride, David R White and James Yapp via the below link. The date of knowledge information as mentioned within the podcast can be obtained [here](#).

You can view the publication at <https://anchor.fm/tgc3>

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## **How to manage risk during a pandemic**

09/06/2020

Authors: Keith Morton QC

With the end to lockdown in sight, operators must now form a viable plan for health and safety. Keith Morton explains the key points The Caterer 5 June 2020.

You can view the publication at

<http://tgchambers.com/wp-content/uploads/2020/06/Temple-Garden-Chambers-The-Caterer-5-June-2020.pdf>

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## **TGC Podcast: Avoiding Criminal Enforcement Action & Civil Claims in the Shadow of Covid-19**

26/05/2020

Authors: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

Members of the Health & Safety team at Temple Garden Chambers intend to inform and assist in a topical podcast on the implications to employers on workers returning to the workplace in the shadow of Covid 19. Please join ranked leaders in the field Keith Morton QC, Dominic Adamson QC along with Lionel Stride, David White and James Yapp via the link below. More information on the speakers and the areas in which TGC can assist can be found at: [www.tgchambers.com](http://www.tgchambers.com) Or by contacting the clerks: 0207 583 1315 or [clerks@tgchambers.com](mailto:clerks@tgchambers.com)

You can view the publication at

<https://anchor.fm/tgc3/episodes/AVOIDING-CRIMINAL-ENFORCEMENT-ACTION--CIVIL-CLAIMS-IN-THE-SHADOW-OF-COVID-19-eeggih>

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## **TGC Fraud Newsletter Issue X - October 2019**

23/10/2019

Authors: James Laughland Lionel Stride Anthony Johnson James Henry Ellen Robertson Elizabeth Gallagher Harriet Wakeman Keith Morton QC

Issue X of the TGC Fraud Newsletter, a publication we have set up with the stated aim of facilitating the sharing of information about decided claims involving issues of road traffic fraud and related matters, can be found at the link below.

You can view the publication on our website <http://tgchambers.com>

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## **News**

### **Keith Morton QC Elected a Bencher of Lincoln's Inn**

16/12/2021

Barristers involved: Keith Morton QC

Temple Garden Chambers is delighted to announce that [Keith Morton QC](#) has been elected a Bencher of Lincoln's Inn

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### **TGC Inquest & Inquiries Newsletter - Second Issue, November 2021**

24/11/2021

Barristers involved: Nicholas Moss QC Harriet Wakeman Andrew Prynne QC Keith Morton QC Andrew O'Connor QC Fiona Canby

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William Irwin Emily Wilsdon Piers Taylor Richard Boyle

In this edition, we provide updates relating to Law Sheet No.1 (which has been updated in light of Maughan), the Coroner's Court competencies and toolkit, and the new Guidance Note 41 concerning Pen Portrait Material. Also on the subject of Maughan, Andrew Prynne QC provides an alternative and forthright perspective in response to Nick Moss QC and Scarlett Milligan's article in the previous edition. Emily Wilsdon explores the case of Dove v HM Coroner for Teesside and Hartlepool [2021] EWHC 1738 (Admin) and William Irwin considers R. (on the application of Morahan) v Assistant Coroner for West London [2021] EWHC 1603(Admin). In the inquiries sphere, Andrew O'Connor QC and Piers Taylor provide an insight into Rule 9 Requests. In terms of recent noteworthy cases that our members have been involved in: Keith Morton QC and Fiona Canby provide an insight into the Croydon Tram Inquests and Richard Boyle reflects on the Fishmongers' Hall Inquests.

We hope that this edition will be a useful resource for you.

Nicholas Moss QC and Harriet Wakeman  
Joint Editors.

You can view the publication on our website <http://tgchambers.com>

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## **Keith Morton QC secures acquittal of major construction company charged under Construction (Design and Management) Regulations 2015**

13/09/2021

Barristers involved: Keith Morton QC

Two co-defendants pleaded guilty at an earlier hearing and will be sentenced in due course.

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## **Croydon Tram Inquest**

22/07/2021

Barristers involved: Keith Morton QC Fiona Canby

Keith Morton QC and Fiona Canby were instructed on behalf of Transport for London

You can view the publication at <https://www.bbc.co.uk/news/uk-england-london-57721493>

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## **Sandilands Inquests**

17/05/2021

Barristers involved: Keith Morton QC Fiona Canby

Seven people died when a tram overturned in Croydon on 9 November 2016. The Inquests are estimated to take up to 13 weeks.

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## **TGC Inquests & Inquiries Newsletter**

16/03/2021

Barristers involved: Keith Morton QC Andrew O'Connor QC Nicholas Moss QC Fiona Canby David R. White Emily Wilsdon Ellen Robertson Scarlett Milligan Harriet Wakeman Olivia Rosenstrom

This will be a twice-yearly publication containing articles on recent key legal developments in these fields, as well as a selection of recent noteworthy cases in which Members of Chambers have been involved.

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## **Keith Morton QC Appointed as Assistant Coroner**

27/01/2021

Barristers involved: Keith Morton QC

The post is a part-time appointment and Keith will maintain his full practice in Chambers including in inquests and inquiries.

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## Covid-19 is Now a Foreseeable Risk: Duty Holders On Notice

05/11/2020

Barristers involved: Keith Morton QC

The reputational and financial consequences for failing to comply can be immense.

Please see full article at p18-19 on the following link:

<https://pagesuite.britsafe.org/html5/reader/production/default.aspx?pubname=&pubid=8efce296-88ee-4e6b-9be5-19fb02baf069>

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## Employers shouldn't be treated as criminals

03/09/2020

Barristers involved: Keith Morton QC

Workplace guidelines for coronavirus are born from bad government guidance. The law shouldn't punish businesses for trying to follow it. Read [Keith Morton QC's](#) article in today's issue of The Times.

You can view the publication at <https://www.thetimes.co.uk/article/employers-shouldnt-be-treated-as-criminals-0s798f958>

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## The Legal Diary

20/08/2020

Barristers involved: Keith Morton QC

[Keith Morton QC](#) writes the Legal Highlight of the Week in today's Edition of Edward Fennell's Legal Diary.

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## TGC Podcast Covid - 19: RIDDOR Reporting and Causation in a Criminal and Civil Context

10/07/2020

Barristers involved: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

The podcast is essential listening on the implications for employers and employees in relation to the return to the workplace in the shadow of Covid 19.

Please join ranked leaders in the field Keith Morton QC and Dominic Adamson QC along with Lionel Stride, David R White and James Yapp via the below link.

The date of knowledge information as mentioned within the podcast can be obtained [here](#).

You can view the publication at <https://anchor.fm/tgc3>

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## Spotlight on health and safety as many restaurants, cafes and pubs reopen on 4th July

26/06/2020

Barristers involved: Keith Morton QC

Business owners may still be concerned that they get their health and safety obligations absolutely right to protect employees and customers. [Keith Morton QC](#) comments in today's issue of This is Money about the grey area that remains around how firms should manage health and safety effectively and legally in their workplace.

You can view the publication at

<https://www.thisismoney.co.uk/money/smallbusiness/article-8336919/Restaurant-cafe-owners-tell-reopen-4-July.html>

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## How to manage risk during a pandemic

09/06/2020

Barristers involved: Keith Morton QC

With the end to lockdown in sight, operators must now form a viable plan for health and Safety. [Keith Morton](#) explains the key points in the 5 June issue of The Caterer.

You can view the publication at

<http://tgchambers.com/wp-content/uploads/2020/06/Temple-Garden-Chambers-The-Caterer-5-June-2020.pdf>

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## TGC Podcast: Avoiding Criminal Enforcement Action & Civil Claims in the Shadow of Covid-19

26/05/2020

Barristers involved: Keith Morton QC Dominic Adamson QC Lionel Stride David R. White James Yapp

Please join ranked leaders in the field Keith Morton QC, Dominic Adamson QC along with Lionel Stride, David White and James Yapp via the link below.

More information on the speakers and the areas in which TGC can assist can be found at:

[www.tgchambers.com](http://www.tgchambers.com)

Or by contacting the clerks:

0207 583 1315 or [clerks@tgchambers.com](mailto:clerks@tgchambers.com)

You can view the publication at

<https://anchor.fm/tgc3/episodes/AVOIDING-CRIMINAL-ENFORCEMENT-ACTION--CIVIL-CLAIMS-IN-THE-SHADOW-OF-COVID-19-eeggih>

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## Tomorrow's Health & Safety - The New Reality

20/05/2020

Barristers involved: Keith Morton QC

In this month's edition of Tomorrow's Health & Safety [Keith Morton QC](#) looks at the legislation dutyholders must abide by in the shadow of COVID-19. The article can be viewed [here](#).

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## TGC attends Reception at Clarence House in acknowledgment of fundraising for Royal Trinity Hospice

23/01/2020

Barristers involved: Keith Morton QC

Royal Trinity Hospice provides amazing palliative care for patients and much needed support for their families. Royal Trinity Hospice has recently been Temple Garden Chambers' nominated charity. The staff and members of Chambers have organised and been involved in numerous fundraising activities for the benefit of the Hospice and raised almost £50,000. Thank you to everyone who has helped make this possible. Please visit the Royal Trinity Hospice website to see the extraordinary work that they do and get involved or donate [here](#).

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## Appeal Success: Fine Substantially Reduced

08/10/2019

Barristers involved: Keith Morton QC

The Crown Court accepted that the District Judge had fallen into error in her application of the Sentencing Guidelines for Health and Safety Offences and reduced the fine by a little under a quarter of a million pounds.

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## Success for TGC at the 2017 Chambers UK Bar Awards

30/10/2017

Barristers involved: Keith Morton QC

The Chambers UK Bar Awards ceremony was held on 26 October at The London Hilton. Further details are available from the link below.

Congratulations to Keith on this well-deserved achievement.

You can view the publication at <https://www.chambersandpartners.com/chambers-uk-bar-awards-2017>

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## Keith Morton QC shortlisted as Health & Safety silk of the Year

30/08/2017

Barristers involved: Keith Morton QC

TGC are delighted to announce that Keith Morton QC has been shortlisted for the Silk of the Year award for Health & Safety at the forthcoming 2017 Chambers UK Bar Awards to be held at The London Hilton on Park Lane on Thursday, 26th October 2017.

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## Court of Appeal success

09/06/2017

Barristers involved: Keith Morton QC Dominic Adamson QC

In what is believed to be the first successful appeal against sentence for a very large organisation sentenced for health and safety offences under the Definitive Guidelines, Keith Morton QC and Dominic Adamson (instructed by Damon Burt of Plexus) secured a substantial reduction in a fine imposed on Tata Steel UK following its guilty plea to two health and safety offences. The Court of Appeal has given guidance in relation to the approach judges should adopt when sentencing very large organisations under the Guidelines and when it is appropriate to take into account the resources of a linked organisation.

Please click on link below for Judgment of the Court of Appeal.

You can view the publication at

[http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Crim/2017/704.html&query=\(tata\)+AND+\(steel\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Crim/2017/704.html&query=(tata)+AND+(steel))

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## TGC Health and Safety Conference 2017

25/04/2017

Barristers involved: Keith Morton QC Dominic Adamson QC Fiona Canby Charles Curtis

The aim of the seminar is to bring together solicitors, in-house lawyers, insurers, directors and senior managers concerned with health and safety to inform and excite debate on a variety of topical issues in Health & Safety law.

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## Inquest concludes that British Airways pilot died as a result of an overdose of Pentobarbital

19/04/2017

Barristers involved: Keith Morton QC

In the course of the investigation into Mr Westgate's death it had been suggested he died as a result of exposure to organophosphates in the course of his work as a pilot. Following detailed consideration of the expert medical evidence Dr Simon Fox QC, the Assistant Coroner, ruled that there was no evidential foundation for that suggestion. The Inquest concluded on 13 April 2017 with a finding that Mr Westgate died as a result of an overdose of Pentobarbital. The Coroner's conclusion was Accidental Death.

You can view the publication at <http://www.itv.com/news/2017-04-13/richard-westgate-british-airways-pilot-inquest/>

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## **Keith Morton QC succeeds in challenge to Health and Safety Executive's Fee for Intervention dispute process**

10/03/2017

Barristers involved: Keith Morton QC

FFI was introduced in 2012 with the aim of passing the cost of health and safety regulation from the taxpayer to businesses that, in the opinion of an HSE inspector, are in "material breach" of safety legislation. The challenge was not to the principle of FFI but rather to the process for challenging notices of contravention and fees issued under the scheme. The challenge was on the basis that the exiting scheme lacked independence, fairness and transparency. The HSE effectively acted as prosecution, judge and jury in its own cause. The strength of the case was recognised by Kerr J who, when granting permission for judicial review observed: "It is arguable that the HSE is, unlawfully, judge in its own cause when operating the FFI scheme; and that the scheme is either unlawful or being operated in an unlawful manner"

The claim was settled by consent. In the consent order approved by the Court on 23 February 2017, HSE has agreed to introduce a revised process for determining disputes on or before 1 September 2017 which addresses these concerns. The schedule to the consent order sets out the detail of the revised process which HSE will now consult stakeholders upon. As part of the settlement HSE has also agreed to withdraw the original FFI notification of contravention that led to the judicial review and to pay OCS's costs.

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## **Keith Morton QC secures acquittal of BAM Construction Limited**

11/01/2017

Barristers involved: Keith Morton QC

The prosecution arose out of a serious accident at the Milton Keynes Leisure Plaza construction site in August 2014. Following a month long trial the jury acquitted BAM Construction Limited. The judge, who had earlier withdrawn the second charge from the jury, directed a not guilty verdict on that count. The jury found the co-defendant guilty. They will be sentenced on 18 January 2017.

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## **Divisional Court gives definitive ruling on Air Accident Investigation Branch disclosure regime**

10/10/2016

Barristers involved: Keith Morton QC

Cockpit voice and data recorders form part of the material subject to a special disclosure regime which originates in the Chicago Convention. The decision is of significance for all of the Accident Investigation Branches (Air, Marine and Rail) who are subject to comparable disclosure regimes.

The definitive judgment of Lord Thomas LCJ and Singh J is reported at R (Secretary of State for Transport) v The Senior Coroner for Norfolk [2016] EWHC 2279 (Admin)

You can view the publication at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/2279.html>

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## **HSE's Fee for Intervention Appeals process to be judicially reviewed**

10/10/2016

Barristers involved: Keith Morton QC

Permission has been granted by Mr Justice Kerr to judicially review the HSE's FFI appeals scheme. When granting permission Mr Justice Kerr observed that "It is arguable that the HSE is, unlawfully, judge in its own cause when operating the FFI scheme; and that the scheme is either unlawful or being operated in an unlawful manner."

The judicial review hearing is yet to be fixed but is expected to take place in the early part of 2017. The Health and Safety at Work Magazines has published an article on the challenge which can be found at the link below.

You can view the publication at <https://www.healthandsafetyatwork.com/hse/ffi-disputes-judicial-review>

## **New Head of Chambers for Temple Garden Chambers**

01/06/2016

Barristers involved: Keith Morton QC Robin Tam QC

Temple Garden Chambers very much looks forward to continued growth and success under his leadership.

The members of Temple Garden Chambers express their sincere gratitude to Robin Tam QC for his leadership over the last four years. Robin Tam QC remains in full time practice.

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## **Vauxhall Helicopter Crash Inquest**

11/12/2015

Barristers involved: Keith Morton QC Fiona Canby

A jury has today found that the deaths of two men following a helicopter crash in Vauxhall were accidental and that the pilot's decision to fly was neither safe nor appropriate. The helicopter was flying to the east of London Heliport when it struck the jib of a crane, attached to a building development at St George Wharf. The pilot and a pedestrian were killed when the helicopter impacted a building and adjacent roadway. The jury found that poor visibility confused the pilot. The inquest heard evidence from over 30 witnesses. Keith Morton QC acted on behalf of the Civil Aviation Authority and Fiona Canby acted on behalf of the Air Accidents Investigation Branch.

You can view the publication at <http://www.bbc.co.uk/news/uk-england-london-35073689>

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