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## Fiona Canby

Year of Call: 2001

### Practice Areas

- Health & Safety
- Inquests
- Inquiries
- Personal Injury

### Public Access

Undertakes Public Access work

### Email:

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### LinkedIn:

<https://uk.linkedin.com/pub/fiona-canby/51/606/231>

### Awards

### Experience

Fiona is a leading junior for health and safety and inquests and inquiries. She was shortlisted for Chambers and Partners' Health and Safety Junior of the Year 2019. She has been recommended in the legal directories for health and safety since 2007. She is also recommended for her work in inquests and inquiries. Her current health and safety cases include advising a company following the Grenfell fire and an individual following the Didcot Power Station collapse. This year she has also appeared in the inquests following the terror attacks at London Bridge and Borough Market and Westminster Bridge. She has 18 years of experience at the Bar.

### Health & Safety

Fiona acts exclusively for Defendants in criminal proceedings. She is currently instructed in relation to a number of ongoing investigations including those following the Grenfell fire and the Didcot Power Station collapse. She acts for all types of employer from very large organisations to micro companies. She also acts for individuals. She has particular knowledge of the transport industry (aviation; rail; surface transport and underground); construction (including Building Regulations; CDM; lifting operations and work at heights); retail (including manual handling and layout of car parks); leisure (including swimming pools and playground equipment); manufacturing; glass and glazing; agriculture; packing; care homes; carbon monoxide; fire safety; legionella and COSHH. Her previous



cases include R v Balfour Beatty Rail Infrastructure Services Ltd [2006] EWCA Crim 1586 where there was a reduction in the fine imposed for the section 3 breach following the Hatfield rail disaster.

### **Inquests**

Fiona has been involved in many of the most high profile inquests. She is frequently instructed to appear in inquests arising out of workplace accidents, aviation accidents, military deaths, prison/custody/detention deaths, suicides, hospital deaths and road traffic accidents. She is well versed in Article 2 considerations. Her clients are varied and have included some of the country's best known construction companies, transport authorities and large public bodies. She is sensitive to an organisation's reputational concerns.

### **Personal Injury**

Fiona also acts for Claimants and Defendants in most aspects of personal injury. She has particular expertise in fatal accident claims and associated Article 2 claims.

From 2013 to 2018 she was appointed to the Attorney General's Junior Counsel to the Crown B Panel. As a result she represented many government departments in inquests including: AAIB, MOD and MOJ.

### **Directories**

"Fantastic with clients, and a robust advocate who is technically very good too." "She is very good at the detail, is able to bring in experience from other cases, and is knowledgeable about a wide range of regulatory issues." *Leading Junior for Health and Safety, Chambers and Partners 2020*

"I have always been super impressed by her. She's very easy to get on with, and a good advocate with a clear, persuasive, attractive manner." "She brings a good tactical approach to inquests where there's a prosecution possibility, knowing when to ask questions and make submissions and when not to." "She's responsive, hard-working, user-friendly and diligent and has a good 360-degree approach to things." *Leading Junior for Inquests and Public Inquiries, Chambers and Partners 2020*

"She uses her excellent knowledge of the law to great effect." *Leading Junior for Health and Safety, Legal 500 2020*

"A go-to for coroner's investigations who is technically very good and firm when the need arises." *Leading Junior for*

*Inquests and Inquiries, Legal 500 2020*

*"A real asset in any case." Leading Junior for Health and Safety, Legal 500 2019*

### **Education**

Manchester University 1996 - 1999  
First Class Hons Degree in Law

### **Memberships**

HSLA  
PIBA

## **Cases**

### **Westminster Bridge Inquests**

30/10/2018

Barristers involved: Fiona Canby

Acted for TfL in the Inquests arising from the deaths in the Westminster terror attack of 22 March 2017. Consideration of issues relating to protective security measures and crowded places guidance. Instructed by TfL Legal. Before the Chief Coroner, sitting at the Central Criminal Court. September to October 2018.

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### **INQUEST INTO THE DEATH OF BERNARD OVU**

November 2017

Barristers involved: Fiona Canby

Acted for TfL in this inquest into the death of a man who had fallen down emergency exit stairs at Canning Town station. Consideration of issues relating to lone working staff and action to be taken when trespassers access non-public areas, beyond emergency gates. Instructed by TfL Legal. Walthamstow Coroner's Court. November 2017.

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### **INQUEST INTO THE DEATH OF SARAH REED**

July 2017

Barristers involved: Fiona Canby

Acted for the MOJ in this 12-day inquest into the death of Sarah Reed at HMP Holloway. Consideration of issues relating to obtaining fitness to plead reports, ACCT reviews and observations, CPA meetings and the cancellation of prison visits. Instructed by GLD. Before HH Sir Peter Thornton QC, City of London Coroner's Court. July 2017.

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### **Inquest into the death of Gladys Jones**

July 2016

Barristers involved: Fiona Canby

Acting for the facilities managers in this 10-day inquest into a death at a hospital. Consideration of issues relating to the management of legionella and responsibilities of different organisations on site. In-depth questioning of the legionella expert instructed by the Coroner. Southwark Coroner's Court. July 2016. Instructed by OAH.

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## **Inquest into the death of Krzysztof Woskowiak**

June 2016

Barristers involved: Fiona Canby

Instructed by the MOJ in this 4-day inquest into a death at HMP Bullingdon. Consideration of issues relating to suicide and self harm and the treatment of foreign nationals. Also instructed in related Article 2 proceedings. Oxford Coroner's Court. June 2016.

Instructed by GLD

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## **INQUEST INTO THE DEATH OF MALIKA SAWYER**

28/02/2016

Barristers involved: Fiona Canby

Acted for a school in the inquest into the death of a pupil who had been found hanging at the school. Conclusion of suicide. Inquest considered communication between the school, CAMHS, social services and the police and concluded that there had been no causative failings by the organisations involved. Southwark Coroner's Court. Instructed by Weightmans. February 2016.

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## **INQUEST INTO THE LORD BALLYEDMOND HELICOPTER CRASH**

31/01/2016

Barristers involved: Fiona Canby

Acted for the AAIB in relation to the death of four men who were killed shortly after the take-off of their helicopter in Norfolk. Issues around disclosure required by the Coroner by a Schedule 5 notice. Jury returned accidental conclusion. Norwich Coroner's Court.

Instructed by GLD. January 2016.

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## **INQUEST INTO THE VAUXHALL HELICOPTER CRASH**

November - December 2015.

Barristers involved: Fiona Canby

Acted for the AAIB. Inquest into the deaths of two men who were killed when, in poor weather conditions, a helicopter struck the jib of a crane attached to a building development. Southwark Coroner's Court. Instructed by the GLD. November - December 2015.

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## **INQUEST INTO THE DEATH OF ANNA MANSFIELD**

31/12/2015

Barristers involved: Fiona Canby

Acted for Anna's employer in the inquest into her death after she had been found hanging at home. Employer's handling of redundancy and resignation explored alongside Anna's treatment by her GP. Narrative conclusion returned. No contributory failings by her employer or GP identified. Barnet Coroner's Court. Instructed by Pinsent Masons. December 2015.

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## **Inquest into the death of David Efemena**

28.08.15 - 07.09.15

Barristers involved: Fiona Canby

Fiona Canby was instructed on behalf of the MOD in this inquest in the death of a cadet whilst sleeping out overnight on exercise.

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Walthamstow Coroners Court. Instructed by GLD. September 2015.

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## **Inquest into the death of Anne-Marie Ellement**

03.03.2014

Barristers involved: Nicholas Moss Fiona Canby

Inquest into the death of a Royal Military Police Corporal found hanging at her barracks. Allegations of bullying and overworking explored. Salisbury Coroners Court. Instructed by GLD for a number of service personnel. February 2014.

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## **Inquest into death of Sean Cunningham**

09.01.14 - 29.01.14

Barristers involved: Andrew Prynne QC Nicholas Moss Fiona Canby

Inquest into death of Red Arrows pilot, Flt Lt Cunningham; accidental ejection from his Red Arrows jet.

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## **Gilman v (1) UPS (2) Network Rail**

**[2013] EWHC 2341**

01.07.2013 - 10.07.2013

Barristers involved: Andrew Prynne QC Fiona Canby

Contribution proceedings following vehicle incursion onto the West Coast Main Line. Led by Andrew Prynne QC. Instructed by Keoghs on behalf of the motor insurers. July 2013.

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## **Lakanal House Fire Inquest**

14.01.13 - 28.03.13

Barristers involved: Cathryn McGahey QC Fiona Canby

Fire at high rise block of flats in Camberwell caused the deaths of six people. Building Regulations in relation to fire safety and high rise structures were explored. The Inquest was heard at Inner South London Coroners Court - HHJ Frances Kirkham. Cathryn McGahey represented The Department for Communities and Local Government, and The Chief Fire Officer. Fiona Canby was instructed by SGH Martineau. January - March 2013. The Inquest took place from January to March 2013.

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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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## **R v Balfour Beatty Rail Infrastructure Services Ltd**

31.01.2005 - 07.10.2005

Barristers involved: Fiona Canby Tim Sharpe

Acted on behalf of Balfour Beatty in the prosecution arising out of the Hatfield Train Crash. Section 3 HSWA and corporate manslaughter. Central Criminal Court. Led by Ronald Thwaites QC, Anthony Seys-Llewellyn QC, James Ageros. Instructed by Fisher

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## Publications

### Prosecuting and Defending Health and Safety Cases

30/04/2007

Authors: Dominic Adamson Benjamin Casey Fiona Canby Tim Sharpe Tim Kevan

Co-author of book written with the intention of highlighting the various areas of law associated with prosecuting and defending health and safety cases

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## News

### PIR in Air Pollution Inquest

17/12/2019

Barristers involved: Fiona Canby

The original inquest was held in September 2014. A new inquest has been ordered following receipt of new evidence from Professor Holgate suggesting that unlawful levels of air pollution contributed to Ella's death. Other Interested Persons include the London Borough of Lewisham, Defra and DfT. A second PIR will take place on 8 April and the inquest is likely to be heard towards the end of 2020.

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### HSLA Annual Conference

24/09/2019

Barristers involved: Fiona Canby

The programme for the conference is:

1. Panel Discussion on wellbeing, stress and mental health and the future of its regulation - chaired by Mary Lawrence, Osborne Clarke and Amy Sadro, Eversheds Sutherland
2. Seminar - Safety Regulation of Public Service Vehicles and Freight Undertakings - Richard Turfitt, Senior Traffic Commissioner for Great Britain
3. Panel/Seminar - Advising public authorities and enforcers on investigations, inquests and inquiries - Fiona Canby, Temple Garden Chambers; Saba Naqshabandi, Three Raymond Buildings and Oliver Carlyon, Fieldfisher
4. Seminar - Case law and sentencing update - James Leonard, Outer Temple Chambers and Deanna Heer, 5 Paper Buildings

**Venue:** Fishmongers' Hall, London Bridge, London, EC4R 9EL

#### Timings:

13.00 Registration

14.00 Conference starts

17.30 Conference ends

18.00 AGM

18.45 Pre-dinner drinks reception

19.30 Dinner

23.00 End

The event is open to both members and non-members of the Health and Safety Lawyers' Association. Bookings can be made via the HSLA website.

You can view the publication at <https://hsla.org.uk/events/annual-conference-dinner-agm/>

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## Chambers Bar Awards 2019

05/09/2019

Barristers involved: James Arney Fiona Canby

TGC are delighted to announce that they have been shortlisted for the following categories at this year's forthcoming Chambers Bar Awards:

### Personal Injury:

Set of the Year

Junior of the Year - [James Arney](#)

### Health and Safety:

Junior of the Year - [Fiona Canby](#)

Many congratulations to James and Fiona for all their hard work, and well done to all in the PI team who have all contributed to this nomination.

The award ceremony will take place on 31 October 2019.

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## London Bridge Inquests

08/05/2019

Barristers involved: Dominic Adamson Fiona Canby David R. White Piers Taylor Ellen Robertson

Fiona Canby is instructed by TfL Legal and appears on behalf of Transport for London.

The inquests have a time estimate of two months. Further details can be found at the link below.

You can view the publication at <https://londonbridgeinquests.independent.gov.uk/>

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## Third Pre-Inquest Hearing in London Bridge Inquests

11/01/2019

Barristers involved: Dominic Adamson Fiona Canby

The Inquests will commence on 7 May 2019 in Court 1 at the Central Criminal Court with a time estimate of two months. Further

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details can be found at the link below.

You can view the publication at <https://londonbridgeinquests.independent.gov.uk/>

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## **Inquest in to the Death of the Westminster Terror Attack Victims**

10/09/2018

Barristers involved: Nicholas Moss Dominic Adamson Fiona Canby

Nicholas Moss is acting for the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords.

Dominic Adamson is acting for the widow of Kurt Cochran, and the widow of PC Keith Palmer.

Fiona Canby is acting for Transport for London.

The Chief Coroner of England and Wales, Mark Lucraft QC, will hold the inquest at The Old Bailey which is expected to last 5 weeks.

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## **Third Pre-Inquest Review Hearing in Westminster Bridge Inquests**

02/07/2018

Barristers involved: Nicholas Moss Dominic Adamson Fiona Canby Matthew Waszak

Nicholas Moss (instructed by Speaker's Counsel) appeared on behalf of the Parliamentary Authorities. Fiona Canby (instructed by TfL Legal) appeared on behalf of Transport for London. The Inquests will commence on 10 September 2018 in Court 1 at the Central Criminal Court with a time estimate of four weeks. Further details can be found at the link below.

You can view the publication at <https://westminsterbridgeinquests.independent.gov.uk/>

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## **TGC Health and Safety Conference 2017**

25/04/2017

Barristers involved: Keith Morton QC Dominic Adamson 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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## **Preliminary hearing in Independent Inquiry into Child Sexual Abuse**

09/03/2016

Barristers involved: Andrew O'Connor QC Cathryn McGahey QC Fiona Canby

Cathryn McGahey QC and Fiona Canby appeared in the first preliminary hearing held by the Independent Inquiry into Child Sexual Abuse (IICSA) on allegations of child sexual abuse involving Lord Greville Janner. The hearing took place at the RCJ. Hon Dame Lowell Goddard, Chair of the IICSA gave directions. A further preliminary hearing will be held before the summer recess. It is anticipated that the public hearing will run for eight weeks between September 2016 and March 2017. More details can be found at the IICSA's website: <https://www.iicsa.org.uk/>

Andrew O'Connor QC is instructed as Counsel to the Inquiry in the Westminster element of the Inquiry.

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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

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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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