

## Jonathan Rogers

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### Clerks' Details

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### Memberships

- Criminal Bar Association

### Education

- LLB Law - University of Manchester - First Class

### Environmental Regulation CV

#### Overview

Jonathan has for several years both prosecuted and defended in regulatory cases and he is included on the List of Special Regulatory Counsel (formerly the Attorney General's list) at Category B. He prosecutes for the Environment Agency, the Health and Safety Executive, and the Department for Business Innovation and Skills. He has defended in prosecutions brought by the Environment Agency, DEFRA and VOSA. He is also on the Specialist Fraud Panel List (Category 3) for prosecuting serious fraud offences.

He has been involved in cases relating to the storage, keeping and treatment of controlled waste and related transportations of this material. Issues arising in these cases have varied from the definition of controlled waste and the related case law to the breach of conditions imposed under the waste management licences and failure to comply with EPA 1990 notices. In addition, he has dealt with environmental and HSE cases involving complex industrial processes and expert or complex evidence.

He has extensive experience and expertise in dealing with serious crime involving complex and document heavy evidence, including cell-site, tachograph, accounting and other complex business records.

He is widely recognised for his meticulous preparation and clear client communications. He leaves no stone unturned in each case, working hard with both solicitors and lay clients to achieve the best possible outcome wherever possible.

## Recommendations

In terms of the service provided by Jonathan, he was recently described by an instructing solicitor as:

‘...providing excellent follow-up and advice on trial preparation...’

## Cases

### ENVIRONMENT AGENCY

#### ***R v Smith and Quinn Ltd***

He was instructed to prosecute this case which related to the depositing of huge amounts of controlled waste on land which did not have the benefit of an environmental Permit. The cost of the clean-up operation exceeded £100,000.00. The case included questions related to the definition of controlled waste.

#### ***R v Leo Sarwij***

Mr Rogers was instructed to prosecute a company and its directors charged with knowingly depositing and keeping controlled waste on land without a waste management licence and also polluting controlled waters. Residue arising from the slaughter of poultry and other similar material (e.g. feathers) was put through a complicated industrial process with the aim of converting it into animal feed/fertiliser. "Dirty water" created as a result of the process (condensation / press) was collected separately. It was stored and spread on fields and ultimately found its way into waterways. Issues related to whether or not this liquid material was controlled waste or a processed material, an intended product: liquid fertilizer.

#### ***R v Welsh:***

Mr Rogers defended in a case brought under the EPA 1990, s.33. The defendant was charged with burying builders' rubble and other refuse on agricultural land. He pursued EC Art.6 arguments relating to who carried the burden of proving that the material, if controlled waste, was of such a nature or had been used in such a manner so as to take it outside one of the exemptions in the Waste Management Licensing Regulations, 1994, Schedule 3.

#### ***R v Gourmit Singh & Gourmeaj Singh***

Instructed by the Environment Agency to prosecute this case, in which it was alleged the defendants maintained a vehicle dismantling business without a permit issued under the Environment Permitting (England and Wales) Regulations. Issues relate to whether or not the material kept was controlled waste, or were vehicles under repair.

Mr Rogers has both prosecuted and defended in cases relating to the storage, keeping and treatment of old vehicle tyres and the related transportation of this material (examples include R v Tyershreder.Com and Dyer). Issues arising in these cases have varied from the definition of controlled waste and the related case law to the breach of conditions imposed under waste management licenses and failure to comply with EPA1990 notices (e.g.s59).

### VOSA

#### ***R v Phelan***

Mr Rogers is defended the driver of a PSV who is it was alleged had created false records as part of a large and wide ranging conspiracy.

**R v Ellis:**

Mr Rogers defended the employee of a bus company where the allegation was conspiracy to defraud the Traffic Commissioner for the North Western Traffic Area by causing and permitting false evidence of hours worked by bus drivers to be put before her and by causing and permitting submissions to be made to her in support of that false evidence. The case involved a huge number of paper and electronic records. It was necessary on behalf of the defendant to instruct forensic computer experts in relation to the electronic evidence which recorded the routes travelled by the defendants' various buses in the centre of Manchester.

**R v Hill:**

Mr Rogers was instructed to defend a HGV fitter charged with causing a danger to road users by causing a HGV to be on a road when it was in a dangerous condition.

**DEFRA**

**R v Lofthouse:**

The defendant was charged with, amongst other offences, conspiracy to defraud by misrepresenting the identity of various bovines to purchasers and slaughters. This was a prosecution brought by DEFRA in which one of the allegations was that the defendant had falsified passport documentation relating to cattle which were sold. The case involved complex regulatory law and procedure relating to the identity of bovines, including the British Cattle Movement Service and complex business records.

**HSE**

Mr Rogers has been instructed to prosecute cases brought by the Health and Safety Executive. Examples include R v Greenstripe Ltd and R v Meadow Foods. The latter case involved complex industrial processes set against the complex regime of the Health and Safety at Work Act 1974.

**BIS**

Mr Rogers has been instructed by the Dept. for Business Innovation and Skills to prosecute company officials charged with offences contrary to the Companies Act 1985 and 2006, the Insolvency Act 1986 and Company Directors Disqualification Act 1986 (e.g. R v Roberts, R v Yaqub and R v Ahmed). These cases are often factually complex and necessitate a sound understanding of accountancy principals. In R v Yaqub the defendant was charged with failure to keep adequate records under s.221 Companies Act 1985 and failure to preserve records under s.389 of the Companies Act 2006.