

## David Temkin QC

Call 2000 | Silk 2021



### Clerks' Details

 Nick Buckley  
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### Appointments

- Bencher of the Inner Temple (2021)
- Queen's Counsel (2021)
- Recorder (2018) authorised to try serious sexual offences (2019)
- Visiting Lecturer in Professional Discipline at the BPP University on the Bar Professional Training Course (2015 - 2017)
- Chair of Northern Circuit Continuing Education (2020)
- Trainer for Northern Circuit Pupil Supervisors (2016)
- Approved Pupil Supervisor (2014)

### Memberships

- Criminal Bar Association
- Association of Regulatory & Disciplinary Lawyers

### Education

- Oxford University, BA Hons, Modern History, 1991-1994
- Open University, Post-Graduate Certificate In Education, 1995
- City University, Graduate Diploma In Law, 1997-1998
- Inns of Court School of Law, Bar Vocational Course, 1998-1999

### Health & Safety CV

#### Overview

David has amassed a vast amount of experience prosecuting and defending Health & Safety cases before the criminal courts. In 2012, he was appointed to the national list of Specialist Regulatory Advocates, allowing him to specialise in Health & Safety cases.

David is regularly instructed by the Health & Safety Executive to prosecute serious and complex cases, often where the breach has resulted in a fatality or catastrophic injury.

David is in high demand in his defence work. He has represented companies and individuals, providing early advice and support through the stressful process. He has an outstanding success rate at court.

The UK's Legal Directories recommend David as "a superb advocate" who is "very hardworking" with "exceptional" client-care skills (see Recommendations section).

## Recommendations

### Legal Directories

“A superb advocate.”

“He is a smooth performer and is great with clients.”

“He is thorough, meticulous and courageous.”

#### **Chambers and Partners 2021**

“Widely and rightly regarded as the model senior junior of the circuit, he is an extremely effective communicator.”

#### **The Legal 500 2021**

“His client-care skills are exceptional and he is so diligent in his preparation. He’s always refreshingly calm.”

“Extraordinarily good, with a very friendly and affable manner.”

#### **Chambers and Partners 2020**

“Knowledgeable with regards to all aspects of the law and an exceptional jury advocate.”

#### **The Legal 500 2020**

“A great advocate; judges respect him.”

#### **The Legal 500 2018/19**

“Very hardworking and a great lawyer.”

#### **The Legal 500 2017**

### Other Comments

Comment by a leading London silk based on a number of Health & Safety cases with David: *“David has a detailed and up-to-date knowledge of Health & Safety law, including the often complicated exercise of sentencing. He is always extremely well-prepared with an excellent and unflappable court style.”*

Comment by leading Manchester silk: *“David Temkin is one of the brightest barristers I know”*

Comment by leading criminal solicitor: *“David is our first choice to instruct in our most complex cases....the meticulous preparation that David undertakes for each and every case has proved absolutely invaluable time and time again”*

Comment by leading criminal solicitor: *“The case involved the assimilation of a plethora of expert evidence and David impressed us with his unflappable style and clear presentation”*

## Cases

**HSE v Exquisite Solutions & WW (2020)** – ongoing case – prosecution under section 2 of the Health & Safety At Work Act 1974 – a work at height case in which the defendants took wholly inadequate steps to protect those working on a Manchester city centre roof (prosecuting on behalf of the HSE)

**HSE v Preston Board & Packaging (2019)** – prosecution under section 2 of the Health & Safety at Work Act 1974. Serious and permanent injury to the hand of an employee by failure of the chain and safety wire on a slitter machine. Criminal liability arose due to lack of suitable and sufficient risk assessment, lack of control measures and inadequate training. David’s detailed written submissions ensured that the resulting fine was minimal (defending)

**HSE v Universal Coatings & Services Ltd (2018)** – prosecution under section 3(1) of the Health & Safety at Work Act 1974. Life-changing injuries to a sub-contractor who was ejected from the platform of a cherry-picker when it was struck by an overhead crane. Failings included lack of risk assessment and lack of response to previous work at height accident. David persuaded the court to step well outside the guidelines. Fine of £18,000 imposed (defending)

**HSE v JS Wood & Sons Ltd (2018)** – prosecution under Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992. Farm employee, 70% deaf, walked from calf shed across farmyard into path of a moving tractor. Died within minutes from resulting head injuries (prosecuting on behalf of the HSE)

**HSE v Morning Foods Ltd (2018)** – prosecution under Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992. Large oat-milling company in process of transferring heavy pallets of equipment from an old warehouse to a new warehouse. Employee struck by moving forklift truck. Died from injuries. Inadequate risk assessment. Insufficient control measures (prosecuting on behalf of the HSE)

**HSE v Altak Ltd (2017)** – prosecution under regulation 4 of the Provision and Use of Work Equipment Regulations 1998. Death of an employee caused by the failure of a bolt on a company vehicle. David successfully argued that the jury should be permitted to consider a defence based on reasonable foreseeability in respect of this otherwise strict liability offence (defending)

**HSE v Skyline Building Services Ltd (2017)** – prosecution under regulation 4 of the Work at Height Regulations 2005 and regulation 18 of the Construction (Design and Management) Regulations 2015 – allegations that a building company failed to manage scaffolding on site

thereby creating a risk of death and serious injury (defending)

**HSE v Select Quality Homes Ltd (2017)** – prosecution under regulation 6 of the Work at Height Regulations 2005 – allegation that the defendant company, in breach of a Prohibition Notice, failed to take suitable and sufficient measures to prevent falls from scaffolding at a construction site for a new housing development. The HSE submitted that the appropriate fine was up to £250,000. David advanced detailed written and oral submissions. He successfully persuaded the court to take a completely different approach. The resulting fine was a mere £6,600 (defending)

**HSE v Hussain (2016)** – prosecution under s.3 of the Health & Safety at Work Act 1974 – death by a fall through a fragile roof – allegations that self-employed defendant failed to perform risk assessment, failed to provide a safe system of working, failed to provide suitable work equipment and failed to ensure that the deceased was suitably qualified and competent to work at height (defending)

**HSE v Warwick Estate Property Management Ltd (2016)** – prosecution under s.3 of the Health & Safety at Work Act 1974 – death of a resident of large block of flats – resident fell down a lift shaft and became impaled on a ladder – failure by the management company to identify and rectify faults with the lift system (prosecuting on behalf of the HSE)

**HSE v Sovex Limited (2016)** – prosecution under s.2 of the Health & Safety at Work Act 1974 – engineer working on moving conveyor belt trapped his hand resulting in degloving injury and multiple fractures – inadequate induction, training and risk assessment (defending)

**Manchester City Council v Stone Superstore Limited & Furniss (2016)** – prosecution of a company and its director for offences under s.2 of the Health & Safety at Work Act 1974 – death of employee by improper operation of fork lift truck – inadequate training and risk assessment (prosecuting on behalf of Manchester City Council)

**HSE v G & AM Lawson (2015)** – prosecution under s.3 of the Health & Safety at Work Act 1974 – death of employee by crushing injury caused by faulty hydraulic system on a works vehicle (prosecuting on behalf of the HSE)

**HSE v TM (2015)** – prosecution under s.3 of the Health & Safety at Work Act 1974 – death of hiker who was blown off a Lake District mountain – inadequate risk assessment by group leader (defending)

**HSE v Manchester City Council (2014)** – prosecution under s.2 of the Health & Safety at Work Act 1974 – council employee (litter picker) sustained catastrophic injuries when struck by a speeding car – criminal liability arose due to inadequate risk assessment, training and supervision (defending)

**HSE v HMT & RR (2014)** – prosecution under s.3 of the Health & Safety at Work Act 1974 – death of 92-year old resident of care home, following accident in an area of the premises under construction (prosecuting on behalf of the HSE)

***HSE v Salford City Council (2014)*** – prosecution under s.3 of the Health & Safety at Work Act 1974 – 8-year old child trapped hand in school gate causing partial amputation of three fingers (defending)

## Beyond the Bar

Visiting Lecturer in 'Professional Discipline' at the BPP University on the Bar Professional Training Course (2015-2017)

Trainer on courses around the UK for Healthcare Professionals and Medical Expert Witnesses

Northern Circuit Advocacy Trainer

Junior of the Northern Circuit (2003)

Past winner of The Times Newspaper/Thomson Holidays Young Travel Writer of the Year

Drumming