



The Chambers of  
Harendra de Silva QC

## **Matthew Paul:** Regulatory and Public Law CV:

Matthew accepts instructions in regulatory cases in the Crown Court, Magistrates' Courts and disciplinary Tribunals for prosecuting or regulating authorities and defendants. He is an experienced advocate with a strong track record in the following areas of regulatory law:

- Health and Safety
- Fire Safety
- Food Safety and Environmental Health
- Trading Standards and Consumer Protection
- Agricultural Law
- Animal Welfare (including RSPCA prosecutions)
- Environmental Law
- Care Standards
- Local Government Standards
- Disciplinary Hearings
- Judicial Review

He also accepts instructions in Planning cases, and is familiar with all aspects of devolved regulatory and public law in Wales.

Matthew provides high-quality written advice relating to questions of public and regulatory law.

### Recent notable cases include:

*Public Services Ombudsman for Wales v. Cllr Lewis Malcolm Calver (2011)*: Matthew Paul represented Cllr Malcolm Calver, who was accused of 43 breaches of the codes of conduct of Pembrokeshire County Council and Manorbier Community Council, relating to comments made on a website he controlled. At the initial hearing before the

Pembrokeshire County Council's standards committee, all of the alleged breaches of the Pembrokeshire County Council Code were dismissed, as were 30 of the alleged breaches of the Manorbier Community Council's Code. Upon appeal to the Adjudication Panel for Wales, the standards committee's findings on the remaining 13 allegations were upheld. Judicial review of this decision is now pending, based on the Adjudication Panel for Wales' failure properly to apply Art. 10 ECHR.

*R (Environment Agency Wales) v. IP* (2011): Represented a farmer accused of interfering with bovine tuberculosis (bTB) tests in a number of his cattle, by injecting a poisonous substance into the animals' necks in order to create a false positive reaction to the test. The case was dismissed following a submission of no case to answer (*Lane and Lane* [1986] 82 CAR 5 applied).

*HSE v. James Miller (Kelham) Ltd* (2011): Represented a farm, where serious injuries were caused to a farm worker in a fall through a fragile roof. Fines totalling only £4,000 imposed.

*R v. Edamy Ltd & Carl Parsons* (2011): Food safety prosecution of a McDonalds franchise where a child had choked on a bolt in a Happy Meal. Edamy Ltd entered a guilty plea to one offence and all five charges against the individual defendant were discontinued.

*R v. Carter & Others* (2011): Represented three farm workers charged with destruction of a badger sett. All acquitted, one following a submission of no case to answer.

*Environment Agency v. Clive Breeze & Breeze Farms Ltd* (2011): Significant pollution incident in which 3,500 salmon and sea trout were killed in the River Cych. All charges dropped against the individual defendant. Successful appeal against sentence in respect of the corporate defendant at Carmarthen Crown Court.

*Wigan Borough Council v. Cllr Robert Brierley* (2010): First Tier Tribunal proceedings in which the respondent was accused of bringing the Council into disrepute and bullying the pastor of a local church in an attempt to secure the use of the church building for a residents' group. After a contested hearing, Cllr Brierley was cleared of all alleged breaches of the code of conduct.

*JP v. OFSTED* (2010): Represented the appellant, JP, in her appeal against the suspension of her registration as a childminder before the Care Standards Tribunal. The Tribunal upheld her appeal on the basis of a preference for the appellant's expert evidence over that of both the jointly instructed expert and OFSTED's own expert, and acceptance of the appellant's legal submissions as to the correct interpretation of the statutory test in light of Arts 6, 8 and 14 ECHR.

*R (London Borough of Newham) v. Mitchells & Butlers PLC* (2010): Prosecution (as junior alone) of a multinational company for causing the death of an employee, who was

asphyxiated while cleaning machinery in a bowling alley. The defendant company entered guilty pleas following successful negotiations

*R v. Samuel JONES (2009)*: Represented the defendant in a case involving 31 offences against the TDA 1974 and Fraud Act 2006. 11 of these charges were dismissed following submissions of no case to answer.