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## CHARLES PARRY

"An experienced, well spoken advocate."

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Charles Parry is an experienced common law advocate, employment, criminal, administrative and appeal practitioner, specialising in associated areas of civil work, regulatory crime, and inquests. He regularly appears in employment tribunals in a range of cases.

He has been in full time private practice at the Bar continuously since 1974. His practice can be described as common law, but with emphasis on regulatory breaches with the consequential criminal liability. He is also an approved counsel on the Attorney-General's list, grade A, and regularly instructed by a number of government departments, including HM Revenue and Customs, the Health and Safety Executive, Department of Work and Pensions, together with the Crown Prosecution Service. He conducts related work in the civil courts, inquests, and disciplinary hearings (police, and financial regulation).

Charles is happy to advise at an early stage of a dispute to promote resolution and/or assist in case preparation. He is particularly interested in the psychological effect of litigation on vulnerable witnesses and the way a shift of emphasis in the presentation of the evidence may affect the outcome.

## Regulatory & Disciplinary

Charles is described in Chambers & Partners 2011, Leaders at the Bar, within the Health & Safety Law entry as, having a "willingness to roll up his sleeves and forge ahead with cases", Chambers 2010 states, "highly recommended for cases involving technical issues and is especially renowned for his esoteric understanding of complex scientific matters". According to solicitors, "he really gets stuck into each case that he deals with, and will rally a team of lawyers and clients well". Chambers names him as one of nine leading juniors in this field outside London.

## Selected Cases

### R v Nelson Group Services (Maintenance) Ltd

Guildford Crown Court – involving the change of gas meter from town to natural gas, as part of the London metropolitan conversion, in the lodge of Royal Holloway College, London, near Staines. Weeks later the loft space filled with an explosive mixture of gas and air with disabled students in residence. Acting for the defence of the company it was shown that no criminal liability attached to the company's activities. (HSWA section 3)

### Health & Safety Executive (Explosives Directorate) v Paines Wessex (Chemring Group)

Salisbury Crown Court – using metal to repair an explosives curing tray thereby causing an explosion, (contrary to the Explosives Act and HSWA sections 2 and 3).

### Health & Safety Executive (Explosives Directorate) v Bracknell Fireworks Ltd

Storage of highly unstable explosive material in unsuitable facilities.

### Health & Safety Executive v Nelsons Group Services (Maintenance) Ltd 1998 4 AER 331

Court of Appeal – resulting from 6 indictments in various crown courts. The company was in business changing and fitting retail gas appliances; there were 6 indictments, 26 counts, from 6 complaints of unsatisfactory work. The company used a novel form of employee check sheet drafted and introduced after the Royal Holloway case. The defence won three cases in the Crown Courts, and three were appealed, with only one conviction on one count upheld by the Court of Appeal. The case restated the law on the responsibility of an employer when the fault is that of the employee and the concomitant application of 'reasonable practicability', an essential element in H&S liability, and that such a test was a matter for the jury (H&S section 3 and Gas Safety Regulations).

### Health & Safety Executive (Explosives Directorate) v Men Shun Fireworks Ltd

Leeds Crown Court – importation and unlawful storage of 100 tons of fireworks in an unsuitable facility. This case also involved the study of some inexplicable company balance sheets, and directors liability (HSWA section 37).

### Regina (Health & Safety Executive) v xxxxxxxx

Old Bailey – concerned the liability of a company for an employee who fell from a ladder was a result of an fit when illness had not been disclosed to the employer. The tests of reasonable practicability and foreseeability were considered. Issues surrounding a company in liquidation (H&S section 3 and Work at Height Regulations).

### Health & Safety Executive v Barrett Homes Plc

Concerned failures on a substantial building site involving inappropriate management and disposal of asbestos. Substantial expert evidence on the risks associated with the various types of asbestos (construction and Use Regulations and Control of Asbestos Regulations).

### **Regina (HSE) v British Telecommunications Plc & Scottish & Southern Electricity Plc**

Bristol Crown Court – concerned the fatal fall of a BT engineer from a BT pole which had common aerial cables supported by a SSE pole. Through poor maintenance poles had moved in such away that the aerial cables were low enough to be snagged by a passing lorry, breaking the pole and dragging the engineer to the ground. Complex legal argument on issues of reasonable practicability and the foreseeability of accident, and whether the companies' safety procedures were adequate (HSWA sections 2 and 3, H&S Management Regulations).

### **Regina (HSE) v Harry Martin; & Hudd v Martin**

Concerned the demolition of two houses in Swindon in a gas explosion; it was said that Martin, a gas fitter, had done his work negligently resulting in the explosion. Persistent enquiries revealed other sources of gas leaks and explanations for the explosion. The result was acquittal the issues of work causing the explosion (HSWA s 3, Gas Safety Regulations).

### **Regina v Reliance Scrap Metal Ltd, Matthews, Anderson & Matthews**

Winchester Crown Court – leading for the prosecution, these defendants were prosecuted for gross negligence manslaughter by a company and directors, and perverting the course of justice. Missing the following text/cases from the regulatory profile: The defendants ran a scrap yard would cut up gas cylinders in a 900 ton compactor shear machine normally used for cars. Amongst the cylinders was an acetylene gas cylinder which exploded fatally burning an employee. The compactor, although designed to be controlled from a cab, was operated manually with makeshift remote control, with the operators standing in the crushing hopper. After the accident evidence of the operation was destroyed and witnesses were warned off. (Common law manslaughter, H&S sections 2 and 3 HSWA 1974 directors liability s 37).

## **Transport Law**

He has been conducting road traffic and associated cases for many years. He started practice dealing with comparatively minor road traffic offences, instructed by the AA and the London Taxi Drivers Association; latterly handling the most serious multiple fatal injury cases, including inquests. He has wide experience of regulatory tribunals in various forms.

He is regularly instructed to defend and mitigate the effect of disqualifications, drink and drug related driving

offences, even custody, as well as less serious driving transgressions. He has represented persons who have challenged the legality and effect of drink driving law, with associated appeals.

He is familiar with vehicle accident reports, accident reconstruction reports, tachograph analysis, blood alcohol analyses and the strengths and weaknesses of such expertise.

By representing persons involved in fatalities, together with firsthand experience, he used to the effects of shock, both acute and post traumatic, on those involved in such an experience and the effect these conditions may have upon them.

Other aspects of his wider practice provide expertise on the impact of contractual and employment disputes, waste regulation, and safety provisions as they impact on transport issues.

## Employment & Discrimination

Recent cases include:

### Selected Cases

Manager redundancy/constructive dismissal, [Weir Group]

Mother with children in a tied cottage, dismissed for sickness/sex discrimination

Cashier malpractice at the till, [Waitrose]

Employee made redundant and taking ideas and contact lists to new employer/ breach of confidentiality clause. Discrimination of an applicant under the Equality Act, who had previously made a sex discrimination claim, when applying for the post of a university lecturer.

## Alternative Dispute Resolution

An experienced criminal and administrative court practitioner and accredited mediator, specializing in regulatory,

crime and associated areas of work.

Regularly asked to conduct regulatory criminal work; health and safety at work, environmental, countryside and animal litigation (pedigree livestock, horses and welfare). He also conducts related work in the employment tribunal and civil courts.

## Qualifications

- Accredited Mediator
- LLB (Hons), Kings College, London (1971)

## Professional associations

- Criminal Bar Association
- Health & Safety Lawyers Association
- Association of Regulatory & Disciplinary Lawyers
- Western Circuit

## Professional activities

Charles regularly speaks on topics at professional training seminars and in house training for industry, including Foster Wheeler. Recently the topics have included the Corporate Manslaughter Act, the Health and Safety at Work Act, and the Bribery Act.

He advises the management of two small businesses in farming and public relations, which gives a good perspective of the day to day problems of running small commercial enterprises.

Issues that he has addressed recently include; employment contracts, LLP formation, share option agreements, intellectual property, terms and conditions of service, regulatory enforcement, share swaps, employment of foreign nationals and simple breach of contract.

# Outside Interests

Charles enjoys family life with his three children. He also has interests in English history, agriculture, conservation in the countryside, riding, rowing, running, and oak framed buildings.