

James Candlin

Call: 1991
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AREAS OF EXPERTISE

Personal Injury, Industrial Disease, International & Travel, Clinical Negligence, Product Liability, Health & Safety, Inquests, Fraud, Public Authority Liability, Property, Property Damage, Mediation, Aviation

Specialist personal injury practitioner. Recognised as a leading junior in Chambers & Partners notably for travel related work. However, his experience is broad including product liability, occupational disease, fatal and catastrophic head and bodily injury often in consequence of cycling, motorcycling and motor racing accidents.

He has a science degree and is known for cases which have technical features, product liability, food poisoning, unusual pathogens, and scientific causation arguments as well as clinical negligence claims.

James specialises in health & safety, and is regularly instructed to act in relation to prosecution arising from serious accidents and near misses in industry, freight transport, medical and care institutions. On several occasions James has conducted inquest, criminal and civil proceedings in the same matter.

Away from work James attention is directed at his 4 children, watching and playing sport, keeping bees, making and mending furniture.

Health & Safety

James' practice included crime for his first 7 years and he has regularly appeared before the Magistrates & Crown Courts in relation to prosecutions for both s2, 3 & 7 of Health and Safety at Work Act and breach of Food Hygiene statutes.

He has added value to many cases by questioning the existing prosecution statement of case and the assertion or implication of direct causation of injury/death by the offence charged, before assisting with preparation of rebuttal evidence or before negotiating more acceptable statement and drafting Friskies statements.

On many occasions James has attended a relevant inquest to protect the interests of a potential Defendant and been able to direct questions appropriately either to encourage a narrow inquest narrative verdict or to elucidate relevant material for the purposes of defending a pending prosecution.

James cases include the following :

- *Southwark LBC v The Swan at the Globe Theatre (2016)*. Prosecution of directors of restaurant company under Food Safety & Hygiene England Regulations 2013 arising out of food poisoning affecting c30 diners demonstrated to have been caused by *sous vide* method cooking for insufficient time in breach of internal HACCP statement. Jurisdiction retained by magistrates, charges against some directors discontinued, and charges modified in the light of voir dire as to date of issue of proceedings. Sentenced under new guidelines to token fine.

- *HSE v Gaspack Ltd (2014)* Prosecution of specialist gas cylinder inspection co. for breach of s3(1) HSWA after explosion of recently inspected and pressure tested cylinder which severed leg of man refilling it from high pressure supply. After introduction of specialist cylinder metallurgy expert evidence and questioning of the filling arrangements prosecutor abandoned contentions that the cylinder had not been pressure tested and accepted a plea based on inadequate visual inspection of a single cylinder which had created risk but not one causative of accident.
- *HSE v Waters Group & Windsmere Stone & Granite Ltd(2014)* prosecution of specialist stone cutting company and their supplier in relation to an imported machine which caused a hand crushing injury as a result of a design defect and use of the machine whilst awaiting a replacement part.
- *Re Kenneth Terrey (2013)* inquest arising from fall of dementia sufferer from insecure window of special care unit in prelude to prosecution under s3(1) HSWA
- *HSE v Casterbridge (Eton Manor) Ltd (2012)* Procedural hearings arising from death of Rhiya Malin an infant who died whilst playing under inadequate supervision at a nursery
- *LBBarnet v Sale, Gilbert & Mohammed(2011)* Prosecution of directors under s2HSWA for permitting unqualified employee to drive a forklift which struck and amputated the leg of another employee.
- *Babergh DC v Bunting (2011)* Prosecution of proprietors of restaurant relating to gas flashover causing burns to chef lighting the burner of a smoke house.
- *HSE v Pearn Wyatt (2009)* Prosecution of farm partnership arising from death of tractor driver when heavily laden trailer hook failed during unloading and tow bar penetrated cab fatally impaling driver. Prosecution on basis of welded repair having caused a weakness resulting in death. Contested Newton hearing on basis that HSE engineering calculations were flawed and repaired strength exceeded permissible wear and tear levels. Sentence on basis of vertical jackknife being rare event and
- *HSE v Schenker (2009) S 3(1) HSWA* charge arising from catastrophic head crushing injury of freight terminal supervisor working for UK subsidiary of German National Railway.
- *HSE v John Stacey & Sons (2009) s3(1) and 2(1)* charges in relation to fatal accident suffered by pedestrian supervisor of waste transfer station struck by bulldozer. Successful submissions on overlapping gravamen of charges

Qualifications & Awards

University of Aberdeen BSc(Hons) Pharmacology

Polytechnic of Central London [now University of Westminster] Diploma in law

London School of Mediation accredited mediator

Appointments & Memberships

Lincoln's Inn

Member Personal Injuries Bar Association [Executive Committee member 2000 to 2016]

Member AVMA