

Barry Smith

Year called: 2005
Email: barry.smith@compasschambers.com
Qualifications: LL.B. (1st Class Hons), Dip. L.P. (University of Strathclyde)
LL.M. (Harvard Law School), John F Kennedy Memorial Scholar
Faculty of Advocates, Lord Reid Scholar
Reporter, Session Cases 2005 - 2014



Practice

Principal Areas of Practice:

- Regulatory Crime
- Fatal Accident Inquiries
- Health & Safety

Barry advises and appears in the High Court of Justiciary and Sheriff Courts in cases involving: financial crime; computer crime; and environmental offences. He regularly advises and represents those charged with offences arising from fatal road traffic accidents, and in relation to deaths at sea. His principal specialism is in the defence of charges under the Health and Safety at Work etc Act 1974 and related Regulations. He is recommended in both Legal 500 and Chambers in Health & Safety. He is experienced in the conduct of complex Fatal Accident Inquiries.

Representative Cases

2017 - ***HM Inspector of H&S v Chevron North Sea Ltd*** (Appeal against Prohibition Notice - UK Supreme Court)

2017 - ***HMA v Walker Demo Ltd*** (HSWA s.2)

2017 - ***HMA v Sparks Mechanical Services Ltd & M J Ventilation Ltd*** (HSWA s.2 / 3 - for M J Ventilation)

2017 - **HMA v Anthony Soriani** (HSWA s.7)

2017 - **HMA v Sandford Park Ltd** (Construction (Design & Management) Regulations 2007)

2017 - **HMA v Structural Metal Decks Ltd** (HSWA s.3)

2016 - **HMA v Kaefer C&D Ltd** (HSWA s.2)

2016 - **PF v Jacobite Cruises Ltd & Andrew Lach** (Merchant Shipping Act 1995 s.58 - for Andrew Lach (Skipper))

2016 - **Scottish Power Generation Ltd v HM Advocate** (Appeal against sentence in re HSWA s.3)

2016 - **PF v Halliburton Manufacturing & Services Ltd** (HSWA s.3)

2016 - **HMA v Scottish Hydro Electric Transmission Ltd** (HSWA s.3)

2016 - **HMA v Loch Earn Caravan Parks Ltd** (HSWA s.3)

2016 - **HMA v Gemini Corrosion Service Ltd** (HSWA s.2)

2016 - **HMA v Scottish Power Generation Ltd** (HSWA s.2)

2016 - **PF Aberdeen v North East Stevedoring Co. Ltd** (HSWA s.3)

2016 - **PF Kilmarnock v Anderson Stewart Castings Ltd** (HSWA s.2)

2016 - **PF Aberdeen v Wren Living Ltd** (Consumer Protection from Unfair Trading Regulations 1998)

2016 - **HMA v Maclay Inns Ltd** (HSWA s.3)

2016 - **Stirling Council v DB Schenker Rail (UK) Ltd & Freightliner Group PLC** (Environmental Protection Act 1990 - Noise Abatement)

2016 - **HMA v BDL Select Operations Ltd** (HSWA s.2 & 3)

2016 - **Conner v Chevron North Sea Ltd** (Appeal against Prohibition Notice - Court of Session Inner House)

2016 - **HMA v John Sisk & Sons Ltd & Hemsec Ltd** (HSWA s.3 - for Sisk)

2016 - **PF Livingston v Anglian Windows Ltd** (HSWA s.2)

2015 - **HMA v Siemens Plc & RWE Innology Ltd** (HSWA s.2 - for Siemens Plc)

2015 - **HMA v James Thores (FV Starlight Rays)** (Merchant Shipping & Fishing Vessels (Health & Safety) Regulations 1997)

2015 - **HMA v Allied Vehicles Ltd** (HSWA s.3)

2015 - **PF Dundee v Scotco Eastern Ltd (KFC)** (Food Hygiene (Sc) Regulations 2006)

2015 - **PF Elgin v SSE Home Services Ltd** (HSWA s.3)

2015 - **HMA v Scottish Fire & Rescue Service** (HSWA s.2)

2015 - **HMA v Bilfinger Salamis UK Ltd** (Work at Height Regulations 2005 r.4).

2014 - **HMA v Jewson Ltd** (HSWA s.2)

2014 - **PF Stirling v Kier Construction Ltd** (HSWA s.3)

2014 - **HMA v SWGR Ltd** (HSWA s.2)

2014 - **PF Edinburgh v Mitie Tilley Roofing Ltd** (HSWA s.2)

2014 - **HMA v Matthew Johnston & Others** (Wildlife & Countryside Act 1981 ss.1, 5, & 11 etc.)

2013 - **HMA v Fresh Direct (Scotland) Ltd** (HSWA s.2)

2012 - **HMA v Nether Dysart Farms** (HSWA s.2)

2012 - **HMA v Electroguard Security Systems** (HSWA s.3)

2012 - **HMA v Major George McCallum** (HSWA s.7)

2011 - **HMA v Alexander Dennis Ltd** (HSWA s.2)

2011 - **HMA v Robertson Construction (Central) Ltd & Stirling Stone Ltd** (HSWA s.2 / s.3)

2010 - **PF Falkirk v Asda Stores Ltd** (HSWA s.2)

2010 - **Stena Drilling Ltd v Greenpeace Ltd** (Interdict proceedings)

2010 - **HMA v Kuehne + Nagel Ltd** (HSWA s.2)

2009 - **HMA v Pratt & Discovery Homes (Scotland) Ltd** (HSWA s.2 / s.37)

2009 - **HMA v Munro & Sons (Highland) Ltd & MacLennan** (HSWA s.3 / s.7)

2009 - **PF Fort William v Nevis Range Development Co Ltd & Byrne** (HSWA s.3 / s.7)

2009 - **HMA v L H Access Technology Ltd** (HSWA s.3)

2008 - **HMA v Mitie Engineering Services (Edinburgh) Ltd** (HSWA s.2 / s.37)

Fatal Accident Inquiries

Barry is experienced in the conduct of Fatal Accident Inquiries. Representative cases include:

2017 - **In re Deaths of Paula Robson & three others** (Snowman & Jim Clark Rally FAI) (for Berwick & District Motor Club)

2016 - ***In Re Death of Margaret Forrest*** (Pharmacy dispensing error) (for Boots UK Ltd)

2015 - ***In Re Death of Michael MacDonald*** (Livingwell Dundee Swimming Pool FAI) (for Hilton Worldwide)

2014 - ***In Re Death of Basilio Brazao*** (Earlsburn Windfarm FAI) (for principal contractor - Nordex UK Ltd)

2014 - ***In Re Death of Russell Robinson*** (Balmoral FPV Saturation Diving FAI) (for Harkand ISS (Intergrated Sub-Sea Services) Ltd)

2013 - ***In Re Death of Natasha Paton*** (School Bus Crash FAI) (for Driver)

2013 - ***In Re Death of Ainslie Smith*** (Infant Cot Death FAI) (for Cosatto Ltd)

2012 - ***In Re Death of Darren Taylor*** (Electrocution FAI) (for Scottish Power)

2011 - ***In Re Robert MacDonald*** (Forth Rail Bridge FAI)

2010 - ***In Re Ben McCreath*** (Princes Exchange FAI)

Professional Memberships

Health & Safety Lawyers Association (Committee Member)

Association of Regulatory & Disciplinary Lawyers

Lectures and seminars

Barry regularly provides seminars and vocational legal training. He has been particularly involved in the development and delivery of legal courses for HSE Scotland.

He maintains academic links with Harvard Law School and is a contributor to legal journals and periodicals.

What the Directories Say

Legal 500 2011 – Ranked for Health & Safety and Regulatory

“The ‘astute and accomodating’ Barry Smith is a ‘highly competent’ Junior.”

Legal 500 2012 – Ranked for Health & Safety and Regulatory

“Barry Smith has ‘a wealth of experience’, is ‘very adept at handling difficult situations’, and has ‘great client-handling skills’”

Chambers UK 2012 – Ranked Band 1 for Health & Safety

“Sources commend his ‘very sensible approach and excellent feel for how the advocates and solicitors in the Crown Office operate. He adopts a very tactical approach’”

Chambers UK 2013 – Ranked Band 1 for Health & Safety

“‘Junior but very able’ advocate who is ‘well liked by Courts and client alike’”

Legal 500 2013 – Ranked for Health & Safety and Regulatory

‘always extremely well prepared for all eventualities’.

Chambers UK 2014 - Ranked Band 1 for Health & Safety

"His attention to detail is second to none"

Legal 500 2014 - Ranked for Health & Safety and Regulatory

"The leading junior at the Scottish bar for health and safety and regulatory work."

Chambers UK 2015 - Ranked Band 1 for Health & Safety

Legal 500 2015 - Ranked for Health & Safety and Regulatory

'Recommended for workplace litigation.'

Chambers UK 2016 - Ranked Band 1 for Health & Safety

"His thorough and straightforward style with the clients is much appreciated and results in him being highly sought after." "He has a very good technical knowledge and is hard-working and a fighter in court."

Legal 500 2017 - Ranked for Health & Safety and Regulatory

"He has in-depth knowledge of health and safety law."

Chambers UK 2018 - Ranked Band 1 for Health & Safety

"Calm, measured and highly persuasive both in court and when dealing with opposing counsel. he has excellent negotiating skills."

"He brings a strategic approach to cases. He is extremely thorough and excellent on his feet."