

## Emma Toner

**Year called:** 2009  
**Email:** emma.toner@compasschambers.com  
**Qualifications:** LL.B (Hons), (University of Strathclyde and University of Rouen, France)  
Dip. LP, Glasgow Graduate School of Law  
PG Diploma in Forensic Medicine, Society of Apothecaries of London  
Faculty Scholar 2008/2009  
MCI Arb Chartered Institute of Arbitrators 2017  
PG Cert Law and Medical Ethics, University of Edinburgh 2019



## Principal areas of Practice:

- Regulatory Crime including Health and Safety, Road Traffic, Firearms
- Financial Crime including Civil Recovery of Proceeds of Crime
- Fatal Accident and Public Inquiries
- Personal Injury

Emma's principal areas of practice are regulatory crime and Fatal Accident Inquiries. She has extensive experience of regulatory crime, including cases brought under the Road Traffic Act 1988, Firearms Act 1968 and Proceeds of Crime Act 2002. She is regularly instructed in the High Court, Sheriff Court and Appeal Court, both as sole Counsel and as Junior Counsel to Senior and has conducted a wide range of trials, under both statute and common law, including cases involving financial crime. She is ranked as a Leading Junior in the Legal 500 UK 2020 in the field of Regulatory and Health and Safety.

Emma has considerable experience of Fatal Accident Inquiries, including the Rosepark Fatal Accident Inquiry, the longest Fatal Accident Inquiry ever to run in Scotland, in which she acted for a nurse. She has been instructed in numerous Inquiries involving a broad spectrum of issues. She has acted in Inquiries on behalf of private companies, public bodies, professionals and individuals. In 2018- 2019, Emma was instructed on behalf of the aircraft manufacturer in the Inquiry into the deaths at the Clutha Bar, Glasgow, in 2013. She is currently instructed to act on behalf of the aircraft manufacturer in the Inquiry into the deaths at Sumburgh following the ditching of the Superpuma in 2013.

Emma has been instructed in reparation cases, including fatal claims. She is instructed as Junior Counsel on behalf of multiple pursuers in the group litigation pending before the Court of Session in relation to the transvaginal mesh litigation. She was instructed as Junior Counsel in the previous "class action" case involving product liability in the PIP

breast implant litigation.

Emma has delivered legal training to specialist inspectors within the Health and Safety Executive, both in Scotland and in England, and is involved as an examiner in the Health and Safety Executive legal assessment program. She is a member of the Chartered Institute of Arbitrators.

Prior to calling, Emma was a procurator fiscal depute and indicter within Crown Office.

Emma is the Editor of Session Cases law reports.

## Representative Cases:

- FAI Sumburgh (instructed on behalf of aircraft manufacturer, Airbus Helicopters, in inquiry into deaths following Superpuma ditching in 2013)
- HM Advocate v Phoenix Roofing (prosecution under Health and Safety at Work Act 1974, s2 and 3) (2020)
- FAI Death of Thomas Leiper (FAI involving death in custody; instructed on behalf of SERCO, operator of prison) (2019)
- Clark v KLM Airlines (personal injury action under Montreal Convention; instructed on behalf of airline) (2019)
- PF Glasgow v Cordia Services LLP (HSWA 1974, s2 prosecution; instructed on behalf of Glasgow City Council) (2019)
- PF Glasgow v Thermatic Scotland Ltd (HSWA 1974, s2 prosecution; instructed on behalf of Thermatic Scotland LLP) (2019)
- FAI Clutha Bar, Glasgow (instructed on behalf of aircraft manufacturer, Airbus Helicopters, in FAI into helicopter crash at Clutha Bar in 2013) (2018- 2019)
- FAI Death of Michael Towell (Fatal Accident Inquiry into death of professional boxer, involving issues of medical management and advice) (2018)
- FAI Death of James Scott Miller / Miller v Power and Dickinson Transport (Fatal Accident Inquiry involving issues of medical fitness to drive and interpretation of DVLA guidelines / associated action for damages arising from fatality- instructed for next of kin of deceased) (2017 and 2019)
- Craigton Cemetery Fatal Accident Inquiry (Fatal Accident Inquiry into death of child in cemetery; instructed on behalf of Glasgow City Council) (2016- 2017)
- PF Airdrie v DW (s1A Road Traffic Act 1988 re causing serious injury by dangerous driving- acquitted after trial) (2017)
- In Re Death of Barbara Anderson (Fatal Accident Inquiry into death of wheelchair user in housefire: instructed on behalf of manufacturer of wheelchair component) (2016)
- Glasgow Bin Lorry Fatal Accident Inquiry (instructed as Junior Counsel on behalf of next of kin of 3 deceased) (2015)
- HMA v Sneddon (defence counsel in prosecution under s1 Road Traffic Act 1988 re causing death by dangerous driving- convicted of causing death by careless driving under s2B after trial)(2014)
- HMA v Andrew Coulter & Others (instructed as defence Junior Counsel in application brought by Crown under the Double Jeopardy (Scotland) Act 2011 in relation to the proceedings which gave rise to the Chhokar Inquiry (2014)
- In Re Death of Marcel Daisley/ Daisley v. Groundworks Development Ltd (Fatal Accident Inquiry into death on construction site/ associated action for damages arising from fatality) (2014)
- HMA v. Glasgow City Council (Health and Safety at Work Act 1974, charges under sections 2 and 33; instructed on behalf of Glasgow City Council in prosecution arising from fatality) (2014)
- Bysouth v. Argyle and Bute Council (Junior Counsel in action for damages arising from fatality- suicide of child in

- care of Council(2012)
- Rosepark Care Home Fatal Accident Inquiry (instructed on behalf of member of nursing staff) (2009- 2010)

## Appointments

Editor, Session Cases 2020-  
Deputy Editor, Session Cases 2016-2020  
Reporter, Session Cases 2013- 2016

## Professional Memberships

- Chartered Institute of Arbitrators
- Health and Safety Lawyers' Association
- Association of Regulatory and Disciplinary Lawyers
- Scottish Medico-Legal Society
- Scottish Criminal Bar Association

## Foreign Languages

- Fluent French

## Recent Talks

Fatal Accident Inquiries- 2 years on from 2016 Act (Compass Chambers Conference, Glasgow, 2019)

Sentencing Trends in Health and Safety Cases (Nov 2018) Compass Chambers Conference, Edinburgh

Fatal Accident Inquiries: what the criminal practitioner needs to know (October 2018) Central Law Training

Fatal Accident Inquiries under the new rules (October 2018) Personal Injury Conference, Central Law Training

FAIs under the 2016 Act (March 2018, Compass Chambers Conference, Aberdeen)

Regulatory Crime Update (March 2018, Central Law Training Conference);

Fatal Accident Inquiries and the 2016 Act (June 2017, Scottish In House Lawyers Group)

Prosecution of Cold Cases (Oct 2016, Central Law Training Conference);

Health and Safety Prosecutions (Oct 2015, DLA Piper);

Sentencing in Environmental Cases (Dec 2014,  
Compass Chambers Conference);

Essential Criminal law update (Oct 2015)  
for Central Law Training

## What the Directories Say

Legal 500 UK 2020 - Ranked as a leading Junior for Health & Safety and Regulatory - "A persuasive advocate who represents her clients with compassion and strength."

Legal 500 UK 2020 - Ranked as a leading Junior for Personal Injury and Clinical Negligence - "Diligent, conscientious and punctual. "