

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
Diploma in Forensic Medicine, Society of Apothecaries of London
MCI Arb 2017
Faculty Scholar 2008/2009
Appointments
Deputy Editor, Session Cases 2016-
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

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 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 also regularly instructed in personal injury actions, for both

pursuers and defenders. She 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, and is currently instructed on behalf of the aircraft manufacturer in the Inquiry into the deaths at the Clutha Bar, Glasgow, in 2013.

Emma has regularly 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.

In 2016, Emma was appointed as Deputy Editor of Session Cases.

Representative Cases:

- In Re Death of Michael Towell (Fatal Accident Inquiry into death of professional boxer, involving issues of medical management and advice) (2018)
- In Re Death of James Scott Miller (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)

Foreign Languages

- Fluent French

Recent Talks

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