

Peter Gray QC

Year called: 1992
Year of silk: 2002
Email: peter.gray@compasschambers.com
Qualifications: 1978-1981: LLB (Hons)
1983-1992: Practised at English Bar in London
1992: Called to Scottish Bar
1998-2000: Appointed Advocate Depute
2002: Appointed Queen's Counsel



Practice

Principal areas of Practice

- Health and Safety Prosecutions
- Fatal Accident Inquiries/Public Inquiries
- Environmental Prosecutions
- Corporate Financial Crime

What the Directories Say

Chambers and Partners 2021: listed as a Star Individual of the Bar in Health and Safety: "*He is so thorough, thoughtful and incredible with clients. He is also excellent on his feet and is so well respected in this area*". "*He is one of the leading health and safety silks in Scotland. He is fantastic with clients and is concise and clear*". "*He is a first-rate senior counsel and a true expert in this field; he has excellent cross-examination skills*".

Chambers and Partners 2020: listed as a Star Individual of the Bar in Health and Safety: "*His main strength is his depth of knowledge*". "*He is undoubtedly one of the leading practitioners at the Scottish Health and Safety Bar; he is very calm, measured, has the ear of court.... and certainly a go-to person for the biggest health and safety cases*".

Chambers and Partners 2019: listed as a Star Individual of the Bar in Health and Safety: "*Incisive, vastly experienced and commercially minded*". "*He has an excellent manner with clients and is an accomplished advocate*".

Chambers and Partners 2017: listed as a Star Individual of the Bar in Health and Safety: *"Peter is recognised as the pre-eminent regulatory lawyer in Scotland and has an encyclopaedic knowledge of the relevant authorities", "He is an excellent trial lawyer: he communicates so well with the jury, the Bench and the client".*

Chambers and Partners 2016: listed as a Star Individual of the Bar in Health and Safety: *"He is very reasoned, plausible, and accomplished on his feet; an advocate from whom we can all learn lessons". "He's the most respected QC in the country doing this kind of work".*

Chambers and Partners 2015: listed as a Star Individual of the Bar in Health and Safety: *"He gives a silky smooth performance. He can walk the rope between the technical and legal aspects very well." "He has a wide understanding and is very user-friendly."*

UK Legal 500 of 2020: described him as "The pre-eminent figure in regulatory and health and safety cases"

UK Legal 500 of 2019: described that 'He combines intellect and gravitas with an open and approachable style.'

UK Legal 500 of 2017: described that "His advocacy skills are first rate. He communicates complex ideas in a succinct style".

UK Legal 500 of 2016: described as "An extremely capable and instinctive advocate".

Health and Safety Prosecutions

Peter has extensive experience in defence of allegations involving the primary duties under the 1974 Act and related statutory regulations. Clients represented in this area include major representatives of the oil, construction, retail, pharmaceutical, haulage industries, and emergency and health services.

Representative Instructions

2022: *HMA v Bright Horizons Family Solutions Ltd*: Represented Bright Horizons FS Ltd in health and safety prosecution brought under Section 3 of the HSWA 1974 arising from the death by choking of an 11 month old baby whilst at Bright Horizons Nursery at Corstorphine, Edinburgh as a result of inadequate supervision whilst eating.

2022: *HMA v HC-One Ltd*: Represented HC-One Ltd in health and safety prosecution brought under Section 3 of the HSWA 1974 arising from the death of a vulnerable resident (as a result of choking) at HC-One Care Home in Tullibody. Fatal incident arose as a result of failure to provide adequate instruction to staff responsible for providing snacks to residents which met their dietary and medical needs.

2021: *HMA v The Action Group*: Represented TAG in health and safety prosecution brought under Section 2 of the HSWA 1974 arising from a serious sexual assault suffered by employee of TAG in course of her employment as a result of admitted failings on part of TAG to provide sufficient support to employee whilst providing support services to a third party with learning difficulties.

2021: *HMA v Cameron House Resort (Loch Lomond) Limited*: representing CHRLLL in health and safety prosecution brought under Section 53 and 54 of the Fire (Scotland) Act 2005 arising from the death of two guests as the result of a fire at the hotel premises in December 2017.

2020: *HMA v Network Rail*: representing Network Rail in health and safety prosecution arising from incident whereby trespasser on the line sustained serious injuries as result of electrocution.

2020: *HMA v Scottish Water*: representing Scottish Water in health and safety prosecution under section 2 HSWA 1974 relating to serious injuries sustained by employee in the course of lone working at treatment plant.

2020: *HMA v Roman Catholic Diocese of Dunkeld & Dundee*: representing the Diocese in health and safety prosecution brought under section 3 HSWA 1974 relating to the death of a resident in a care home as a result of a fall from height.

2019: *HMA v Allenbuild Ltd*: representing Allenbuild Ltd in health and safety prosecution brought under CDM Regulations 2015 arising from an incident on a construction site where an employee was crushed to death by a dumper truck whilst he was working in an area in which pedestrians and vehicles had not been adequately segregated.

2019: *HMA v Arcadia Group Ltd*: representing Arcadia Group Ltd in health and safety prosecution brought under Section 3 of the HSWA 1974 arising from an incident at an Arcadia owned store at which a 10 year old girl sustained a fractured skull as a result of a queue barrier which had not been properly installed collapsing on top of her.

2019: *HMA v BP Exploration Operating Company Limited*: representing BP in health and safety prosecution brought under Section 3 of the HSWA 1974 arising from an uncontrolled hydrocarbon release at the Sullom Voe Terminal.

2018: *HMA v Turriff Ltd*: representing Turriff Ltd in prosecution brought under section 3 of HSWA 1974 arising from gas explosion which occurred as a result of inadequate supervision of laying of medium pressure gas main.

2018: *HMA v Sir Robert McAlpine Ltd*: representing SRM Ltd in prosecution brought under Section 2 of the HSWA 1974, Regulation 3 of the MHSW Regulations 1999 and Regulation 22 of the CDM Regulations 2007, arising from an incident in October 2013 when an employee of SRM Ltd lost his life in the course of his employment as a result of a fall from height which occurred after the deceased had crossed a scaffolding barrier during the course of the construction of the Glasgow School of Art, and fell from a staircase, then in the course of construction, which did not have edge protection.

2018: *HMA v Greater Glasgow Health Board*: representing GGHB in health and safety prosecution brought under Section 3 of the HSWA 1974 arising out of the suicide of a teenage patient as a result of admitted failings on the part of GGHB in relation to the management of environmental risk relating to potential ligature points in a psychiatric unit.

2017: *PF v Ingen Technical Services Ltd*: representing ITS Ltd in health and safety prosecution brought under Reg 13(2) of CDM Regs 2007 relating to fall from height of apprentice employee whilst working in attic space of major construction.

2017: *HMA v Tarff Valley Ltd*: representing TV Ltd in health and safety prosecution brought under sections 2 and 3 of the HSWA 1974 in relation to risks to safety presented by misuse of telehandlers.

2017: *HMA v SSPCA*: representing SSPCA in health and safety prosecution under section 2 of HSWA 1974 relating to failures to manage risks of exposure to allergic alveolitis.

2017: *HMA v Greater Glasgow Health Board*: representing GGHB in health and safety prosecution brought under section 3 of HSWA 1974 relating to suicide of two patients in psychiatric care whilst subject to enhanced levels of observation.

2017: *HSE v Chevron North Sea Limited*: representing Chevron in appeal to the Supreme Court brought by HSE against decision of Inner House refusing appeal brought by HSE against decision of Employment Tribunal in appeal against Prohibition Notice brought under Section 24 HSWA 1974.

2016: *HMA v Clydeport Ltd*: representing Clydeport in relation to health and safety prosecution brought under section 2 HSWA 1974 arising out of death of an employee whilst working on crane at Hunterston Terminal.

2016: *Apache North Sea Production Ltd v HSE*: representing Apache in appeal to Employment Tribunal against improvement notice served arising from collision between production supply vessel and Forties Echo installation.

2016: *DVSA v Feedmix Limited*: representing Feedmix in Inquiry before Traffic Commissioner for Scotland arising out of allegations of maintenance failures relating to HGVs giving rise to potential safety issues.

2016: *HMA v Scottish Hydro Electric Transmission Ltd*: representing SHETL in health and safety prosecution under Section 3 of HSWA arising from fatal electrocution of contractor whilst engaged in maintenance activities.

2016: *HMA v Network Rail Infrastructure Ltd*: representing NR in health and safety prosecution under Section 2 of HSWA arising from electric shock sustained by employee in course of maintenance of overhead line equipment.

2016: *PF v FMC Technologies Ltd*: representing FMC in health and safety prosecution brought under Reg 12 of PUWER 1998 arising from serious injury and permanent impairment sustained by employee in course of pressure testing activity.

2016: *HMA v Inspire Ltd*: representing Inspire in health and safety prosecution brought under Section 3 of HSWA arising from death of individual with profound learning disability who died whilst being cared for in supported accommodation

as a result of having an epileptic seizure whilst left unattended in a bath.

2016: *Scottish Power Generation Ltd v HMA*: representing SPG in appeal against sentence imposed in relation to a breach of section 2 of HSWA 1974 relating to serious injuries sustained by employee as a result of a failure by SPG to keep in good repair an industrial valve. Appeal was first in which the Appeal Court in Scotland has had opportunity to consider whether 2016 Sentencing Guidelines Council of England Guidelines should be adopted in Scotland.

2015: *HMA v Scottish Fire & Rescue Service*: representing SFRS in relation to health and safety prosecution brought under section 2 HSWA 1974 arising out of death of a firefighter in course of firefighting duties at the Balmoral Bar, Edinburgh.

2015: *HMA v Xervon Palmers Ltd*: representing XP in relation to health and safety prosecution brought under section 2 HSWA 1974 arising out of death of an employee whilst working on Tay Bridge.

2015: *HMA v RWE NPower Renewables Ltd*: representing RWE in relation to health and safety prosecution brought under section 3 HSWA 1974.

2015: *HMA v Ark Housing Association*: representing AHA in relation to health and safety prosecution brought under section 3 HSWA 1974 arising out of death of a vulnerable person by scalding whilst being bathed.

2015: *HMA v Total Exploration and Production UK Ltd*: representing Total in relation to prosecution brought under regulation 13 of Offshore Installations and Wells(Design & Construction) Regulations 1996 arising out of hydrocarbon release on Franklin G4 installation.

2015: *PF v Euromark Ltd*: representing Euromark in relation to health and safety prosecution brought under sections 2 and 3 HSWA 1974 arising from risks presented by methods adopted for roadmarking operations.

2014: *HMA v City of Edinburgh Council*: representing CEC in relation to health and safety prosecution brought under section 3 HSWA 1974 arising out of injury sustained by pupil in school premises.

2014: *Chevron v HSE*: representing Chevron in appeal against Prohibition Notice under Section 24 of HSWA 1974.

2014: *HMA v Royal Highland Agricultural Society of Scotland*: representing RHASS in relation to health and safety prosecution brought under section 3 HSWA 1974 arising out of death of 3 year old at the Royal Highland Show in 2008, crushed by a concrete bollard.

2014: *HMA v NHS Lothian*: representing Lothian Health Board in relation to health and safety prosecution brought under section 3 HSWA 1974 arising out of death of member of public in road traffic collision as result of failings in traffic management.

2013: *HMA v Greater Glasgow Health Board*: representing Board in relation to prosecution brought under Control of Asbestos Regulations 2006

2013: *PF v BHS Ltd*: representing BHS in health and safety prosecution brought under section 3 of HSWA.

2013: *PF v Lothian Health Board*: representing the Board in health and safety prosecution brought under Section 2 of HSWA relating to lone worker safety.

2013: *HMA v Svitzer Marine Ltd*: representing Svitzer Marine in health and safety prosecution brought under Section 2 of HSWA 1974 arising out of capsizing of "The Flying Phantom resulting in death of three employees.

2012: *HMA v Robert Crockett & Ptrs Ltd (and Dundee Coldstores Ltd)*: representing Crockett & Ptrs in health and safety prosecution brought under Section 2 of HSWA.

2012: *HMA v Railcare Limited*: representing Railcare in Health and Safety Prosecution brought under Section 2 of HSWA.

2012: *Scottish Sea Farms Ltd v HMA*: representing SSF in appeal against sentence in relation to conviction under Section 2 of HSWA.

2012: *HMA v Lanarkshire Health Board*: representing LHB in Health and Safety Prosecution brought under Section 3 of HSWA.

2012: *Re The Bourbon Dolphin*: representing Trident Offshore Limited in appeal against improvement notice relating to alleged breach of Section 3 of HSWA following the capsizing of the Bourbon Dolphin in course of anchor handling operations.

2012: *HMA v The Woodland Trust*: representing the Trust in health and safety prosecution brought under Section 3 of HSWA.

2011: *PF v Macdonald Hotels*: representing MacDonald Hotels in food safety prosecution under Food Hygiene Regulations 2006.

2011: *HMA v The Maersk Company Ltd*: representing Maersk in Health and Safety Prosecution brought under Sections 2 and 3 of HSWA.

2011: *Talisman Energy UK Ltd v HSE*: representing Talisman in appeal against improvement notice relating to alleged breach of Offshore Installations and Wells (Design and Construction) Regulations 1996 in relation to accommodation on the Tartan installation.

2011: *DTZ and Standard Life v Strathclyde Fire Board*: representing DTZ and Standard Life in appeal against enforcement order imposed under Fire (Scotland) Act 2005.

2010: *PF v Begley*: representing employee of Barratt Homes in Health and Safety Prosecution brought under Section 7

HSWA.

2009: *Border Rail and Plant v HMA*: representing Border Rail in appeal against sentence arising from HSWA prosecution.

2009: *PF v BHS Ltd*: representing BHS Ltd in Health and Safety Prosecution brought under Section 3 HSWA.

2009: *PF v Jacobs Engineering*: representing Jacobs Engineering in health and safety prosecution brought under Section 3 HSWA.

2009: *HMA v Scottish Hydro Electric plc*: representing Scottish Hydro Electric in Health and Safety Prosecution brought under Section 3 of HSWA.

2008: *HMA v CNR International Oil*; representing CNR in Health and Safety Prosecution brought under Section 3 HSWA.

2005: *HMA v Transco plc*: representing Transco plc in Health and Safety Prosecution brought under Section 3 HSWA.

2004: *PF v Western Isles Health Board*: representing WIHB in Health and Safety Prosecution brought under Section 2 HSWA.

2003: *PF v Tesco Stores PLC*. Representing Tesco Stores in Health and Safety Prosecution brought under Food Safety Act 1990.

2003: *PF v BDG Projects Ltd*: representing BDG Projects in Health and Safety Prosecution brought under Construction (Design and Management Regs) 2003.

2003: *PF v Parks of Hamilton*: representing Parks of Hamilton in Health and Safety Prosecution brought under Section 2 HSWA.

2003: *PF v Forth Ports PLC*: representing Fort Ports plc in Health and Safety Prosecution brought under Section 3 HSWA.

2002: *HMA v Total Fina Elf*: representing TFE in Health and Safety Prosecution brought under Section 3 HSWA.

Fatal Accident Inquiries/Public Inquiries

Peter has been instructed in a number of lengthy and high profile Inquiries in relation to deaths which have occurred in the workplace, or in other circumstances which have given rise to widespread public concern.

Representative Instructions

2022: Currently representing Greater Glasgow and Clyde Health Board in the Scottish Hospitals Public Inquiry relating to

how issues regarding the adequacy of ventilation, water contamination and other matters at the Queen Elizabeth University Hospital Campus Glasgow adversely impacted patient safety and care.

2022: representing Taqa Bratani Ltd in FAI into the circumstances surrounding the death of an employee whilst carrying out lifeboat maintenance in the course of his employment on an offshore installation.

2022: representing Maritime and Coastguard Agency in FAI into the circumstances of the deaths of three crew in the course of their employment as fishermen on the *Louisa* fishing vessel.

2021: representing Veolia Water Outsourcing Limited in FAI into the circumstances surrounding the death of an employee in the course of employment at a wastewater treatment plant in 2018.

2021: representing PMG Services in Fatal Accident Inquiry into the circumstances surrounding the death of skipper of a workboat on Isle of Mull as result of the collapse of a crane installed on vessel.

2020: representing Total E & P UK Ltd in Fatal Accident Inquiry into the circumstances surrounding crash of helicopter on approach to Sumburgh Airport in 2013 resulting in four fatalities.

2019: representing Babcock Mission Control Services Onshore Limited in Fatal Accident Inquiry into the circumstances surrounding crash of helicopter into Clutha Tavern in Glasgow in November 2013 resulting in multiple fatalities.

2017: representing Caledonia Property Maintenance Ltd in Fatal Accident Inquiry in relation to the death of an employee as a result of falling through a fragile roof whilst undertaking survey activity at third party premises.

2017: representing City of Edinburgh Council in Fatal Accident Inquiry relating to the death of a 12 year old schoolgirl who died as a result of the collapse of a wall in the changing room of Liberton High School in 2014.

2017: representing the Motor Sports Association in the Snowman Rally and Jim Clark Rally Fatal Accident Inquiries relating to the circumstances surrounding the deaths of a number of spectators at rallies held in 2013 and 2014 respectively.

2017: representing GGR Group Ltd in Fatal Accident Inquiry relating to the death of maintenance fitter in course of construction of the Queensferry Bridge.

2016: representing Glasgow Housing Association in Fatal Accident Inquiry in relation to the drowning in a bath of an individual with profound learning disabilities whilst being cared for in supported housing.

2015: representing Serco Ltd in Fatal Accident Inquiry relating to murder of prisoner at HM Prison Kilmarnock. Inquiry focussed to significant extent on management of risk and cell-sharing risk assessment process.

2015: representing Glasgow City Council in Fatal Accident Inquiry in relation to the incident at George Square, Glasgow in

December 2014 when a refuse lorry went out of control causing multiple fatalities.

2014: representing BP Exploration Operating Company Limited in Super Puma Fatal Accident Inquiry in relation to death of 2 crew and 14 passengers in North Sea in course of offshore transfer.

2014: representing Premier Oil UK Ltd in Re; Russell Robinson, a Fatal Accident Inquiry relating to death of a commercial saturation diver.

2014: representing Falck Renewables in Fatal Accident Inquiry relating to death of maintenance worker in a wind turbine as result of failure of fall-arrest mechanism.

2013: representing Photoflash Ltd in Re Natasha Paton, an Inquiry in relation to death by drowning of schoolgirl in coach crash on school trip to Alton Towers).

2011: representing Thyssenkrupp Palmers Ltd in Re Robert MacDonald, an Inquiry relating to death of employee in fall from height in course of employment on Forth Rail Bridge;

2010: representing Connaught Compliance Services Ltd in Re: Ben McCreath, an Inquiry into the death of an infant in a fall from height incident at a major multi-occupancy commercial office building in Edinburgh;

2010: representing Scottish Hydro Electric plc in Re: Russell Donald, an Inquiry into the death of trainee surveyor in accidental contact with overhead powerline;

2009: representing WH Malcolm Ltd in Re: Kevin West, an Inquiry relating to a death of an employee in construction industry;

2008: representing JGas (Johnston Oils Ltd) in the Stockline Public Inquiry relating to the plastics factory tragedy in which nine people died;

2006: representing Wood Group plc in the Inquiry in relation to the fatal accidents in the offshore industry on Brent Bravo;

Environmental Prosecutions

Peter has extensive experience of defending all forms of regulatory prosecutions including offences under:

- The Control of Pollution Act 1974
- The Environment Protection Act 1990

- The Pollution Prevention Control Act 1999, and
- The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.

Representative Instructions

Current instructions include representing major commercial clients in relation to prosecutions under Transfrontier Shipment of Waste Regulations 2007, and the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.

2015: *PF v Sita UK Ltd*: representing Sita UK in relation to environmental prosecution brought under the Pollution Prevention and Control Act 1999, and Pollution Prevention and Control (Scotland) Regulations 2000 regarding a landfill site and its control of leachate levels.

2015: *PF v Billy Bowie Special Projects Limited*: representing BBSP Ltd in relation to environmental prosecution brought under Environment Protection Act 1990 regarding management of waste to prevent emission of offensive odours.

2013: *PF v DCD Ltd*: representing DCD Ltd in Environmental Crime prosecution brought under Environment Protection Act 1990.

2013: *PF v Taqa Bratani Ltd*: representing Taqa in Environmental Crime Prosecution brought under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.

2011: *PF v G Hunter Ltd*: representing G Hunter Ltd in Environmental Crime prosecution brought under Water Environment and Water Services (Scotland) Act 2003.

2010: *HMA v Doonin Plant Ltd*: Representing Doonin Plant Ltd in Appeal by Crown against unduly lenient sentence relating to breaches of Environment Protection Act 1990.

Corporate Financial Crime

Peter has considerable experience in both the prosecution and defence of a wide range of corporate financial prosecutions in the High Court including those resulting from investigations in relation to commercial fraud, insolvency, offences under the Companies Acts, and Proceeds of Crime legislation.

Representative Instructions

2016: Re Braid Group: representing Braid in relation to civil settlement achieved pursuant to the Crown's self-reporting

initiative following the introduction of the Bribery act 2010.

2015: Re Y: representing Scottish company in relation to second civil settlement achieved in Scotland pursuant to the Crown's self-reporting initiative following introduction of the Bribery Act 2010.

2013: Re X: representing Scottish company in relation to second civil settlement achieved in Scotland pursuant to the Crown's self-reporting initiative following introduction of the Bribery Act 2010.

2012: Advising international commercial entity regarding possible criminal activity relating to bribery by overseas agents;

2012: Re Abbott Group Ltd: Representing Abbot Group in relation to first civil settlement achieved in Scotland pursuant to the Crown's self-reporting initiative following introduction of the Bribery Act 2010.

2011: *AR Communications v HMRC*: representing HMRC in appeal to the 1st tier Tax Tribunal in relation to refusal to allow repayment of input tax; case centred on proof of Missing Trader Intra Community "MTIC" fraud;

2011: Provision of advice to overseas company in relation to multi-million pound fraud committed by UK entity in course of major commercial transaction;

2011: Provision of advice to major healthcare provider in relation to potential liabilities under the Bribery Act 2010;

2010: *Cell Trading Ltd v HMRC*: representing HMRC in appeal to the 1st tier Tax Tribunal in relation to refusal to allow repayment of input tax; case centred on proof of Missing Trader Intra Community "MTIC" fraud;

2010: *HMA v Irvine*: Financial Crime Prosecution under Sea Fishing (Enforcement of Community Control Measures) Order 2000, Fisheries Act 1981, and ancillary proceedings under Proceeds of Crime Act 2002.

2007: *HMA v Freeman*: Financial Crime Prosecution under Insolvency Act 1986 and Proceeds of Crime Act 2002.

Professional Memberships

Health and Safety Law Association

United Kingdom Environmental Law Association

Faculty of Advocates Criminal Bar Association (Chairman 2001)

Proceeds of Crime Lawyers Association

Publications

Guide to The Corporate Manslaughter and Corporate Homicide Act 2007 (Greens Publishers, May 2008).

Lectures and Seminars

Peter regularly provides seminars and briefings to corporate clients and other bodies including CLT, SYLA, HSLA as well as speaking at Compass Chambers' conferences.

Dual Qualified

Yes - Peter is also a member of 2 Hare Court, the Chambers of Jonathan Laidlaw QC.