



Alex Stein

Call 1998

Alex Stein has a nationwide practice focused on regulatory law and is on the list of Specialist Regulatory Advocates in Health & Safety and Environmental Law [List A].

He prosecutes work related deaths cases on behalf of the HSE and Local Authorities. Alex also regularly prosecutes on behalf of the Pensions Regulator [including the well-publicised case TPR v Dominic Chappell] and has extensive experience of Pensions and Trading Standards Law.

He has substantial experience in proceeds of crime. In R v Pace [2014] 1 Cr.App.R 34 he successfully represented the appellant in the landmark ruling on the appropriate mens rea for an attempt of a s327 POCA offence.

Alex defends health and safety, environmental and food safety cases on behalf of individuals and corporates with insurer funding and regularly defends drivers charged with fatal RTA offences. He is on the approved panel for all the major insurers.

He attends inquests on behalf of the HSE and corporates in work related deaths. Throughout 2014 and 2015 he was the sole advocate instructed on behalf of the South Yorkshire Fire and Rescue Service at the Hillsborough Inquests. In 2019 he represented a number of ex-paratroopers at the Ballymurphy Massacre Inquests in Belfast.

Practice Areas

Fraud

Alex undertakes heavy fraud, money laundering, proceeds of crime and corruption cases as both junior and leading junior counsel. He prosecutes on behalf of the Pensions Regulator and has a good understanding of pensions law. He has also been instructed to defend in several Serious Fraud Office prosecutions. He is often instructed pre-charge to advise in relation to liability under regulatory law.

Alex is instructed in a number of cases involving internet fraud, hacking and illegal file sharing. He has a good understanding of information technology and internet crime. He represented the owner and operator of the oink.cd website in the first criminal trial emanating from a bittorrent website in the UK. The case at Teesside Crown Court attracted considerable press attention when the defendant was unanimously acquitted.

Alex has an excellent understanding of the Proceeds of Crime Act and related forfeiture proceedings

Notable fraud cases

Operation Cardinal [2020]

Pre-charge advice and ongoing prosecution of pensions liberation fraud instructed by the Pensions Regulator.

Operation Athena [2020]

Pre-charge advice and ongoing prosecution of fraud on behalf of the Pensions Regulator.

Operation Avocet [2019]

Successful fraud prosecution on behalf of the Pensions Regulator against the Trustees of a scheme where funds were liberated and used for personal gain. 5 year prison sentence and successful POCA application.

TPR v Dominic Chappell [2018]

Well publicized prosecution on behalf of the Pensions Regulator arising from events following the collapse of British Home Stores.

Operation Angle [2017]

5 month education fraud trial prosecuted by the Serious Fraud Office with over 250,000 pages of used evidence.

TPR v McClarry [2017]

Prosecution of an individual for failing to comply with a section 72 Pensions Act 2004 notice.

TPR v Ashley Wilson LLP [2016-2017]

First prosecution brought by the Pensions Regulator in relation to a failure to respond to section 72 Pensions Act 2004 notices.

R v Pace [2014] 1 Cr.App.R 34

The leading case in relation to the required mens rea in criminal attempts. Alex successfully appealed a conviction for an attempted offence under section 327 of the Proceeds of Crime Act 2002. At paragraph 37 Davis LJ describes his submissions as 'excellent and carefully considered'.

Crime

Alex has extensive experience in death by driving cases having been instructed by insurers in over 30 such cases in the last 3 years. He is also regularly instructed in driving cases involving serious injury with underlying civil litigation. He is on the approved panel for all the major insurers.

Alex also accepts private instructions in all forms of motoring offences either directly or by referral.

He is regularly instructed to appear at Public Inquiries before the Traffic Commissioner on behalf of Corporates, OL holders and TMs and has provided training to VOSA prosecutors.

Notable crime cases

R v SD [2020]

Causing death by dangerous driving- defendant struck a pedestrian in a residential area. Charge reduced to careless driving following the defence statement. Trial late 2020.

R v A [2020]

Causing death by careless driving- defendant drove through a red light into a pedestrian. Suspended sentence.

R v NP [2019-2021]

Causing death by careless driving- defendant turning right across path of oncoming motorcycle in difficult light conditions. Re-trial 2021.

R v K [2019-2020] – Causing death by careless driving- defendant pulled out onto the A10 into path of 2 motorcycles. Acquitted.

VOSA v CT Ltd [2019]

Successful public inquiry appearance where the TC allowed an Operator to maintain their OL after numerous construction and use breaches.

R v AH [2019]

Causing death by careless driving whilst over the prescribed limit. Difficult issues involving an alcoholic disputing the back calculation.

R v P [2019]

Causing serious injury by dangerous driving – defendant lost control in bad conditions on the M42 whilst driving with tyres below the legal tread limit. Following a dismissal application the prosecution accepted careless driving simpliciter.

R v W [2018]

Causing death by dangerous driving – husband prosecuted having pulled out from a T junction into traffic causing the death of his passenger wife. Acquitted of dangerous driving.

Regulatory

Alex undertakes a wide range of Regulatory Work. He is often instructed in Fire Safety, Food Safety, Environment Agency and CQC cases.

He is available for pre-charge advice and often accepts instructions on a direct basis for such work.

Notable regulatory cases

LBWF v Stonegate [2020]

Plea and mitigation on behalf of major pub chain following rodent infestation in Waltham Forest. Successfully limited the fine to a local failing on the basis of primary authority control.

LCC v Stonegate Ltd [2019]

Pub chain prosecuted following a rodent infestation at the Liverpool branch. The sentencing court accepted that the breaches were limited and that the Company had responded in a responsible fashion. Limited fine imposed.

EA v BKP Waste & Recycling Limited [2018]

Company prosecuted by the Environment Agency following a large oil spill in Christchurch. BKP were prosecuted for a breach of the Environmental Permitting (England and Wales) Regulations 2010. Limited fine of £10,200.

Surrey CC v Zudong [2017]

Pre-charge advice to SCC in relation to the Fire Safety Order before the prosecution of the owner of an illegal tenancy with inadequate fire safety provision.

Nottingham County Council v Andrew Smith [2017]

Defence of individual prosecuted for fraudulent trading in selling mislabelled bacon and sausages as free

range. Suspended sentence.

Central Bedfordshire Council v BAPM Foods Limited [2016]

Defence of a Polish Supermarket chain for breaches of the Food Safety and Hygiene Regulations 2013 following an EHO inspection revealed out of date products on site. The company was acquitted of Food safety breaches and received nominal a nominal fine in relation to a separate HSE breach.

R v Russell Hewitt [2015-2017]

Representing a director of a care home company prosecuted by the CPS for major failings in the care including false imprisonment and offences contrary to s127 of the Mental Health Act 1983. Following a successful severance application RH was acquitted.

Health & Safety

Alex has a nationwide Health and Safety practice. He has been on the list of approved advocates to prosecute for the Health and Safety Executive and the Environment Agency since 2012 [List A 2019] and is listed in Legal 500 2020 for Health and Safety.

He regularly prosecutes work place death cases for both the HSE and for Local Authorities and defends such cases on behalf of individuals and corporates with insurer funding. He often provides pre-charge advice either before or after inquest and has recently been advising an American corporate in relation to a crane fatality in the UK.

Through his experience in road traffic prosecutions Alex has an excellent understanding of collision investigator expert evidence, driver perception and response and collision dynamics. He is often instructed in cases involving workplace vehicle collisions and vehicle/pedestrian segregation with regulatory rather than Police enforcement.

He lectures on Health and Safety Law, Environmental and Coronial Law and sits on the committee of the Health and Safety Lawyers Association.

Notable health & safety cases

Re MTS

Pre-inquest / pre-charge advice for a corporate following a work place death at a construction site in Birmingham.

Operation Roseden [2020]

Ongoing corporate manslaughter and gross negligence manslaughter prosecution.

WBC v FRC [2020]

Leading Junior defending corporate charged with HSWA offences involving a workplace death after the DP chased after a runaway RCV. Trial Nov 2020.

HSE v M Ltd [2019]

Prosecution of a large corporate following a fatal collision with a fork lift truck.

HSE v Contour Showers Limited [2019]

Company prosecuted for guarding failings. Defence submissions as to likelihood of harm accepted and a limited fine of £14,000 imposed where the prosecution had submitted high culpability and high likelihood of harm.

Prosecution of a corporate following the fatal electrocution of a tipper truck driver. £400,000 fine.

STB [2018]

Due diligence advice for a major corporate considering an acquisition with potential liabilities under UK health and Safety legislation.

Swindon BC v Chavda [2017]

Defence of a company director prosecuted as an individual alongside the company for breach of health and safety at a food distribution warehouse. The defendant also faced a charge of perverting the course of justice in relation to the warehouse cctv. Acquitted of perverting. Conditional Discharge in relation to HSE breaches.

Coroner's Inquests

Alex is regularly instructed from an early pre-inquest stage on behalf of insurers in motoring cases and both individuals and employers in health and safety related cases. His understanding of the criminal process ensures that correct tactical decisions are taken at the inquest stage.

In June 2012 Alex was appointed to the list of Specialist Regulatory Advocates in Health and Safety and Environmental Law. He regularly prosecutes fatal cases on behalf of the HSE. He also undertakes a large number of insurer funded death by driving cases.

He is fully familiar with the Coroner reforms and the 2013 rules. He regularly lectures on Coronial and Health and Safety Law.

Notable coroner's inquests cases

Re MTS [2020]

Instructed by an American corporate in relation to a workplace fatality in Birmingham.

Re KF [2020]

Instructed in behalf of a driver previously acquitted of causing death by careless driving.

Ballymurphy [2019]

Ongoing representation on behalf of a number of ex-military witnesses at the Ballymurphy Massacre Inquests before Mrs Justice Keegan.

Re ALJ [2018]

Instructed on behalf of the HSE following an explosion at a titanium processing plant. The case involved complex expert evidence in relation to the mechanics of the failure. Ongoing pre-charge advice to HSE.

Re PK [2017]

Instructed on behalf of a driver by his insurers following a fatal RTA involving a motorcyclist. The driver was emerging from an unmarked and unsigned road entrance and the case involved expert evidence in relation to road design.

Re MP [2016]

Instructed on behalf of a fairground employer following the fatal crushing of an 18 year old employee beneath an articulated truck. HSE indicated that no further action would be taken against the individual following the inquest.

Hillsborough Inquests

Alex was the sole advocate instructed on behalf of the South Yorkshire Fire and Rescue Service throughout the 2014-2016 inquest. The FS required specific advice and representation in relation to the role of SYFRS in approving the stadium safety in the years preceding the disaster.

Memberships

- Criminal Bar Association
- Fraud Lawyers Association
- Health & Safety Lawyers Association

Directory Quotes

- "He is always responsive and approachable." "A real details man and an effective cross-examiner." "He has real gravitas in court and has a thorough command of his cases." **Chambers & Partners 2022**
- "Alex is a fantastic health and safety lawyer. He is able to discuss at length the intricacies of any case based on his knowledge of the relevant legislation and case law" **Legal 500 2022**
- "A very bright and a great regulatory crime lawyer." **Legal 500 2021**
- "A force to be reckoned with who displays excellent attention to detail." **Legal 500 2017 (Regulatory Law)**
- "Specialist in Criminal Fraud and Financial Cases." **Legal 500 2017 (Crime)**
- "Recommended for inquest and regulatory work." **Legal 500 2016**
- "He is quite simply a wonder to behold, with a fantastic feel for contested litigation." **Legal 500 2015**