



Austin Stoton

Call 2007

Austin Stoton is consistently ranked in the directories for Health and Safety. He is principally a health and safety practitioner, regularly to be found co-defending in corporate fatality cases. He covers the entire gamut of health and safety work, including Inquests into deaths in the work place, statutory enforcement notices, criminal prosecutions (corporate manslaughter, gross negligence manslaughter and section 2 and 3) advice on collateral civil claims, all aspects of fire related work, and judicial review. Austin's practice also extends to regulatory crime, serious business crime, environmental work, and professional disciplinary work. He was instructed as safety counsel for the bereaved, survivors and relatives in the Grenfell Public Inquiry into the death of 72 people in July 2017 and is currently leading counsel for the Department of Health and Social Care, holding further instructions from the Cabinet Office and the UK Safety Authority in the Covid Inquiry.

Prior to being called, Austin worked as a chartered engineer and chartered scientist undertaking projects for many FTSE companies including, Wyeth, Astra Zeneca and Glaxo Smithkline. He was the principal process engineer for the design and construction of the Wyeth Grange Castle Facility which brought to the US market Prevenar, a vaccine for juvenile pneumococcal meningitis that reduced infant mortality rates by 4% across the US. As such he has a detailed knowledge of pharmaceutical regulation and vaccine production. In 2005 he was awarded an outstanding achievement award by the International Society of Pharmaceutical Engineers and made a Fellow of the Institution of Chemical Engineers. He was for many years registered as a chartered scientist.

Austin is experienced in regulatory and corporate crime. Having held senior management positions prior to being called to the Bar coupled with a practice that often extends to corporate governance, Austin is well placed to deal with corporate cases. He has appeared in many safety, environmental and fire cases where directorial liability was in issue.

Austin has a broad inquest practice. His principal areas of practice safety, deaths in custody, gross negligence manslaughter and professional healthcare cases often first appear in the Coroner's Court. He has appeared for interested parties, corporations and individuals, in many inquests arising from work related deaths. Many of the inquests Austin appears in are Article 2, right to life inquests, where the state's operational duty is engaged. Many of the inquests are jury inquests.

He has considerable experience of representing corporations, directors and sole traders facing regulatory investigations and enforcement action, particularly health & safety, environmental and prosecutions under the Fire Safety Order. Austin has appeared in claims for judicial review of both the HSE and Environment Agency. He has appeared in and advised on cases appealing Prohibition and Improvement Notices in the Employment Tribunal. He also appears in appeals from the Employment Tribunal to the Administrative Court.

He has appeared in safety cases covering the following broad areas; demolition, building construction, retail construction, HAV's, toxic inhalation, scaffolding, industrial processing, steel works, filling lines, automatic gates cases, ammunition production, explosives, gas leaks, gas fitters, lifts, electrocution, driving cases, Legionnaire's Disease, metalworks, educational establishments, airports and wet shipping.

Austin maintains a busy environmental practice, including cases of permitting, aquifer contamination, water pollution, odour abatement, noise pollution, landfill sites and waste exemptions. He appeared alone in *EA v Mustafa and Breslin*[2020] EWCA Crim 597, the now leading case on waste exemptions and exempt facilities under the Environmental Permitting Regulations 2010. He has advised on appeals to the Home Secretary of EA enforcement notices.

Austin has wide experience of fire and fire risk assessment based cases under the Regulatory Reform (Fire Safety) Order 2005. He represents 74 members of the bereaved, survivors and relatives in the Grenfell Inquiry, concerning all aspects of fire related safety breaches. He has advised and appeared in many different fire cases brought under the Order in street markets, schools, hotels, zoos and council owned HMO's. Following Grenfell he was regularly asked to advise on local authority powers and rights and protection for residents. Austin has a detailed knowledge of gas supply and delivery and fire protection engineering having led design teams incorporating fire protection design packages. He is able to utilise this knowledge in cases where technical design points are in issue. As a Chartered Engineer he is able to get to the heart of technical detail very quickly and deploy and resist technical evidence using his engineering experience.

He is often instructed in sensitive cases where security clearance is required. He is a level 4 prosecutor on the CPS specialist lists for terrorism, fraud, serious crime and rape.

Austin has appeared in many fraud and cheat cases, including prime bank frauds, the largest missing trader inter community fraud case ever prosecuted (over £1B in circulation), false accounting cases and cases defrauding the NHS to name but a few. He has appeared for foreign politicians in asset recovery cases brought at the behest of foreign governments. He has a wide experience of all financial matters including having appeared in the VAT tribunal and the Chancery Division.

Austin has a rounded experience of all aspects of professional disciplinary work in the General Dental Council, General Optical Council, General Chiropractic Council, General Social Care Council and the United Kingdom Council for Psychotherapy.

Austin is a long time committee member and current treasurer of the Health and Safety Lawyers association.

Austin sits as an Assistant Coroner. A legally qualified chair of an engineering fitness to practice committee, and a legally qualified chair of Sports Resolutions Arbitration Panel. Austin sits as a TecBar accredited construction adjudicator and appears as counsel in construction matters.

Austin Stoton is a Master of the Bench and a Major Scholar of the Inner Temple, he sits on the Inn's Scholarship Committee and is an advocacy trainer.

He is the author of the regulatory chapter in the current edition of the leading practitioners text, Arnold and Mortimore on Company Directors, Duties, Liabilities and Remedies.

Practice Areas

Health & Safety

Austin's principal area of practice is Health & Safety with some Product Liability. He has particular experience in cases involving construction, healthcare, heavy industry and manufacturing, with a widespread experience of all fatality based offences.

He has appeared in many construction and demolition cases arising from electrical failures, explosions, roofs failing, propping systems failing, craning operations, reversing vehicles, fires, and equipment failures resulting in workplace deaths.

He has appeared in all the safety jurisdictions including the Employment Tribunal, Administrative Court, Crown Court and Court of Appeal.

Industrial Processes & Applications

- R v Arcadia Group Ltd, TopShop, TopMan, RP Ltd and Stoneforce Ltd.*
 Leading counsel for R P Ltd, a specialist commercial joinery manufacture in a child death health and safety prosecution. All defendants, Arcadia Group Ltd, TopShop TopMan, R P Ltd and Stoneforce Ltd were charged with s.3 HSWA 1974 offences relating to a queue barrier that fell and killed a 10 year old boy in the TopMan TopShop store located in the Oracle Centre, Reading in February 2017. R P Ltd were acquitted of design, manufacture and supply allegations by the jury following an expert heavy trial that lasted over two months.
<https://www.itv.com/news/meridian/2022-03-21/topshop-and-arcadia-group-both-guilty-in-case-of-barrier-that-killed-boy-10>
<https://www.bbc.co.uk/news/uk-england-berkshire-60826883>
- HSE v EVT Eiberger Verfahrenstechnik GmbH: Explosion in an aerospace manufacturing plant.*
 Equipment had failed resulting in the release of a carcinogenic mutagen at a manufacturing plant. Legal argument on what amounts to an engineered safety system under the Pressure Systems Safety Regulations 2000 where both pressure relief and pressure limiting devices are fitted onto pressure bearing equipment.
- R v Total & Others: The Buncefield Disaster, a joint prosecution by The Health and Safety Executive and The Environment Agency: A large petrol escape at a petrol storage facility.*
- HSE v Sembcorp Utilities (UK) Ltd, Central Industrial (Northern) Limited (CIS) & R & A Kay Inspecting Services Limited (RAK): A high pressure steam line failed at approximately 1000 Bar g causing a large and complex boiler system to fracture. A projectile part of the equipment shot through a technician's leg resulting in eventual amputation. The case focussed on a failure to adequately specify, plan and execute engineering test and commissioning works. Seven workers were exposed to a risk of death or serious injury. Legal argument on the proper interpretation of major systems within the meaning of Pressure Systems Safety Regulations 2000 and the application of HSE Guidance GS4, safety requirements when pressure testing.*
- HSE v Tata Steel UK Ltd: Explosion in a steel foundry which resulted in life changing injuries for a member of staff and were caused as a direct result of the practice adopted by the defendant in dealing with molten metal spillages. The defendant company was the de facto national supplier of steel. A complex case concentrating on software modifications to an electric arc furnace and software risk assessment.*
- R v Tata UK Ltd & Harso Metals Ltd: A fatality arising from craning operations at Tata Steel UK's*

Scunthorpe site. An electrician was killed whilst maintaining an overhead crane. The crane he was working on was isolated from its power source however, another crane passed over the top of the crane he was working on trapping him and fatally crushing him. The cranes were owned by one company and operated by another. This case consisted of a complex analysis of the duties incumbent on a number of different companies and individuals.

- R v Tata Steel Ltd: A molten steel explosion in a steel foundry left a worker in a coma for 3 months with life changing injuries.
- R v Tata Steel Ltd: Catastrophic breach of process vessels leading to the release of toxic vapours. COMAH and COSHH case.
- HSE v Martin Baker Aircraft Company Limited: The case was the first major prosecution of industry causing Extrinsic Allergic Alveolitis (EAA) since the Powertrain case in 2006.
- HSE v R & G: Farm tenants who died from carbon monoxide gas exposure.
- R v LV Smart Repairs Ltd, Ignition of a flammable liquid vapour causing burns to a worker in a vehicle spray painting line. ACoP under Dangerous Substances and Explosive Atmospheres Regulations 2002 and working in explosive environments.
- R v Complete Car Care: Vehicle reversing death on an industrial site. S3 HSWA 1974, Workplace (Health, Safety and Welfare) Regulations 1992, Approved Code of Practice (ACOP).

Construction

- R v K: Construction of building containing commercial and residential units. Various CDM and general duty breaches. The Case variously appeared in the County Court, Employment Tribunal, Administrative Court, Crown Court and Court of Appeal.
- HSE v ESBS Ltd: A large residential property development. Failure to implement a construction phase plan and the duties of principal contractors
- R v 777 Demolition Ltd & Others (The Strata Building Case): Death of an electrician during the demolition of a large building complex next to Elephant and Castle station.
- HSE v Sivaneswaran: Demolition of housing in Greater London. Allegations under 4, Regulations 4, 5 and 13 CDM 2007.
- HSE v Simpsons Eco Skips: Dislodging of a skip on a site causing injury.
- R v W & V: Gross negligence manslaughter scaffolding case.
- R v GHM Construction UK Ltd: Structural failure of a residential development. Competence of a civil engineer and construction phase planning.
- R v T B Grp & A Ltd: Death by asphyxiation of a floor fitter using an adhesive to fix a floor in a confined area. COSHH risk assessments, training and implementation, worker competence. Accuracy of materials safety data sheets (MSDS). Complex expert evidence adduced from 4 different experts on airflow and air conditioning, mathematical modelling, pathology, chemical and toxicological properties of adhesives.
- R v U Limited & Others: Renovation of a church. Construction Phase Planning, PC management allegations, PC general duties, directorial liability.

Manufacturing

- R v Springlynn Ltd: Allegation of failure to control worker exposure to lead and arrange for periodically approved worker health assessment under the Control of Lead at Work Regulations 2002.
- HSE v William Hill Ltd, Semi automated assembly line incident resulting in amputation of a workers fingers.
- HSE v WB Daw & Son: Farm worker crushed in a grading machine.

- HSE v Cohart Asbestos Disposal Ltd: Worker crushed by a excavator, corporate general duties and directorial duties.

Ammunitions Manufacture

- R v Chromalloy: The Chromalloy UK Legionellae case. A aerospace munitions manufacturer had left a water cooling system in operation with inadequate control measures in place.
- HSE v Primetake Ltd: The prosecution of an ammunition manufacturer for failing to put in place sufficient control measures during their manufacturing processes which were causative of serious burns suffered by a worker during the production of tracer rounds/ ammunition.

Transport

- HSE v Swissport UK Ltd: Swissport (formerly Servis Air) the air freight logistics company which operates at the majority of UK airports, for breaches of general duties under the Health and Safety at Work Act and the Work at Height Regulations. Workers were injured whilst transferring freight and also whilst using a mobile elevated working platform.
- Thor Shipping & Transport Limited: A stevedore fell into a ship's hold suffering serious spinal injury resulting in paralysis from the waist down. Multi liaison operation between the Marine Accident Investigation Branch of the Maritime and Coastguards Agency and the Health and Safety Executive.

Leisure

- HSE v Temple Lifts Ltd: The "Tower Bridge case" following the catastrophic failure of the North Tower lift at Tower Bridge.

Education

- HSE v Queenswood School Ltd: Catastrophic failure of a school swing causing paraplegia of a 12 year old girl. General duties under part 1 HSWA 1974.

Rail

- ORR v Network Rail: Advised on Network Rail's capital infrastructure and renovation program. Appearance in the Employment Tribunal to deal with improvement notices.
- HSE v South Devon Railway: Inspection regime of engine boilers.

The Fire Safety Order

Austin has been instructed by local authorities and private companies to advise on and represent them for prosecutions taken under the Fire Safety Order, including: fires in local authority accommodation, private zoos, street markets and retail outlets. Austin has a detailed knowledge of gas supply and delivery and fire protection engineering having led design teams incorporating fire protection design packages. He is able to utilise this knowledge in cases where technical design issues and faults are in issue.

- Grenfell Tower Inquiry: All aspects of construction, fire safety strategies, fire risk assessments, materials selection, active and passive fire safety measures, safety regimes in buildings above 18m.

- R v W-H: General duties breaches of the FSO in an indoor market.
- R v Hotel Chain: Managing fire safety risks whilst a renovation project was taking place.
- R v Hotel Chain: Remediation fire planning whilst operating a 'shisha bar'.

Directorial Liability

Austin has advised extensively pre and post charge on primary liability under ss 2, 3, & 6 Health and Safety at Work etc. Act 1974, GNM and corporate manslaughter, including advising directors and company's pre and post charge in respect of their personal liability for their company's health and safety breaches under s.37 and senior managers investigated and charged with personal breaches of health and safety duties (s.7)s

Advisory Work

Whilst pupil to Richard Matthews QC Austin devilled in the leading House of Lords decision on prosecutions brought under part one and S 37 of the Health and Safety at Work Act R v Chargot (t/a Contract Services) and others [2008] UKHL 73.

Following the Grenfell disaster advice to numerous local authorities and housing associations on the duties and powers under the Regulatory Reform Fire Safety Order 2005 and the Housing Act, The Housing Act 2004 and the Housing Health and Safety Rating System Regulations 2005.

Advice to the HSE on security fuel tanker weld qualities and nominated authorities, Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 the Transportable Pressure Equipment Directive and the Dangerous Goods Directive.

Advice to an airline on Hand and Arm Vibration (HAVS) and Carpal Tunnel Syndrome.

Austin is the current Treasurer of the Health and Safety Lawyers Association.

Coroner's Inquests

Austin Stoton has acted for a wide range of interested parties including private individuals and corporations in a wide range of inquests and jury inquests. The majority of the inquests which Austin appears in arise out of work related deaths.

Austin has appeared in the Coroner's Court for schools and universities, construction and manufacturing companies, farmers, psychiatrists, doctors and other medical professionals, enforcement authorities, regulators and private individuals.

Austin Stoton sits as an Assistant Coroner.

Notable coroner's inquests cases

Child death in The Oracle Store Reading

Appeared for R P Ltd, a specialist commercial joinery manufacture in a child death health and safety prosecution. The Inquest arose from a queue barrier that fell and killed a 10 year old boy in the TopMan

TopShop store located in the Oracle Centre, Reading in February 2017. The jury returned a conclusion of accident following a three week long inquest.

<https://www.standard.co.uk/news/uk/topshop-death-boy-10-killed-by-falling-display-barrier-in-reading-named-as-kaden-reddick-a3466871.html>

<https://www.telegraph.co.uk/news/2017/02/14/boy-10-killed-topshop-display-barrier-falls-onto-never-knew/>

<https://www.bbc.co.uk/news/uk-england-berkshire-47070161>.

<https://www.dailymail.co.uk/news/article-7209073/Coroner-probe-Topshop-TWO-similar-accidents-boy-killed-falling-queue-barrier.html>.

<https://www.itv.com/news/2017-02-23/boy-10-killed-in-topshop-accident-died-after-queue-barrier-fell-on-his-head/>.

<https://www.mirror.co.uk/news/uk-news/boy-who-died-topshop-tragedy-9906666>.

<https://news.sky.com/story/kaden-reddick-death-boy-died-as-mother-paid-at-topshop-till-10778742>.

<https://www.scotsman.com/news/uk-news/topshop-recalls-display-units-after-boy-dies-in-accident-1-4367314>.

<https://www.theguardian.com/uk-news/2017/feb/15/kaden-reddick-family-pays-tribute-boy-killed-reading-topshop>.

<https://www.thesun.co.uk/news/2938124/topshop-death-recalls-barriers-schoolboy-died/>.

<https://www.standard.co.uk/news/uk/topshop-death-boy-10-killed-by-falling-display-barrier-in-reading-named-as-kaden-reddick-a3466871.html>.

<https://www.independent.co.uk/news/uk/home-news/kaden-reddick-topshop-boy-killed-falling-display-barrier-oracle-shopping-centre-reading-a7580416.html>.

<https://www.thetimes.co.uk/article/boy-10-crushed-to-death-in-topshop-tcmdtrn9d>.

<https://www.telegraph.co.uk/news/2017/02/14/boy-10-killed-topshop-display-barrier-falls-onto-never-knew/>

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Double fatality at the Royal Papworth Hospital

Appeared for one of the UK's leading Construction firms in a two week double inquest that concerned, inter alia, the build and design of the water system at the Royal Papworth Hospital, the proliferation of bacteriological contamination of a genus of mycobacteria that had hitherto not been known to contaminate any hospital water supply within the UK; there was one recorded instance of a similar event in North Carolina. In a narrative conclusion HM Assistant Coroner Keith Morton KC held that the design and construction of the water system was compliant with all available guidance. He went on to conclude that Health Technical Memorandum ("HTM") 04-01 published by the Department of Health was deficient. That guidance was directed at Legionella and Pseudomonas. It provided no relevant guidance in relation to Mycobacteria and none at all in relation to Mycobacterium Abscessus. It did not require routine testing for Mycobacteria, including Mycobacterium Abscessus or provide guidance on acceptable levels of the bacterium. This was an obvious concern for immunosuppressed patients, who are susceptible to infection by that genus of mycobacterium.

<https://www.bbc.co.uk/news/uk-england-cambridgeshire-63596189>

<https://www.independent.co.uk/news/uk/royal-papworth-hospital-cambridge-derek-peterborough-cambridgeshire-b2223351.html>

Austin represented a strategic motorway contractor in the Cockburn family inquest into the death of five members of a single family at the same time on the A18 in North East Lincolnshire.

Austin represented Consultant Psychiatrist Dr. P who was suggested to have had a professionally inappropriate relationship with a member of the then Saudi Arabian Prime Minister's son.

Austin appeared in an inquest where a worker at a speciality (fine) chemicals plant died from asphyxiation following a toxic vapour leak.

Austin represented the family of a farmer and his wife who died following carbon monoxide poisoning in their farm house.

Austin represented Keele University following the death of one of their students where it was suggested prior to the fatality one student had been raped by another student.

Austin represented a corporation which supplied heavy building materials to the construction industry in the M25 inquest which concerned the death of a commercial driver on a slip way of the motorway that was under construction at the time of the fatality.

Inquest: Touching the death of family C

Appeared for Balfour Beatty in an article 2 inquest arising from the death of 5 members of a family on the A18 in north East Lincolnshire. The council was the Highways Authority for the stretch of the A18 which is the subject of the inquest and as such had a duty to maintain the highway under section 41 Highways Act (HA) 1980. Balfour Beatty were the strategic highways management company.

The Contracting Out (Highways Functions) Order 2009 granted local authorities such as NELC power to contract out one or more of their section 41 functions. NELC went to tender for the purpose of contracting out its section 41 functions and in March 2010, NELC appointed Balfour Beatty under the terms of a Services Agreement. The respective parties separately and differently interpreted their public duty obligations under the terms of a Services Agreement.

Somewhat antithetically the issues raised by virtue of the Article 2 requirement were largely influenced by points arising from public law and contract law.

Inquest: Keele University, Duty of care to students in education

Dr. Stoton appeared in an unusual inquest on behalf of Keele University. The deceased was registered on a course leading to a professional healthcare qualification. She, herself, had diagnosed mental healthcare problems. Her boyfriend was at university studying for a physical science degree. He too had diagnosed mental healthcare problems. She had alleged that he had raped her. Her academic progress was subject to stasis for a number of external influences. A number of months later she hung herself from her parents

bathroom door. The family protested that she could have been further supported, inter alia, by external mental health agencies. This was a complicated case touching upon issues of the common law duty of care of many interested parties, requirements under education legislation and the Coroner's powers of case management under the Coroner's Rules.

Environmental

Austin acts for and advises corporate bodies, individuals and the Environmental Agency principally where charges are brought under the Environmental Permitting Regulations 2010 or the Environmental Protection Act 1990. He has also appeared in cases involving the export of waste where UK based corporations have duties and obligations under the Trans-frontier Shipment of Waste Regulations.

He has advised extensively pre and post charge on primary liability under s 38 Environmental Permitting Regulations 2010. Austin has advised directors and company's pre and post charge in respect of personal responsibility for their company's environmental breaches under Regulation 41 and senior managers investigated and charged with personal breaches of duty.

He has advised on cases on appeal to the Secretary of State.

He has advised on cases where breach of an environmental permit is alleged due to site wide failures in odour abatement. He has advised on "Best Available Techniques" (BAT), EU Best Available Techniques Reference documents (BREFS), EA H4 Management guidance, EA sector guidance notes; and information on other techniques employed in the sector such as industry guidance, and best practice.

Austin has appeared in many cases concerned with waste transfer stations, and waste transfer notes. Particularly where corporations are operating stations in excess of their registered exemption and have allegedly breached an environmental permit.

He dealt with one of the first cases where the Environment agency were persuaded to utilise their quasi civil powers of disposal under the Legislation and Regulatory Reform Act 2006, the defendant company thereby avoiding prosecution and possible conviction.

Austin has advised extensively on waste in both a domestic and European law.

Tribunals

Austin appears in the Employment Tribunal for appeals against statutory enforcement (prohibition and improvement) notices issued by the HSE and also on further appeal to the Administrative Court of the Queen's Bench Division.

Austin also represents corporations charged with Trade Mark infringements.

Professional Discipline

Austin has a rounded experience of professional disciplinary work, in the General Dental Council, General Optical Council, General Chiropractic Council, General Social Care Council and the United Kingdom Council for Psychotherapy. He sits as a legal advisor to the General Pharmaceutical Council. He advises Solicitors

disciplined by the Solicitors Regulatory Authority and appears for solicitors in the Solicitors Disciplinary Tribunal.

He has appeared in the entire gamut of professional disciplinary cases including cases centred upon: consent, indemnity, NHS fraud, clinical performance, sexual assault during treatment, predicate criminal conviction and breach of confidentiality cases, dishonesty and breach of integrity allegations.

Austin both presents cases for the regulatory body and defends health care professionals in equal measure.

Austin is instructed to represent health care professionals at inquests following deaths where there are performance based allegations and on occasions where a health care professional is called by a coroner to give evidence in a capacity other than that of an expert witness.

He has a strong healthcare background having designed medicine and vaccine production facilities as a chartered biochemical engineer and a chartered scientist.

Notable professional discipline cases

A maxillo-facial surgeon who faced multiple performance related charges following operations on two patients.

An optometrist who faced disciplinary charges following an alleged misdiagnosis.

A psychoanalyst accused of having a sexual relationship with a patient.

A dentist who practised for 10 years without adequate indemnity in place.

A maxillo facial surgeon who failed to diagnose a stage 1 cancer.

A Solicitor facing allegations of failing to self-report and use of client funds.

Many cases at the interim stage alleging performance issues where no order has been made.

Fraud

Austin has a wide range of experience of financial crime including cheat, fraud, offences under the VAT act,

confiscation, cash seizure, forfeiture and other related financial matters.

Notable fraud cases

R v Lunn (Operation Edgewood)

An HMRC prosecution in trial for two months which led to the Court of Appeal handing down judgment (R v Lunn [2017] EWCA Crim 34), to the effect that that a count on an indictment which charged an offence of cheating the revenue as a course of conduct spanning almost nine years was neither unfair nor bad for duplicity. Lunn is obiter authority for the proposition that in a small business a sole proprietor may be taken to understand the key activities that take place within the business.

Operation Red Carpet

Mr. Stoton prosecuted the first case to be brought to court under Regulation 20 (1) Money Laundering Regulations 2007; an offence of failing to maintain appropriate and risk-sensitive policies and procedures. This case centred on a central London bureau de change that was utilised to launder monies from a tax diversion fraud. The case touched upon terrorist sympathies in the management of the organisation.

Operation Gambrill

Prosecution of an executive member of the commercial board of the Chartered Institute of Accountants for non payment of value added tax and income tax.

Operation Cocoabean

Austin was instructed pre charge to advise and subsequently as leading junior for the prosecution in a £45 M VAT cheat commissioned by corporations, bogus corporations, sole traders and bogus individuals. The case involved the defrauding of Great Ormond Street Hospital, the BBC, various companies concerned with the construction and renovation of the Olympic Park and the Bread Street renovation near St. Paul's Cathedral amongst others. The case required the calling of evidence from foreign jurisdictions including China, Bulgaria, the U.S.A and Western Europe and the analysis of thousands of pages of banking and financial material.

Operation Vaultier

Appeared for the Crown in the largest MTIC ever prosecuted. Evidence called from all over the globe, in trial for just over a year in a series of linked trials. Fraudulent money in carousel in excess of £1 Bn. Personal benefit to principle defendant in excess of £100 M. Over 100 off shore bank accounts analysed. Hundreds of phones and computers and other devices analysed and deployed in evidence. Tracing of monies across jurisdictions and through different bank accounts. Other matters covered included extradition, European Arrest Warrants, Interpol Red Notices, Osborne warnings and expert evidence across the entire gamut of forensic evidence.

Greek Government v MT

Advice and representation to a Greek Lawyer following an application made to the UK government from the Hellenic State for an external order, a confiscation order abroad.

R v Y & Others

Long complicated prime bank fraud, of circa £40M, and money laundering case including international arrest warrants, extradition of defendants, the admission of extra-jurisdictional evidence from Australia, Cyprus, Germany, Hong Kong, and the USA, international asset tracing. Led junior.

R v M & Others

Multiple counts of fraud of the Drug Manufacturer Eli Lilly and the Drug Supplier Unichem Limited. Appeared for an NHS employee employed in the pharmacy of a large London NHS Trust. The defendant was one of only a handful of employees who had access to everything necessary to affect the fraud. Successful submission of no case to answer. Junior alone.

Operation Cubicle

An investment banker charged with income tax evasion having developed and sold multiple properties without declaring the profit.

Operation Magic Carpet

A money laundering scheme flowing from the activities of an organised criminal entity.

Military Law

Austin has a long standing interest in military law. He has defended service personnel charged with the entire gamut of offences including a highly sensitive case of two serving soldiers who were charged with the attempted murder of a German national. Dr Stoton's client was acquitted by judicial direction after detailed legal argument. Has further appeared in cases of violence, drugs, fraud and rape.

Crime

Serious Crime

Extensive experience of the more serious criminal cases.

Drugs

Cases involving the importation of high purity drugs from the continent into the UK city centres. Cases involving airfreight (via commercial airlines), sea-freight (drugs concealed in imported furniture and also via small boats and RHIB's) and land based importation (via ferries) of drugs into the country.

Defence of a gang member of an inner London drug gang who supplied drugs to youths through an established network of locations.

He has appeared in a large number of multi defendant drug lines cases; cases involving organised drug supply 'lines' from the capital to the counties.

Austin has both prosecuted and defended in NCA led drug investigations.

Fatality Based Offences

He has been led in cases of murder (drug debt cases), manslaughter (gross negligence), deaths in custody (in the Crown and Coroners Courts) and also health and safety fatality based offences brought under ss. 2 & 3 of the Health and Safety at Work Act 1974.

Sexual Offences & Historic Sexual Abuse

Dr. Stoton both prosecutes and defends in rape cases.

A multi handed case of rape sexual abuse of a 12 year old girl over a 3-4 year period. Dr Stoton appeared for the circa 17 year old relative of the complainant. This was a complicated case involving, evidence from consultant psychiatrists, consultant psychologists, an intermediary and child witnesses and the concomitant range of special measures and an extremely sick defendant. Livenote was in place throughout proceedings. The trial lasted just short of two months. The judge (who at the time was the director of the JSB for sexual offences) described the case as the most serious he had seen in over 40 years of practice. D acquitted. Junior alone.

He appeared in a sensitive rape case for a soldier alleged to have raped a German national whilst stationed in Germany.

He is on the RASSO panel list for the prosecution of rape and serious sexual offences.

Blackmail & Robbery

Robbery and torture of a young couple over a 3 day period for £20k, by a south London gang.

Firearms

He has appeared in multiple firearms cases. Including cases where violence is threatened in public places with firearms.

He has appeared in gang related possession of firearms which were retrospectively proven to have taken part in offences of murder.

He has appeared in cases where multiple different firearm types, shotguns, rifles, and handguns have been discharged during the course of offending. He has a thorough knowledge of firearms and munitions.

Notable crime cases

R v JW

Multiple allegations of rape and assault by penetration of a young girl aged 8 – 16 years of age. The allegations dated to the 1960's and 1970's. The case utilised the entire gamut of special measures and expert psychiatric evidence.

R v NM & Ors

A multi handed case of rape sexual abuse of a 12 year old girl over a 3 / 4 year period. Dr Stoton appeared for the circa 17 year old relative of the complainant. This was a complicated case involving, evidence from consultant psychiatrists, consultant psychologists, an intermediary and child witnesses and the concomitant range of special measures, an extremely sick defendant. Live note was in place throughout proceedings. The trial lasted just short of two months. The judge described the case as the most serious he had seen in over 40 years of practice. D acquitted. Junior alone.

R v H

Blackmail of £ 1.75M from a convicted drugs importer. Acquitted by judicial direction following detailed and complicated legal argument. Junior alone.

R v JS

Multiple firearms counts. Appeared for the Crown in a successful prosecution of a man threatening violence with a loaded sidearm in a public place. Junior alone.

Construction Adjudication

Austin Stoton holds a double first class degree in engineering and a Ph.D. in engineering. He is a Chartered Engineer, a Chartered Scientist and a Fellow of the Institute of Chemical Engineers. Prior to being called to the Bar he led teams that designed, specified, procured, built and commissioned oil and gas and medical facilities. He has a wide ranging knowledge of engineering procurement and construction management, the construction of large facilities and the built environment.

Austin sits as a TecBar accredited Construction Adjudicator. He has appeared as both counsel and expert in adjudication arbitral proceedings.

Whilst working as an engineer he worked under many different contract types. He has a rounded knowledge of all of the main standard forms of contract including FIDIC (Red, Yellow and Silver), JCT and those drafted by the I. Chem. E, (Red Book, Green Book, Burgundy Book) and the I.C.E. NEC contracts.

Public Inquiries

Notable public inquiries cases

The Grenfell Public Inquiry

Instructed as safety counsel by the Cabinet Office for 15 solicitors' firms on behalf of 74 bereaved, survivors and residents (BSR) of the Grenfell Tower disaster. Austin established, coordinated and set work objectives for a large disparate team focusing on expert evidence based modules by putting work models in place which captured a wide range of evidence in a readily utilisable format. Austin was instrumental in the BSR reply to the Attorney General's Undertaking, establishing remote working patterns throughout the pandemic and receipt of evidence from vulnerable witnesses. The assessed Fire Safety Management evidence and regulation including Fire Safety Strategies, the application of the Fire Safety (Regulatory Reform) Order 2005 (work which ultimately contributed to the coming into force of the Fire Safety Act 2021 and the Fire Safety (England) Regulations 2022. Austin undertook analysis of the historic and current fire risk assessments made of the Tower's engineered fire safety systems. Austin drafted schemes of examination for evacuation planning and Personal Evacuation Plans (PEEPS) for disabled and vulnerable residents. He assessed the safety of the fire doors in place at the time of the fire, their codes of manufacture, testing and compliance. Austin analysed the requirements for Firefighting lifts, Fireman's Lifts, Fireman's Control and Fireman's Switches and identified the shortcomings in the installed equipment. He undertook a regulatory GAP review of the performance requirements of the Smoke Ventilation System. The novel nature of the installed SVS was contrasted with established design philosophies. The renovation of the domestic gas system and safety assessment failures of the system were considered including loss and inoperability of isolation and relief valves. Austin assessed the appalling status of maintenance and the maintenance regimes of all engineered systems within the Tower. He undertook similar work in relation to the Building Management System and the non-complaint fire rating of smoke isolation dampers. Austin considered the effect of contractor inexperience and incompetence across all disciplines. He was instrumental in submissions and recommendations made on the regulation of the construction and engineering professions. This work emphasised the general lack of adherence within the construction, architectural and engineering professions to statutory guidance and the statutory life safety requirements. Austin was responsible for drafting technical and engineering based recommendations to the inquiry on behalf of the BSR group.

The Baha Musa Public Inquiry

Instructed by the Treasury Solicitor responsible for marshalling of evidence in preparation for the Public Inquiry following the ruling in *Al Skeini & Others v Secretary of State for Defence* [2007] UKHL 26.

Publications

- Health & Safety Lawyers Committee
- Bar Liaison Committee of the Honourable Society of the Inner Temple
- Scholarships Committee of the Honourable Society of the Inner Temple
- Examiner of applicants applying for Chartered Engineer status
- Legal advisor to the General Pharmaceutical Council
- Legally qualified chair for the Institute of Chemical Engineers Fitness to Practice Committee.

- Construction Adjudicator for the Technology and Construction Bar

Memberships

- Health & Safety Lawyers Association
- Institute of Chemical Engineers
- The Institution of Chemical Engineers
- The Honourable Society of the Inner Temple

Education

- Doctor of Philosophy, PhD; Process Engineering
- Bachelor of Engineering, Double first, B.Eng. Hons, Bio-Chemical Engineering
- Chartered Engineer, C. Eng
- European Engineer, Eur. Ing
- Major Scholar of the Honourable Society of the Inner Temple
- Graduate Diploma in Law

Qualifications

- TecBar accredited Construction Adjudicator
- Qualified advocacy trainer for Honourable Society of the Inner Temple