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## Carl Harrison

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### Practice Overview

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Carl is a member of our Public Law, Civil and Crime teams.

Carl is a highly skilled and experienced advocate with a proven track record of successfully handling cases that are legally and factually complex.

He copes well under pressure and adapts to the changing landscape of a case. He prides himself on being acutely attuned to the needs of the professional and lay client and is committed to providing the highest quality of service.

Carl is commercially astute, pragmatic in approach and solution driven. He excels at being a team player who is able to provide leadership when required. He is always motivated to deliver the best outcome for his clients.

#### Notable and Reported cases

- Food Safety and Hygiene

**Newport City Council v. (1) Severnside Provisions Limited (2) Anthony O'Sullivan (3) Martin Lincoln** (Instructed by prosecution). Prosecution of a food supplier, director of company and manager for food safety and hygiene offences. SPL purchased 23 tonnes of frozen turkey, which came from Poland. Some product was out of date. SPL defrosted and repackaged the turkey stating it was fresh, local and in date. The defrosting and repackaging took place in a garage that had been used to service vehicles. Conditions and equipment were filthy. Defendants received custodial sentences. <http://www.bbc.co.uk/news/uk-wales-south-east-wales-36557380>

**FBL v. Food Standards Agency** (instructed by FSA). Suspension of the Approval of a red meat cutting plant thought to be involved in the horsemeat scandal. This Suspension received significant national media interest. FBL Limited appealed their suspension to the Magistrates Court (appeal withdrawn before hearing). I was instructed to advise and represent the FSA in this high profile case.

**Cardiff CC v. Dair Ali** (instructed by Cardiff CC). Prosecution for food hygiene offences following a large scale E. Coli 0157 outbreak at a kebab house which resulted in the poisoning of numerous customers including a child who suffered severe kidney and renal failure as a result.

**Carmarthen CDC v. FS** (instructed by FS). Defended a company director charged with mislabelling meat.

**Maddock Kembrey v. FSA and FSA v. Maddock Kembrey (instructed by FSA)**. First appeal in Wales



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against a refusal to grant a red meat slaughterhouse licence and subsequent prosecution for failing to meet required hygiene standards.

- Health and Safety

**Regina (HSE) v. Godwin** (Instructed by the prosecution). Prosecution of farmer for an offence contrary to section 3 (2) of the Health and Safety at Work etc. Act 1974. Two walkers who were crossing a field on a public right of way were attacked by cows. One walker died of injuries sustained and the other received serious injuries. The Defendant owned the cattle and farmed the field where the attack took place. This was the latest in a series of incidents whereby walkers were attacked by cattle owned by the Defendant <https://www.theguardian.com/uk-news/2016/dec/05/farmer-cows-trampled-man-death-wiltshire-suspended-sentence>.

**Regina v. Asset International Limited** (Instructed by prosecution) Prosecution of Defendant for offences contrary to section 33 of the Health and Safety at Work etc. Act 1974 as a result breaches of the Control of Vibration at Work Regulations 2005. Defendant manufactured high density polyethylene pipes. Pipes were cut using vibrating power tools. Employees sustained Hand Arm Syndrome caused by use of vibrating power tools, some of which were left with permanent disability.

[http://www.southwalesargus.co.uk/news/14496398.Newport\\_firm\\_failed\\_to\\_protect\\_employees\\_from\\_injuries\\_caused\\_by\\_po](http://www.southwalesargus.co.uk/news/14496398.Newport_firm_failed_to_protect_employees_from_injuries_caused_by_po)

**HSE v. Moonsys Limited** (instructed by HSE). Prosecution of a company for health and safety offences following two separate incidents in which employees were trapped and pulled into industrial lathes sustaining serious injuries.

**HSE v. Aled Evans** (instructed by HSE). Prosecution of a farmer for health and safety offences following a fatal accident when a contractor hired to clean the roof of a farm building fell through the roof and died.

**HSE v. Neath Port Talbot Recycling** (instructed by HSE). Prosecution of a waste recycling company for health and safety offences following an accident at work in which an employee suffered the traumatic amputation of his arm when it was caught in the conveyor belt of an industrial shredder.

**HSE v. Council X** (instructed by Council X). Council X were charged with health and safety offences following an accident where a child accessed a council owned electrical substation and was electrocuted causing injuries which resulted in the amputation of a finger.

**HSE v. Council X** (instructed by Council X). Council X were charged with health and safety offences in relation to a property they renovated for housing purposes; there was a potentially fatal build-up of carbon monoxide due to inadequate ventilation

**HSE v. T** (instructed to defend). This case involved a prosecution relating to the removal of asbestos. I have been instructed in a number of cases involving asbestos.

- Consumer law (including unfair trading, trademarks, copyright and consumer credit)

**Regina v. MK** (Defending). Prosecution for the supply of counterfeit clothing sold on eBay.

**Regina v. PW** (Defending). Prosecution for the supply of counterfeit clothing and electronic goods.

**Regina v. Mark Abraham** (instructed to prosecute by the Department for Health). Prosecution for the importation and supply of 1,000,000 unlicensed and counterfeit Viagra tablets.



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**Operation Eastlands** (instructed by Cardiff City Council). Prosecution for large-scale illegal money lending.

- Planning Enforcement

**Brecon Beacons National Park Authority v. Kim Davies** – Llanwenarth House (instructed by BBNPA – junior to Nicholas Haggan QC). High profile and complex prosecution for carrying out extensive work to the exterior and interior of a Grade II\* listed building without listed building consent.

**Monmouthshire County Council v. Andrew Hazell** – The Gondra (instructed by Monmouthshire CC). Extensive and unauthorised work to a Grade II listed building.

- Environmental Law

**Natural Resources Wales v. Terrance Perdue** (instructed by NRW). Prosecution by NRW for breach of Environmental Permitting Regulations 2010 by a scrap metal dealer.

- White collar crime

**Operation Azure** (instructed by CPS Complex Casework Directorate). Successfully prosecuted a 6-week multi-handed conspiracy to defraud mortgage providers of over £5,000,000 involving over 30 properties. Complex case with over 10,000 pages of served exhibits and thousands of items of unused material.

**Operation Armstrong** (instructed by the CPS). I prosecuted a 10-handed money laundering trial which lasted 8 weeks and involved laundering the proceeds of internet fraud. This case involved complex movements of funds across the world. I prosecuted this case alone and had 10 opponents. All defendants were convicted.

- Judicial Review

**GW v. (1) Powys Teaching Health Board (2) Cwm Taff University Health Board – [2016]** (Instructed by the Defendant and Interested Party). Judicial Review of Defendant's rejection of an application by the Claimant for retrospective Continuing Health Care payments in relation to his deceased mother, pursuant to its obligation under section 1 of the National Health Service (Wales) Act 2006.

**JW v. (1) Merthyr Tydfil County Borough Council (2) Cwm Taff University Health Board.** (Instructed by 2nd Defendant). [2016] Judicial Review of decision made as to the provision of accommodation to a patient as part of aftercare pursuant to section 117 (2) of the Mental Health Act 1983.

**Powys Teaching Local Health Board v. Dr. Piotr Dusza and Dr. Hako Sobhani [2015] EWCA Civ 15 - I** was instructed by Powys Local Health Board in a Judicial Review involving the interpretation and administration of the National Health (General Dental Services Contract) Regulation (Wales) 2006. This is now a leading case on the correct interpretation of that Regulation. Junior to Rhodri Williams QC.

- Commercial



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I recently represented an NHS Local Health Board in a complex commercial mediation involving a long standing dispute with a care home provider. I am currently instructed by NHS England in relation to civil proceedings brought in the Commercial Court in relation to the interpretation of certain terms in the GDS Contract. I have also recently advised in cases involving alleged breach of contract, confidentiality and privacy.

- Regulatory Bodies

**General Medical Council v. Dr. X** (instructed by Dr X). Surgeon accused of serious misconduct due to dishonesty.

**General Dental Council v. Dentist Y** (instructed by Dentist Y). Currently instructed to represent a dentist before the GDC for serious misconduct due to alleged dishonest behaviour in relation to the provision of NHS dental treatment.

- EU and Procurement

**Premaita Limited v. Cardiff and Vale** University Health Board (Instructed by the Defendant). Procurement challenge to the award of a contract to provide Non-Invasive Prenatal Testing for Down syndrome throughout the NHS in Wales. Junior to Rhodri Williams QC.

- General Crime

**Regina v. Pinnell [2011] EWCA Crim 2848, 2 Cr. App R (S.) 20 (2011)**. Sentencing. The Court of Appeal gave guidance on the correct approach to aggregating sentences for more than one offence when determining the appropriate custodial term under section 227 (2B) of the Criminal Justice Act 2003.

## Administrative & Public Law

Carl has experience in Judicial Review cases involving the interpretation of Regulations, contracts with public bodies and prison law.

## Chancery & Commercial

Carl recently represented an NHS Local Health Board in a complex commercial mediation involving a long standing dispute with a care home provider. He is currently instructed by NHS England in relation to civil proceedings brought in the Commercial Court in relation to the interpretation of certain terms in the GDS Contract. Carl has also recently advised in cases involving alleged breach of contract, confidentiality and privacy.

## Crime

Carl is regularly instructed to prosecute significant and complex frauds.

Carl is regularly instructed by NHS Counter-Fraud to prosecute frauds perpetrated against the NHS. He has been instructed in cases involving doctors, surgeons, nurses and ophthalmologists. He has a particular expertise in the administration of dental contracts. He has been instructed in five complex prosecutions in relation to dentists and orthodontists for making fraudulent claims for the provision of NHS dental treatment.

### General Crime

Carl has conducted numerous jury trials for all manner of offences.



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## Local Government & Planning

### Planning Enforcement

Carl has extensive experience in planning enforcement and have been instructed in cases involving listed buildings, conservation areas and breach of enforcement notices.

### Licensing

Carl has 15 years of experience dealing with a diverse range of licensing matters. He has represented bars, nightclubs, restaurants and fast food outlets and interested parties. Carl has also provided training on the Licensing Act 2003.

## Regulatory, Inquiries and Inquests

Carl's practice in regulatory law includes health and safety, food hygiene and food safety, planning enforcement, environmental law and consumer law. He has been instructed by government departments, local authorities, large national companies, small companies and individuals.

### Health and Safety

Carl has been instructed in numerous health and safety prosecutions both for the prosecution and the defence including cases involving fatalities and life changing injuries.

### Food Safety

Carl has vast experience dealing with food safety and food hygiene offences and a detailed knowledge of the Regulations that apply to such matters. He has been instructed in both criminal and civil cases in this area. He has also been instructed in cases involving food poisoning outbreaks, food fraud, traceability of product, cattle passports, bovine TB and the licensing of food businesses.

### Consumer protection, trademarks and copyright

Carl has prosecuted and defended in many cases involving breaches of consumer law, trademark and copyright, such as the sale of products including counterfeit Premier League memorabilia, clothing, alcohol, unfair trading practices and age restricted sales. He has also experience in cases involving breaches of Consumer Credit law including illegal money lending.

### Environmental law

Carl has been instructed in cases involving business and commercial waste including special waste and environmental permits. He has also carried out advisory work in this area including compliance with complex European and Domestic Environmental Regulations in relation to waste.

### Company law and Directors Disqualification

Carl has dealt with numerous cases for offences pursuant to Companies Act 2006 and related offences including a complex prosecution of a company director for running a limited company whilst disqualified which went into administration resulting in the loss of over £1,200,000 to suppliers. He is experienced in representing company directors who are at risk of disqualification.

### Transport and haulage

Carl has appeared before the Traffic Commissions in relation to both the licensing of Heavy Goods Vehicles and Public Service Vehicles. He has also have experience in criminal prosecution for overloaded HGVs and



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tachograph offences.

### **Other areas of regulatory law**

Carl has experience in the following areas: unlicensed street trading, noise nuisance and overcrowded houses of multiple occupancy.

### **Regulatory Bodies**

He has experience in cases before the General Medical Council and General Dental Council.

## **Public Access**

Carl is a Public Access accredited barrister. He is happy to be instructed on that basis in suitable cases.

## **Appointments**

- Specialist Regulatory Advocate in Health and Safety and Environmental Law – B List.
- Attorney General's Unified Lit of Prosecuting Advocates for the Wales and Chester Circuit – B list 2006 to 2012 (list abolished)
- Category 4 – Crown Prosecution Service Approved List of Advocates.
- Crown Prosecution Service Specialist Fraud Panel 4.

## **Career**

- 2005: Joined 30 Park Place, Cardiff
- 2001 – 2005: 12 College Place Southampton

## **Education & Qualification**

- Inns of Court School of Law
- The University of Wales Aberystwyth
- The University of Utrecht – Netherlands.

## **Related News**

Carl regularly provides training and support to instructing clients:

- Food Hygiene talk to local authority solicitors (2015)
- Licensing law update – Solicitors in Local Government (2015)
- Mock trial for the Working Well Together Group in conjunction with the HSE and Blake Morgan - fatal accident at a construction site (2015)
- Talk to Housing Associations on interviews under caution for HSE offences on behalf of Blake Morgan (2015)
- Talk on disclosure to HSE in Stoke on Trent in conjunction with Blake Morgan (2015)



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- Planning (Wales) Bill and Food Hygiene talk to Carmarthen CC (2015)
  - Effective Prosecutions: all day course provided to the Torfaen CBC Planning Department (2015).
  - Dealing with Health and Safety Executive Inspectors in conjunction with Hill Dickinson (2015).