

# Gordon Menzies

Call 1998

"Calm, measured and a master tactician. Gordon's attention to detail produces strong, meticulous and powerful submissions." Chambers & Partners

## EXPERTISE

Gordon is a barrister specialising in regulatory law but his practice also extends to acting in complex civil and commercial matters of which employment law forms a significant part.

He is recommended for his work in health and safety in the current editions of Chambers and Partners and the Legal 500. He is also recommended for employment law in Chambers and Partners and for consumer law in the Legal 500.

### Regulatory Law

Gordon's practice extends across the entire regulatory spectrum from advising and representing in cases involving death and catastrophic injuries in the construction, energy and transport sectors to regulatory infringements relating to goods and services, including landlord's duties, and professional discipline. The work undertaken includes matters associated with enforcement notices, appearing in lower tier tribunals, judicial reviews in the High Court and prosecutions for criminal offences in the Magistrates' and Crown courts.

### Health, Safety and Environmental

Although he undertakes a broad spectrum of work in this area, he has particular experience of criminal prosecutions arising in the context of the construction and energy industries, workplace transport, sports, the maritime sector and use of work equipment. He does a substantial amount of work involving health and safety on the railways and has the Personal Track Safety qualification which allows him access to railway infrastructure. He both defends and prosecutes. Many of these cases involve fatalities and serious injuries sustained to employees and non-employees. Gordon's regulatory practice extends to environmental work, including prosecutions and enforcement notice appeals. He has particular experience of contaminated land cases (being led by Stephen Hockman KC in a case involving a site formerly occupied by a large textile factory).

### Consumer Protection

A substantial part of Gordon's consumer protection practice relates to food safety. The most notable recent case is that of *R v Rebelo* [2021] EWCA Crim 306 in which Gordon was led by Richard Barraclough KC in the prosecution for gross negligence manslaughter of an online supplier of toxic slimming pills who caused the death of a young woman suffering from an eating disorder. This case has attracted considerable academic comment relating to issues such as capacity, causation and the scope of the offence of gross negligence manslaughter. It also featured in a podcast narrated by Elle Fanning <https://podcasts.apple.com/us/podcast/one-click/id1565621492?i=1000526691713>.



## Expertise

Regulatory

Inquests

Business & Commercial  
Litigation

Alternative Dispute Resolution  
(ADR)

Consumer Law & Professional  
Negligence

Employment

Personal Injury & Clinical  
Negligence

Licensing

Social Housing

Property

International & Offshore

Other food safety cases include breach of food hygiene and safety regulations, for example, the prosecution of a ready to eat food company in relation to their food production facilities (*R v PBF Ltd*) and cases involving abattoirs (*FSA v S Ltd and FSA v G&GH Ltd*) and butchers (*R v G*). This work extends to general advisory work for food business operators, for example in relation to representations as to accreditation and sustainability attributes of food products.

In addition to food safety, Gordon has a broader consumer law practice which involves acting for individuals, companies and regulators dealing with alleged breaches of consumer protection legislation, in particular the Consumer Protection from Unfair Trading Regulations and fire safety. These cases often involve substantial applications for criminal confiscation pursuant to the Proceeds of Crime Act 2002. He also has particular experience of the regulatory regime in relation to HMO's.

### Professional Discipline

Gordon's regulatory practice also includes the area of professional discipline; he has acted in cases in the education and accounting sectors and has previously sat as a legal assessor in a police disciplinary hearing.

### Road Transport

A further aspect of his regulatory work is advising and representing road haulage companies in relation to alleged infringements of freight vehicle licenses at Traffic Commissioner held public inquiries.

### Employment Law

He acts for both Claimants and Respondents and is used to dealing with complex and sensitive cases. He has done a considerable amount of work in employment disputes in the education, social services, medical care and law enforcement sectors but his practice extends to all areas of industry. He has particular experience of injunction applications in cases involving attempts to enforce restrictive covenants and resolution of internal disciplinary issues.

### Inquests

Gordon has done a substantial amount of inquest work for many years, acting for interested parties and regulators, in particular representing a railway track worker at the inquest following the rail disaster at Potters' Bar in 2002.

### Civil & Commercial Litigation

His civil and commercial practice ranges from large value personal injury claims, including a claim by a notable actress for substantial loss of earnings following an injury to her hand, to contentious probate matters and product liability claims. This area of work also includes partnership disputes, property rights, professional negligence, misrepresentation and defamation. He was recently led by Richard Barraclough KC in a case alleging negligence against the police for failing to take proper care of a freight vehicle whose driver officers had taken into custody.

The High Court work includes product liability claims such as *Albatross (UK) Ltd v Gatwick Hose Ltd* (allegedly defective hoses on train air conditioning systems), fraudulent insurance claims (*Savash v Co Operative Insurance Co Ltd*) and pharmaceutical licensing agreements (*High Crane Ltd v Cambridge Laboratories Ltd and Biovail Laboratories Ltd (Barbados) Srl* led by Stephen Hockman KC).

### Intellectual Property

## Clerking team



**Steve Walker**  
Lead Civil Clerk  
0191 245 9589



**Paul McNab**  
Civil & Criminal Silks' Clerk  
0113 3235 955



**Josh Stewart-Tilling**  
Lead Employment Clerk & Civil Clerk  
0191 300 9359



**Aimee Bloxham**  
Civil Clerk  
0191 245 9556



**Liam Gorman**  
Lead Criminal & Regulatory Clerk  
0191 245 9521



**Chris Gibbin**  
Clerk  
01642 247 569



**Fiona Bullock**  
Direct Access Clerk  
01642 247 569

He has experience in trademark tribunal work relating to objections to registration of trademarks and also civil claims arising out of passing off and other forms of IP infringement. This work includes protection and registration of marketing logos and product designs. It also extends to potential criminal enforcement of trademarks laws, for example, appearing in the Court of Appeal in the case of *R v Yu and Lin*, a case involving luxury counterfeit watches, acting in the prosecution of *R v Memon* a case involving the large-scale importation of counterfeit 'As seen on TV' products and in the case of *R v Cammidge and Wambura* which involved counterfeit car accessories.

## Licensing

Gordon undertakes work relating to alcohol and gaming licensing including high street retail shops and individual independent outlets, bars and clubs. He is able to draw on experience from his work as a criminal practitioner when addressing concerns based on prevention of crime whilst also using his long-standing regulatory experience to assist in resolving the general concerns often raised by licensing authorities. He has been acting in firearms licensing appeals for many years.

## Arbitration

Gordon recently undertook a post graduate Master's degree course in International Commercial Arbitration at Queen Mary, University of London and graduated with a distinction. His particular interests are in relation to product liability, energy and cross border construction projects. He is the author of '[The road less travelled? The decision whether to submit to ad hoc or institutional arbitration](#)' and '[Consent and expediency: binding non-signatories to international arbitration agreements](#)'. He is an associate member of the Chartered Institute of Arbitrators. He is currently studying a Masters degree in Mining Law at Dundee University.

## PUBLIC ACCESS SCHEME

Gordon Menzies is qualified to accept direct instructions from members of the public under the Public Access Scheme.

## What Others Say

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"Gordon Menzies is a seasoned advocate proficient in a wide range of employment matters, including unfair dismissal and discrimination cases. He is particularly well versed in public sector employment issues."

**Chambers UK Bar Guide 2023 Employment**

"Gordon Menzies is an experienced advocate who has over 20 years of knowledge and experience in the health and safety field. He handles matters for clients in various sectors including the transportation and construction industries, and also frequently advises on prosecutions arising from severe injuries." "The speed at which he is able to turn things around is amazing." "He structures his arguments really well."

**Chambers UK Bar Guide 2023 Health & Safety**

"Gordon has good knowledge of the law and ability to apply it in practice. He has a good manner in dealing with the client and provides clear explanation of the issues and good ideas for case strategy. Gordon is always very thoroughly prepared, and he is never anything but courteous to all parties in court."

**Legal 500 2023 Employment**

"He has an incredible memory for detail and brilliant organisational skills – he remembers every fact about a case."

**Legal 500 2023 Health & Safety**

"Calm, measured and a master tactician. Gordon's attention to detail produces strong, meticulous and powerful submissions."

**Chambers UK Bar Guide 2019**

"A rising star who easily grapples with complex facts. A knowledgeable and assiduous barrister."

**Legal 500 2019 Employment and Health & Safety**

"Gordon is very approachable and very knowledgeable. He has an in-depth knowledge of the law and is fully au fait with technical matters which arise in health and safety prosecutions."

**Chambers UK Bar Guide 2018 Health & Safety**

"Tenacious, reliable and good at dealing with people. He knows the law very well."

**Chambers UK Bar Guide 2018 Employment**

"...thoughtful advocacy style which is very effective. He relaxes people and is very disarming." "Calm and elegant," he "develops an excellent rapport with our clients."

**Chambers UK Bar Guide 2017 Health & Safety**

"Gordon has a calm courtroom manner and highly tuned advocacy skills."

**Chambers UK Bar Guide 2017 Employment**

"He succinctly picks out the issues in a case and clearly communicates them to the court."

**Legal 500 2017 Health & Safety**

"The police, public authorities and education establishments all seek out his services. His "enthusiastic approach, personable nature and excellent cross-examination skills" instill confidence in clients, who say that "he can be depended upon to achieve the best result."

**Chambers & Partners UK Bar Guide 2013 Employment**

## Notable Cases

## Health, Safety & Environmental

*R v S Ltd*; acting in a prosecution of a justice service company for health and safety failures following the death of a custodial escort staff member killed by a prisoner previously identified as having a propensity for attacking staff.

*R v V Ltd*; instructed in the prosecution of a company in respect of health and safety offences which arose after the death of a worker whilst engaged in demolition of a redundant oil rig.

*R v R Ltd*; acting in an appeal against an improvement notice issued in relation to alleged deficiencies in a risk assessment process used for highway maintenance.

*R v UH Ltd*; this case involved breaches of an enforcement notice relating to an unauthorised change of use of a residential property.

*R v T Ltd*; acting for a company following the partial amputation of the arm of one of its staff whilst using food production machinery.

*R v X Ltd*; acted in both an appeal against a prohibition notice and criminal prosecution of an extreme sports facility after serious injuries were caused to customers who fell from a climbing wall.

*R v SAL*; acting in a prosecution of a company after the collapse of a crane in the vicinity of a primary school.

*R v Matur*; acting the Proceeds of Crime Act confiscation proceedings following a conviction for breaches of a tree protection order.

*R v S&S Construction Ltd*; prosecution of a construction company for failures in relation to fire safety on site

*R v Shiva Ltd*; instructed in the appeal against enforcement notices and subsequent prosecution of a company in relation to unsafe arrangements for work at height associated with the use of a bespoke designed temporary suspended working platform.

*R v CE and others*; led by Pascal Bates in a construction case involving a quadruple fatality during the building of a pressure test facility.

*R v Modus Ltd* [2021] EWCA Crim 1728; acted in an appeal against sentence involving consideration of how far a sentencing judge should take into account the effects of the pandemic on a business' financial position when sentencing.

*R v Network Rail Infrastructure Ltd*; prosecution for failure to comply with an improvement notice in relation to electrical safety on the railways

*AR Ltd v G*; representing a roofing company in an appeal against an improvement notice associated with lead works.

*R v DG*; prosecution of an individual following destruction of side of a house following a gas explosion caused by failure to install a gas oven correctly.

*R v DB Cargo UK Ltd*; acting for the prosecution following life-changing injuries sustained by a child trespasser coming into contact with live overhead line equipment in a railway yard.

*R v Interserve Facilities Ltd*; prosecution arising from failure to maintain backup generators used to power containment facilities at a biological research facility.

*R v Beler and Solmark*; prosecution of a food business operator following partial amputation whilst using workplace equipment.

*R v Arla Foods and PCL Transport*; prosecution arising from alleged failure to organise workplace in such a way as to minimise risk of vehicles reversing into pedestrians.

*R v Balfour Beatty Infrastructure Ltd*; prosecution following injuries sustained when a railway track worker came into contact with a live overhead line whilst undertaking maintenance work.

*Tata Chemicals Europe v Hatton*; acting in an appeal against an improvement notice, inquest and prosecution following a fatality subsequent to contact with highly alkaline milk of lime at a chemical plant.

*R v C.Ro Ports London Ltd*; prosecution following injury caused by use of a capstan during docking of a ship. Appealed to the Court of Appeal.

*R v Vision Redbridge*; prosecution of the operators of a cycle race track in respect of a collision of a child with a maintenance vehicle parked on the speedway.

*R v Shyla Reddy*; prosecution of a care worker for failing to report injuries of an elderly service user who subsequently died.

*R v St Christopher's Hospice*; prosecution consequent on death of a patient from legionella.

*R v Hampshire County Council*; prosecution arising from incident in which a young girl sustained life-changing head injuries due to falling from a collapsing bollard.

*R v David Watson Transport Ltd*; prosecution arising from fatality during the course of delivery of an electricity generator.

*R v Glen Peters*; prosecution following collapse of a building consequent upon unsafe basement excavation.

*R v Hillgreen Care Ltd*; prosecution following fall of a service user from unguarded roof light.

*R v Rohan Joshi*; prosecution arising from unguarded machinery being used on a building site.

*R v Network Rail Infrastructure and GT Railway Maintenance Ltd*; led by David Travers KC in a prosecution arising from a fatality caused during unforeseen movement of machinery during maintenance.

*R v Tesco Stores Ltd*; prosecution arising from leaking chiller cabinets at a large retail store.

*R v Royal Berkshire NHS Foundation*; prosecution of hospital in relation to defective equipment following the death of a patient after fall from a trolley.

## Consumer Protection

*R v Hajivandi*; prosecution of motor trader engaged in 'clocking' cars and who absconded prior to sentence.

*R v Arun Bajaj*; prosecution of an HMO landlord and his agent for offences relating to poor standards of HMO accommodation.

*R v Antzouli*; prosecution of trader who dealt with counterfeit motor accessories and manufactured false service history documentation.

*R v Marcus and others*; prosecution of a letting agent for dishonest practices involving inducing prospective tenants to pay deposits for properties he was not authorised to let.

*R v Alexander Pilley and others*; prosecution of individuals involved in running an 'heir hunting' business for breaches of the consumer protection regulations.

*R v Daniel Collins*; prosecution of a rogue trader offering groundwork services to elderly consumers.

*R v King, King and Norcliffe*; fraud prosecution of those involved in an auction business.

*R v Michelin*; prosecution of Congolese operation involving importation of millions of pounds of counterfeit goods from China to the UK for onward distribution to France.

## Inquests

*In re Levi Alleyne*; acting for an energy supplier in an inquest following the electrocution of a driver whose crane came into contact with live overhead wires

*In re Melsadie Parris*; inquest into the deaths of a mother and her young child who were killed on the railway

*In re Petru Pop*; workplace transport fatality during an attempt to delivery an overweight pallet with a vehicle tail lift.

*In re Dean Rathbone*; fall from roof whilst at work.

*In re James Walker*; child fatality following a fall from a railway bridge.

*In re John James Bell*; fatality of a railway worker after coming into contact with live overhead line equipment.

*In re Ahmet Yakar*; fatal crushing during an unloading operation.

*In re Anthony Jones*; death of a crew member whilst carrying out maintenance work at sea.

*In re Ruby Tyler*; drowning of young child at a festival.

*In re Tan Li*; drowning at a swimming pool leisure complex.

*In re Scott Dobson*; death of a railway worker upon collision with a train.

*In re Paul Crick*; death of an individual who suffered from alcoholism whilst receiving support from a charitable alcoholics agency.

*In re Kevin Ridgeon*; death of a lorry driver attempting to reorganise his load.

*In re Daniel Hutton*; death of a hotel guest who, having been asked to leave the premises due to his behaviour, subsequently drowned in the Thames.

*In re Amir Navaratnam*; death of a young man engaged in urban exploring and falling from the roof of a hotel.

## Employment Law

*McGrath v Chief Constable of Kent Police*; a discrimination claim brought by a transgender police officer against her employer.

*Edwards v Surrey Police* [1999] IRLR 445; EAT appeal relating to the approach of calculation of time limits in constructive dismissal cases.

*Deda v London Borough of Enfield*; claim for unfair dismissal and discrimination brought by a senior manager following redundancy by local authority. Appealed to the EAT on the question of costs.

*Piper v Maidstone and Tunbridge Wells NHS Trust*; EAT appeal relating to status of employee pending internal appeal.

*Lynch v Sussex Downs College*; unfair dismissal case involving consideration of standards to be applied during internal disciplinary proceedings.

*Heskett v Secretary of State for Justice* [2020] EWCA Civ 1487; Court of Appeal case involving an indirect age discrimination claim arising from application of the government's public sector pay freeze policy.

*Bowler v Chief Constable of Kent Police*; EAT appeal relating to the approach to the shifting burden of proof in discrimination cases.

*Whitmar v Earth Island Publishing* [2013] EWHC 1881 (Ch) application for an interim injunction in relation to post termination restrictions and use of confidential information.

*Henneker v Chief Constable of Kent*; unfair dismissal case following infringement of internal policies relating to data confidentiality and information management.

*Jozefowicz v LB of Enfield*; claim for pregnancy related discrimination by supply teacher.

*Duffy v Avis*; unfair dismissal following failure to follow internal accounting procedures.

*Lewis v George Spicer Primary School*; claim for discrimination by a trainee teacher arising from comments made in a reference given to a prospective employer.

*Porter v Jungheinrich UK Ltd*; unfair dismissal case following redundancy selection.

*Bansal v Pitney Bowes*; disability discrimination case following dismissal from post in marketing sector.

*Swinbourne v Mark Hellier Tractors*; unfair dismissal claim following investigation of accounting irregularities.

*Genockey v DHL Logistics*; unfair dismissal claim based on alleged dismissal at the behest of a third party.