

## Michael Hayton QC

1993 Lincoln's Inn

2013 Queens Counsel

Hayton@deanscourt.co.uk



Appoint

Leader of the Northern Circuit

Head of the Criminal Team

Appointed to the Bar of Northern Ireland

Recorder 2012

CPS Advocates Panel - Silk

Approved Counsel for the Falkland Islands

Master of the Bench of the Honorable Society of Lincolns Inn

### Education

Queen Elizabeth's Grammar School

St Anne's College, Oxford MA (Oxon)

Inns of Court School of Law

### Professional Associations

Criminal Bar Association

Health and Safety Lawyers' Association

Northern Circuit

### Areas of Specialism

Inquests

Health & Safety

General Medical Council (Defence)

Professional Regulation and Healthcare

Professional Discipline

Environmental

General Crime

Drug Importation and Supply

Homicide

Licensing

Police Federation

Firearms

Fraud

International Law

Money Laundering, Confiscation and Asset Forfeiture

Motoring Offences

Trademark and Copyright

Trading Standards

Corporate Manslaughter

Rail and Transportation

Employment

## Profile

Michael Hayton is recommended year on year by both Legal 500 and ranked as a Leading Individual by Chambers UK, in general crime and regulatory work. Predominantly defence counsel, he has appeared as leading junior on many occasions. His practice concentrates upon the most serious cases on the criminal calendar as well as regulatory and criminal cases of the utmost complexity. His clients have included professional people, including doctors and police officers, charged with frauds and misconduct relating to their work. He also appears in sports related litigation and tribunal work. He has advised and appeared in other jurisdictions including the Isle of Man and the Falkland Islands.

### Regulatory Work

Michael Hayton's regulatory work covers all areas of health and safety prosecutions and professional conduct. He specialises particularly in medical clients, acting for Doctors in inquests, criminal proceedings and professional conduct hearings. His coroners work regularly includes Article 2 death in custody inquests. He has appeared in many Health and Safety prosecutions for both corporate and individual clients, normally in cases involving fatalities or multiple serious injuries and often within the construction and food industries. He was trial counsel in the leading case of HSE v Charget and others and has conducted many Crown Court trials in HSE prosecutions.

### Professional Discipline

Mr Hayton has conducted numerous IOP and FTP hearings on behalf of the GMC before turning to defence work 5 years ago. He is experienced in a full range of highly complex fitness to practice hearings which dealt with allegations of dishonesty, conviction and performance. These have included the 'Bloodgate' case which attracted international media attention. As well as appearing before the GMC panel, Mr Hayton has also conducted hearings in the Administrative and High Courts.

Mr Hayton is regularly recommended by Chamber and Partners for Professional Discipline Work, and offers seminars and in house training to Professional Discipline solicitors as well as the MDU and other regulatory bodies.

### Crime

His practice in crime covers all areas, including fraud and other dishonesty offences; computer crime including breaches of copyright legislation; drug offences including significant conspiracies involving large amounts of both money and drugs; money laundering; sexual offences; firearms offences including the running of firearms to sectarian groups in Ireland; and offences of violence up to and regularly including murder. Michael Hayton's practice is predominantly defence work, although he prosecutes for the Crown Prosecution Service including murder and has acted for other prosecuting authorities in regulatory prosecutions.

## Notable Cases

### Crime

#### **R v Derrick Cooper and others**

Part of Operation Hydrant, a nationwide investigation into abuse by persons of prominence or at institutions by teaching staff. Acting for the prosecution involving historic abuse by teachers at a school for boys with social and welfare issues in the 1970s and 1980s. The case involved a 2 month trial in Carlisle Crown Court after which the Principal and Owner of school was convicted of an offence of assault and another of child cruelty. He awaits

sentence.

<http://www.bbc.co.uk/news/uk-england-cumbria-43431073>

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## Crime - (Murder)

### **R v Vincenzo Tavano**

MH is instructed as leading counsel for the Crown in the prosecution of Vincenzo Tavano. Mr Tavano is charged with the murder of Giuseppe Roncari, a well known local Italian restaurateur and businessman. Mr Roncari was found dead in his Salford flat in April 2017. He had been strangled and had a plastic bag tied over his head. Mr Roncari's property had been searched and credit cards and his Jaguar car had been stolen. The trial is due to take place in Manchester Crown Court in October 2017

[uk-england-manchester-39709156](http://www.bbc.co.uk/news/uk-england-manchester-39709156)

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## Crime - (Murder)

### **R v Mark Buckley**

MH is instructed as leading counsel for the defence in the murder trial of Mark Buckley. Mr Buckley is alleged to have killed Ellen Higginbottom, an 18 year old A level student. The body of Ms Higginbottom was found in the Orrell Water Park, near Wigan. The case is listed for trial in December 2017.

[Man-woman-arrested-killing-Ellen-Higginbottom.html](http://www.bbc.co.uk/news/uk-england-manchester-39709156)

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## Crime (Murder)

### **R v Hurst**

Michael Hayton QC begins on 10 July 2017 a two week murder trial for the prosecution. The Defendant is charged with the Murder of Matthew McKenzie in Heywood in January 2017. Mr McKenzie's body was found in an alleyway close to midnight by a local man walking his dog. He was stabbed multiple times including the fatal wound to the heart.

<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/man-charged-murder-after-matthew-12465005>

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## Crime

### **R v Devonta Neish and others**

Gangland murder in Moss Side Manchester. 8 week trial involving multiple defendants. Currently part heard in Manchester Crown Square

<http://www.itv.com/news/granad...>

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### **HSE v Essar Oil Limited**

Represented Essar Oil Limited before Davis J in the Liverpool Crown Court when the company was fined £1,650,000 for an offence contrary to the COMAH Regulations 1999. The prosecution arose from an explosion that took place at the Stanlow Oil Refinery at Ellesmere Port in November 2013. No injuries were sustained by any person but it was accepted that the risk of harm was high, and that a fatality could have resulted.

The refinery is the second largest in the UK and provides one in every 6 litres of petrol purchased nationwide as well as being an important manufacturer of diesel and aircraft fuels. The refinery is COMAH (Control of Major Accident Hazards) site and the company has a turnover for the site of approximately £5 billion.

Whilst Essar acknowledged their guilt at an early stage there were protracted negotiations over many months regarding disputes between experts as to the level of culpability to be ascribed to the company for its failings. Further, the prosecution sought to bring the company within the "Very Large Company" section of the Sentencing Council Definitive Guidelines, which would potentially have attracted a sentence outside the £10,000,000 maximum envisaged within the guideline table covering "Large" companies. Expert accountancy evidence was relied upon by the defence

in support of submissions as to proportionality.

Ultimately, following written and oral submissions, the case was dealt with on the basis of Harm Category 1, which was always conceded, and medium culpability with some aggravating features and was sentenced well within the range set down for "Large" companies.

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## Inquest

### **Inquest re Cristal Pigment UK Ltd**

Complex issues of scientific nature dealt with following a major explosion in a chemical plant on Humberside.

River Humber closed to shipping following a leak of a chemical cloud of titanium tetra chloride.

<http://www.grimsbytelegraph.co.uk/>

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## Inquest

### **Inquest touching upon the death of PC William Barker.**

Death of a police constable in the execution of his duties during the Cumbria floods in Cockermouth. National publicity and attention.

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## Inquest

### **Inquest touching upon the death of David Donohoe**

Substantial inquest lasting several weeks into death of man who had been prescribed pain killing tablets from which he subsequently overdosed. Involved issues as to scope of inquest. Reported at R (on the application of Sreedharan) v HM Coroner for the County of Greater Manchester and others [2013] EWCA Civ 181

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## Inquest

### **Inquest touching upon the death of Christopher Heaton**

Two week inquest involving complicated and convoluted expert evidence in construction industry context.

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## Inquest

### **Inquest touching upon the death of David Astley**

Death in Custody case.

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## Health and Safety

### **R -v- Chargot Limited**

UKHL 73 Defence trial counsel for Ruttle Contracting one of two companies prosecuted for fatality at work. Advised upon appeal. Now a leading case.

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## Health and Safety

### **R -v- Frederick Jones**

Defence Junior. Double manslaughter case involving Legionnaires disease contracted from the Copthorne Hotel, Cardiff

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## Health and Safety

### **R -v- Swindell (David)**

[2008] EWCA Crim 3277 Defence counsel in 3 week fatality prosecution. Brown verdicts.

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## Health and Safety

### **HSE -v- PC Richardson**

Defence counsel in fall from height at Sellafield whilst dismantling irradiated chimney stack from the 1957 "Windscale Fire"; Britain's biggest nuclear disaster.

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## Health and Safety

### **HSE -v- Unichem PLC (Boots Chemists)**

Defence counsel for company in prosecution relating to fall from height resulting in fatal accident at place of employment.

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## Health and Safety

### **HSE -v- James Thompson**

Defence counsel for company in prosecution relating to a fatal accident at place of employment.

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## Health and Safety

### **Oldham MBC -v- Travis Perkins**

Defence counsel in Crown Court prosecution for accident at work involving significant crushing injuries.

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## Health and Safety

### **HSE -v- E W Cartons**

Defence counsel for company in prosecution relating to a fatal accident at place of employment.

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## Health and Safety

### **R -v- Graham (George Robertson)**

[2009] EWCA Crim 2846 HSE prosecution; Howe examined regarding level of fine.

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## Health and Safety

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[2009] EWCA Crim 2846 HSE prosecution; Howe examined regarding level of fine.

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## Professional Discipline

### **GMC vs Dr Wendy Chapman**

Acted on behalf of the General Medical Council against the Harlequins RFC "Bloodgate Scandal" doctor.

<http://www.bbc.co.uk/news/uk-england-london11055639>

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## Professional Discipline

### **Re: Dr O**

Instructed to represent the interests of medical professionals in the Inquiry into Hyponatraemia Related Deaths in Northern Ireland. (<http://www.ihrdni.org>). The Inquiry is examining the deaths of a number of children and the treatment that they received whilst in hospital.

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## Firearms

### **R -v- Benjamin Wilson**

(Central Criminal Court) Defence Junior. Two month trial involving the running of machine guns and other firearms to

## Crime

### **R -v- Mu Yong Lin**

Defence Junior. Morecambe Bay cockle pickers. Seven month trial alleging manslaughter of 21 Chinese cockle pickers. This case led to the introduction of the Gangmaster (Licensing) Act 2004. Junior counsel for one of the Chinese gangmasters

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## Manslaughter

### **R - v - Jamie Watson**

Defence Junior. Secured acquittal for manslaughter. Mob attack home of paedophile in revenge attack and deceased died following fall from balcony as he attempted to escape.

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## Murder

### **R - v - Hugh McMahon**

Defence Junior. Defendant acquitted of murder following drug related knife attack.

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## Murder

### **R -v- Leanne Potter**

Defence Junior for first defendant acquitted of murder. Victim died 4 months after alleged assault.

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## Murder

### **R -v- Raymond Hughes**

Defence Junior for first defendant in revenge murder of alleged police informant.

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## Murder

### **R -v- Paul Culshaw**

Defence Junior. Full life sentence for murder of Lancaster prostitute.

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## Murder

### **R -v- David Burns**

Defence Junior. 16 year old defendant acquitted of murdering his brother-in-law on grounds of provocation.

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## Murder

### **R -v- Richard Johnstone**

Defence Junior. Joint street attack on victim who died some weeks later. Substantial medical causation issues of some complexity.

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## Murder

### **R -v- Brendan Woods**

Defence Junior. Defendant acquitted of murdering his brother in a knife attack on grounds of lack of intent.

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## Murder

**R -v- William McInnes**

Prosecution Junior. "Body in the boot murder". Defendant convicted of murdering his partner and leaving her body in the boot of a rental car in Blackpool where it was discovered some weeks later.

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**Murder**

**R -v- Vladamir Brandejas**

Defence Junior. Czech national who with a co-worker robbed and killed their employer before fleeing the country. Extradited back to UK.

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**Murder**

**R -v- Ian Grant**

Defendant strangled his wife in alleged steroid "rage" following argument.

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**Murder**

**R -v- Luke Harvey**

Defendant charged with murder of young traveller in an alleged revenge attack following theft of a motor cycle. Convicted of manslaughter.

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**Murder**

**R -v- Shaun Jackson**

Defence Junior. Defendant murdered his friend following drunken argument.

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**Murder**

**R -v- Stephen Brown**

Defendant killed his mother's boyfriend who had made sexual advances to the Defendant's partner. Medical causation issues. Defendant pleaded to manslaughter.

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**Murder**

**R -v- Sajad Ali**

Doorman killed drunken club goer.

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**Fraud**

**R -v- Pamela Tickle**

Leading defence junior in large scale NHS fraud in chain of optician shops, involving sums in excess of £1 million

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**Fraud**

**R -v- A K and others.**

Prosecution counsel in Major Crime Unit prosecution. Property fraud.

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**Fraud**

**R -v- Philip Johnson**

Junior counsel for leading defendant, a blind chartered accountant, in a large scale fraud and blackmail case.

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## Fraud

### **R -v- Chris Sanders**

Operation Emerged multi million pound MTIC fraud.

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## Drug Conspiracy

### **R -v- Wallbank (Lindsay Sarah)**

[2010] EWCA Crim 2172 Drug conspiracy involving undercover police officers.

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## Crime

### **R -v- Edward Izzet**

[2004] EWCA 586

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## Crime

### **Chief Constable of Lancashire -v- Lisa Marie Potter**

[2003] EWHC 2272 (Admin) One of the leading cases on Anti-Social Behaviour Orders

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## Crime

### **R -v- John Dunlop**

[2001] EWCA Crim 1808

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## Death by Reckless Driving

### **Attorney General of the Falkland Islands -v- Shaun May (Stanley)**

Defence Junior. Secured acquittal in the first prosecution in over 60 years for causing death by reckless driving on the Falkland Islands.

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## Sexual Offences

### **Attorney General of the Falkland Islands -v- Colin MacDonald (Stanley)**

Defence Junior in historic sex abuse.

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## Manslaughter

### **R-v- Paul Edensor**

Defended tram driver who was three times the speed limit when he hit and killed a pensioner on Blackpool promenade

<http://www.bbc.co.uk/go/em/fr/-/news/uk-england-lancashire-11949563>

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## What the Directories say

Specialises in criminal and regulatory work. He represents companies and their directors in health and safety prosecutions and also prosecutes on behalf of local authorities. He has considerable experience in cases involving workplace fatalities. "Highly knowledgeable and professional. He has outstanding advocacy skills."

*Chambers and Partners, 2018*



'Very experienced across a panoply of criminal matters.'

*Legal 500, 2017*

'He has the ear of the court.'

*Legal 500, 2016*

He is an exceptional jury advocate, and judges warm to him.'(Regulatory, health and safety, and licensing)

*Legal 500, 2015*

Always willing to go the extra mile. (Crime)

*Legal 500, 2015*

Specialises in health and safety investigations and professional discipline. (Regulatory, health and safety, and licensing)

*Legal 500, 2014*

He is very shrewd tactically. (Crime)

*Legal 500, 2014*

He regularly defends professionals in disciplinary cases.

*Chambers UK 2014*

'very, very good advocate,' who, 'because he comes from a cut and thrust criminal background, knows how to examine a witness and to impress a jury.' He has a wealth of experience and is acknowledged to be 'a powerful performer'.

*Chambers UK 2013*

Attracts praise for his astute advocacy in court and user-friendly advice to clients.

*Chambers UK 2013*

Predominately concentrates on defence briefs, particularly those involving complex issues and fatalities.

*Chambers UK 2012*

Very effective advocate who makes the most of what he has to work with.

*Legal 500, 2010*

Clear-thinking and articulate advocate', and 'is acclaimed for his defence work.

*Chambers UK 2010*

Very effective advocate who makes the most of what he has to work with.

*Legal 500, 2009*

Man for the big occasion.

*Chambers UK, 2009*

He gets results.

*Legal 500, 2008*

An excellent client manner...Hard working and efficient.

*Chambers UK, 2008*

A robust court performer

*Legal 500, 2006*

An impressive advocate. He fights till the fat lady sings

*Legal 500, 2005*

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