

Matthew Kerruish-Jones

Year of Call

2003

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Areas of Work

- Health and Safety
- Crime
- Trusts and Probate
- Personal Injury
- Public Inquiries
- Commercial and Insurance

Profile

Matthew's practice has an emphasis on regulatory prosecutions, fatal road traffic prosecutions, inquests, personal injury and general chancery and commercial matters.

He is an Associate Member of Linenhall Chambers and also practices from Farrar's Building in London.

Health and Safety

Regularly instructed to defend companies or their directors, Matthew has a significant experience in this area.

- Acts for directors and defendant companies prosecuted under Health and Safety legislation
- Cases usually involve complex technical issues and expert evidence
- Appears in Crown, Magistrates and Coroners courts at trial, interlocutory and sentencing stages
- Provides advice in conference and in writing.

Notable cases include:

Darlington BC v Aldi Stores Limited and Wilkinson Maintenance Limited [2016] Unsecured smoking shelter caught by gust of wind injuring an employee.

HSE v Spa Laminates [2015] Injuries caused by fork lift truck at manufacturing plant.

HSE v Brims Construction Ltd [2015] Fall on a building site through a void in a roof.

HSE v Steele & Bray [2015] Breach of regulation 4(1) of the Personal Protective Equipment at Work Regulations 1992 whereby it was alleged that the defendant failed to ensure that suitable personal protective equipment was provided to two contractors.

HSE v Habitat Construction LLP [2014] Fall on a building site; complainant paralyzed; inadequate safety systems in place

HSE v TG Engineering Ltd [2014] Machine tool manufacturer; flying parts causing injury (potential fatality)

Westminster City Council v Charalambous & Co [2013] Falling object from height on hotel customer; life changing head injuries

HSE v Rare Butchers of Distinction [2013] Butcher causing laceration with cleaver; inappropriate gauntlet

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Wandsworth County Council v Rayners Catering Hire Limited [2013] Death of an employee; catastrophic brain injury; fall in a warehouse; incorrectly stacked equipment by visitor to premises

HSE v Hampson [2012] Gas explosion at residential property; prosecuted under Gas Safety (installation & Use) Regulations 1998; serious injuries to occupants and severe structural damage to property

HSE v Aden Pro Form [2011] Experienced machine operator injured arm in metal press machine

HSE v Cambs Compressor Engineering Ltd [2010] Employee fell from height; life changing injuries

Re: Bennett [2014] (Coroner's Court) Representing driver involved in fatal RTA

Re: Hicks [2011] (Coroner's Court before a jury) Representing family of deceased; decapitation at work on railways

Re: Edge [2010] (Coroner's Court before a jury) Defendant scaffolding company; fall from height; causation of fatality (pineal cyst)

Crime

Matthew regularly advises and defends individuals prosecuted for causing death whilst driving. He has unique experience in this area as he is able to straddle both the criminal and civil court jurisdictions and understands the tactical issues faced by lay clients and their insurers when facing linked criminal and civil prosecutions.

In addition, Matthew has significant prosecution experience over the years, acted as disclosure counsel to the Serious Fraud Office and been led in a number of cases by Queen's Counsel.

Notable cases involving fraud include:

R v Mitzman [2016] Successfully defended a motorist charged with causing death by careless driving who came into collision with two pedestrians crossing a road.

R v Smart [2015] EWCA Crim 1756 Matthew represented a defendant charged with causing serious injury by dangerous driving at first instance. He advised on the appeal against sentence which was successfully reduced by the Court of Appeal (represented by Douglas Day QC).

R v Calnan [2015] Successfully defended a motorist charged with causing death by careless driving who came into collision with an oncoming motorcyclist.

R v Blake [2015] Defended a motorist who caused the death of a cyclist on a roundabout.

Appeal of M (CA) [2014] Disclosure and PII; reference by Criminal Case Review Commission; rape

R v S [2014] Causing death by careless driving; speeding motorcyclist killed

R v S [2014] Serious injury by dangerous driving; collision with pedestrian on zebra crossing

R v Howard [2014] Assault by beating; domestic violence

R v Grant [2013] Dangerous driving; collision with police motorcyclist

R v Tottman & Others [2012] Multi handed conspiracy to steal metal from railways

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R v Knight [2012] Causing death by careless driving; distracted by wasp inside car; phobias

R v Cleal [2012] Causing death by careless driving; death of motorcyclist; under the influence of alcohol; sleeping at the wheel

R v Clarke [2011] Causing death by dangerous driving; hypoglycaemic attack whilst driving

Re: INL01 [2010-2012] Instructed by SFO; fraudulent trading; legal expenses insurer fraud circa £75 million

R v Prince [2009] "confidence fraud" against lottery millionaire depriving victim of approximately £700,000; confiscation hearing

R v Adamson [2007] Insolvency Act offences; money laundering; fraudulent trading; "jet set" lifestyle; appeal to CA; confiscation hearing

R v Young & Ors [2007] Conspiracy to defraud GMP; civilian counter clerk accepting invalid documents

Trust and Probate

Matthew has a developing interest in contentious probate and estates work. He is an associate member of the Association of Contentious Trust and Probate Specialists ("ACTAPS").

He is able to offer advice in the following areas:

- Challenging wills and the associated procedures.
- Claims under the Inheritance Provision for Family and Dependants Act 1975 including:
 - The statutory basis of an application
- Claims against Personal Representatives.
- Mental Capacity issues including:
 - Testamentary capacity
 - Enduring powers of attorney
 - Lasting powers of attorney
 - Decision making and deputies
 - Statutory wills
 - Capacity to marry or form a civil partnership
 - Capacity to make lifetime gifts
- Trust disputes generally
 - Is there a trust?
 - Breach of trust
 - Aspects of remedial action
 - Defences to allegations of breach of trust
 - Avoiding a breach of trust
 - Protectors

Personal Injury

Matthew regularly acts for both Claimants and Defendants and carries out work in all areas of the Personal Injury field. He acts for a number of local authorities and public bodies. He has recent experience of high value cases.

Examples of recent notable cases include:

Cavell v Transport for London [2015] EWHC 2283

Public Inquiries

Matthew often is instructed to represent the interests of employers, motorists and interested parties in inquests. He is well versed in the practice and procedures of coronial law. In particular, he represents parties who are at risk of facing criminal prosecutions pending the outcome of an inquest. He is all too aware of the risks faced by individuals and companies alike who find themselves under investigation.

Commercial and Insurance

- Acts for both sides at trial often on multi track in a variety of cases
- Extensive experience in Credit Hire disputes
- Instructed in breach of contract claims and disputes arising out of insurance contracts
- Experienced at settling "difficult" cases
- Provides advice in writing and in conference

Examples of recent cases include:

MM v AP [2014] Fire damage claim to 30 vehicles in airport car park (multi track); negligence and damages

J v B [2014] Credit Hire claim (multi track); insolvent claimant

B v Metroline [2013] Vexatious claimant bringing numerous claims for damages against various public transport companies; strike out

B v Churchill Insurance [2013] Credit Hire claim (multi track and abandoned at Court of Appeal); arguments over agency

LB Sutton v JIFS Ltd [2013] Dispute over business rates and recovery by local authority

D v H [2013] Credit Hire (multi track)

Education and Qualifications

Manchester Metropolitan University, BVC

College of Law, PgDL

University of Manchester, Russian Studies BA (Hons)

Marlborough College, Wiltshire

Appointments & Memberships

Health and Safety Lawyers Association

Criminal Bar Association

Personal Injury Bar Association

Matthew is an Associate Tenant at Linenhall Chambers