



## David Pojur

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Year of Call: 2001

“Excellent Counsel for education and Coronial law. He provides excellent service for many of our commercial clients. Now without a doubt, our first choice.”

“He has developed an extensive repertoire of skills in relation to Environmental cases in particular, with a wealth of knowledge derived from experience. I am aware that I am not the only solicitor who regards him as a “go to” barrister for these kinds of cases.”

“His ability to understand cases, present himself to and empathise with clients to achieve positive outcomes through negotiation and /or advocacy skills is very impressive. I have no hesitation in recommending him to others.”

### Solicitor Recommendations

David specialises in Regulatory law covering the areas of **Healthcare & Professional Discipline**, **Inquests**, **Health and Safety**, and **Environmental law**. He is regularly instructed by solicitors to act for many of the country's large insurers, multinational corporations, medical defence organisations and high net worth individuals. He acts in both contentious and non-contentious work and is often called upon for his advisory work. He is frequently led by and appears against Queen's Counsel.

He has been on the Attorney General's List of Approved Counsel, is Category 4 Counsel and is recommended by the Legal 500. He has been appointed by the Court to act as Special Counsel.

David is an able communicator with first class analytical skills. David puts clients at ease and provides excellent written advice. He shapes the case and its eventual outcome through the necessary tactical, procedural and evidential decisions.

## Judicial Appointments

- Assistant Coroner for North Wales

## Appointments

- List A – Specialist Regulatory Panel Counsel in Health and Safety & Environmental Law, CQC, Ofsted.
- Category 4 Panel Prosecution Counsel
- RASSO Panel Counsel

## Memberships

- Association of Regulatory and Disciplinary Lawyers
- Health and Safety Lawyers Association
- The Honourable Society of the Middle Temple
- The Northern Circuit
- The Coroners' Society of England & Wales
- Bar Council Ambassador
- Criminal Bar Association

## EXPERTISE

### Regulatory

#### Healthcare and Professional Discipline

David has significant experience in matters concerning Healthcare and Professional Discipline. He has been instructed in matters concerning CQC, NHS England, Safeguarding, NMC, RCN, Performer Lists, OFSTED, GDC, GPs, Consultants and the Civil Aviation Authority.

He is very experienced appearing before Panels and Tribunals, addressing fitness, contested matters and appeals, as well as advising on strategy. He advocates on behalf of surgeons, nurses, doctors and dentists. His practice in healthcare also takes him into the Coroner's jurisdiction where there has been a death in a medical setting.

David has a strong practice dealing with Care Quality Commission & Ofsted cases before the First and Upper Tier Tribunals. He advises Providers and Managers on Notices of Proposal, Decision, Fit & Proper Persons, Mental Capacity Act and Deprivation of Liberty Safeguards. David also frequently advises NHS Trusts and their staff.

He appears at Urgent closure hearings before the Magistrates' and the Appellate Tribunals under the

Section 30 & 31 Provisions HSCA 2008.

He frequently advises Registered Providers and Registered Managers on prospects of appeal and how to appeal under the Memorandum of Understanding for Urgent Appeals. He has an insightful understanding and knowledge of the Health and Social Care Act and Regulations and their application. He works with expert consultants and Registered Managers and Providers, ensuring their case is fully advanced.

He has been instrumental in defending Notices of Proposal and Notices of Decisions to restrict admissions. He mainly addresses cases where cancellation of registration and closure of a setting is sought.

David also advises the regulator, CQC and its Inspectors. He represents them at contested hearings and advises on urgent closure of settings where there is serious risk to life.

David gives training on Healthcare law and matters under the HSCA and Regulations.

## Health and Safety

David represents companies and directors in complex proceedings involving fatalities arising out of breaches of health and safety regulations. David's clients include professionals at risk of corporate manslaughter liability or gross negligence manslaughter. He frequently advises on the Health and Safety at Work Act and potential liability and where it may fall under the Sentencing Council Guidelines.

David's article on risky definitions of roles when working at height under CDM has been published in [Planning and Building Control Today](#).

## Selected Cases

- Advising on Safeguarding Investigation into fire at a setting with vulnerable service users
- HSWA fall from height resulting in life changing injuries
- Manslaughter arising from noxious substances from neighbouring premises
- Gross Negligence Manslaughter – Led by silk in 6 week multi-handed workplace fall from height
- Success in Upper Tribunal CQC appeal concerning serious risk to life. [See the news article](#).
- Represented company where operative lost fingers on rotating saw
- Acted for company directors in carbon monoxide poisoning of several people in residential premises
- Represented directors of a national plastics company – operative's arm caught in rotating machinery with degloving injuries
- Denbigh County Council v DS Ltd. Representing MD and his company regarding a fatal explosion of split wheel rims
- Appearing for company in gas explosion resulting in a fatality
- Greater Manchester Fire Safety Authority v Khan & six others. 'Death Trap' shisha lounge case

- Led by Queen's Counsel in 'Princess Parkway Pile Up' representing the lorry driver
- Barnsley Borough Council v Whitehead. Successful prosecution of Director under HSWA. Horrific injuries from converting semi trailers
- Representing HSE against a company who had repeatedly flouted safety rules. A steel girder fell onto an employee during shipping
- Successful prosecution of major UK supermarket chain for health, safety and food standards breaches

## Environmental, Water and Nuisance

David is Regulatory Counsel with expertise in Environmental Law. He has significant experience with PINS and the public inquiry procedure & NRW.

He was counsel in the leading environmental case of Jagger succeeding in the Court of Appeal to overturn a conviction concerning the definition of controlled waste.

David's specialism has led to his frequent instruction representing companies and individuals against the EA and NRW at PINS, contested hearings before the Crown and Civil Courts and the High Court of Justice. He is well respected in this area.

David is chosen by clients and solicitors because his cases are demanding and complex, requiring sharp analysis and attention to detail. His advocacy and advisory services are sought after. He advises clients pre interview, involving the EA, HSE, OFSTED, CQC, Civil Aviation Authority and Local Authority. He has been appointed by the Court to act as Special Counsel.

Notable cases include representing an international shipping company concerning controlled waste transportation to China. This was a multi handed and lengthy case, where the EA discontinued the case against David's client. David's time studying International Law at the University of Amsterdam was useful.

One of the largest environmental trials before the Crown Court was listed for four months. There were a large number of parties and it was a very complex case. David successfully argued that the proceedings were unfair and the EA was abusing the courts process. This resulted in the acquittal of the defendants.

David also advises and contests cases for clients in actions against the EA, to hold them accountable for their failures. These proceedings are for high worth damages before the High Court.

David is approachable and has significant knowledge and court craft in his specialty field of Environmental Law. He works closely with leading solicitors in this field. He is a keen strategist, always seeking to achieve the best results for his clients. He ensures that the client is central to the team he leads.

## Notable Cases

- Succeeded in having the prosecution against an international bakery dismissed for alleged breaches of Clean Air Act; secured large wasted costs. [See the news story.](#)

- Acting for company directors suing the EA for damages in negligence & breach of duty
- Four-month EA prosecution. Led by Queen's Counsel in vast multi-handed and rare case. Ended on abuse of process application
- High profile international shipping broker in multi-handed case accused of large-scale environmental criminality. David successfully had the Indictment discontinued
- Advising and representing global company on odour management regulations and nuisance abatement and Environmental Information Regulations
- Advocating for an international company accused of supplying huge amounts of toxic substances for land spreading
- Representing company accused of massive fish kill and water pollution as well as spreading carcinogenic waste
- Environment Agency v Jagger [2015] EWCA Crim 348 2015 WL 997446. Successful appeal against conviction in ground-breaking environmental waste trial. [See the news story](#). [See the full judgment](#).

## Inquests

David sits as an Assistant Coroner undertaking investigations and inquests both with and without juries. These are often complex proceedings with several interested persons addressing hospital, medical or care related deaths.

In his coronial practice at the Bar, he mainly deals with difficult Article 2 jury inquests where there are a number of complex issues and experts. These often relate to health and safety issues, deaths in police custody or prison and hospital settings. Experts are commonly encountered, ranging from toxicology, psychiatric, psychological, pathology, to engineering and reconstruction expert reports. A routine part of his work is assimilating complex medical or legal information and explaining it to the jury.

David has acted for the families, Police Federation, Local Authorities, Police Federation, NHS Trusts, Ambulance Service, Doctors, Surgeons, Nurses, insurance companies and company directors. He often guides Serious Incident Reviews. He frequently argues areas relating to Prevention of Future Death Reports.

Each inquest is unique, e.g. a police officer initially arrested on suspicion of murder and a paramedic accused of negligently causing the death of a toddler. He recently advocated in a number of inquests dealing with lack of capacity [Deprivation of Liberty Safeguards] where the elderly were subjected to violence from other patients and, in the criminal courts, violence from carers.

## Selected Cases

- Appearing for a Local Authority whose employee was fatally struck by a vulnerable service user
- Representing an ophthalmic surgeon whose patient died after theatre
- Representing a son whose father died in prison custody by a ligature
- Represented NHS re elderly patient lacking capacity, subjected to violence

- Inquest into death of elderly patient whose food line was placed into his IV line. Implications flowing from this affected not only national but European healthcare
- Represented a family whose teenage son with mental health concerns went missing, focussing on action of the police
- Represented the NHS concerning a young man who went on a rampage with a weapon, inflicting fatal wounds on himself. The case was reported on the [BBC website](#) and in the [Daily Post](#). Read more information about the case [here](#)
- Death in Custody. Representing custodial services. Significant number of medical experts
- Representing the Chairman of a holding company and Managing Director of a quarry re laden volumetric vehicle

## Crime

David has prosecuted and defended serious crimes including historic sex abuse. He is Category 4 and Specialist Sex Panel Counsel. He has experience of a breadth of work from multi-handed conspiracy to murder, gross negligence manslaughter, corporate manslaughter and drugs importation cases.

David has particular expertise in handling expert witnesses and is fully conversant with the requirements of young and vulnerable witnesses and child defendants. He is often called to deal with grave crime cases that require the utmost sensitivity and planning.