



## David Travers QC

Call: 1981 QC: 2010



### Contacts

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### Area of expertise

Arbitration, Criminal Law, Inquests & Inquiries, Planning & Environmental, Public Law, Regulatory & Competition.

David is recommended as a leading lawyer in a number of practice areas by the main independent directories:- • Health and Safety, Consumer Law, Environmental Law, Inquests & Inquiries [by Legal 500] • Health and Safety, Consumer Law, Environmental Law [by Chambers and Partners] • Environmental Law [by Who's Who Legal] • Health and Safety [by Best Lawyers (US based)] David has also been named more than once as "Consumer Barrister of the Year" and "Food Barrister of the Year" [Corporate America Today and Global 100]

### Appointments

Visiting Professor at Business Accountability and Responsibility Centre, University of South Wales 2010-2019; Honorary Fellow of the Society of Food Hygiene and Technology; Accredited Mediator; Attorney General's Panel of Counsel (List A) 2004-2010 Legal Advisor to the Fitness to Practice Panel of the General Medical Council (latterly Medical Practitioners Tribunal Service) 2002-2018; Legal Advisor to the Fitness to Practice Panel of the General Dental Council 2002-date; Champion of the Ministry of Justice 'Legal Services are GREAT' Initiative 2020; Officer of the Academic & Professional Development Committee of the International Bar Association 2021-date.

### Education

David was educated at his local state grammar school in County Durham. He was a Royal Institution Australian Science Scholar (University of Sydney summer school) before he read law at King's College London, (LL.B., LL.M., A.K.C.) where he edited the law journal and was president of the Students Union. He qualified as a barrister at the Inns of Court School of Law and was called to the bar by the Honourable Society of the Middle Temple, who awarded him a Harmsworth Scholarship. He qualified as a mediator at Regent's College.

### Memberships

Food Law Group, Association of Disciplinary and Regulatory Lawyers, Health and Safety Law Association, Lex Anglo Brasil, International Law Association, Planning and Environment Bar



Association, United Kingdom Environmental Law Association. For his work in the sector David has made an Honorary Fellow of the Society of Food Hygiene and Technology in 2012. David is a Chevalier of the Chaîne des Rôtisseurs.

## **Practice**

David Travers QC acts for a wide range of clients ranging from major commercial and industrial concerns to small businesses, directors and other individuals. He also acts for UK Regulatory Bodies and Local Authorities and has experience as a non-executive director. A large part of his practice is in Regulatory Law and the criminal, contractual and tortious disputes arising in relation to it; these include: Environmental Law; Consumer Protection (including Product Liability & Recall, Food Safety, Trading Standards); Health and Safety (including Construction & Fire Safety); Public Law (including Planning & Local Government) and Professional & Disciplinary law. He has extensive experience as an advocate and has appeared for clients in courts at every level and in public inquiries, inquests, arbitrations, mediations and professional conduct tribunals. His court appearances include work-related fatal accidents, serious food poisoning outbreaks, disputes relating to environmental permits, nuclear safeguards, and transfrontier shipment of waste. David's wide advisory practice covers the areas in which he appears as an advocate as well as including and labelling and marketing of food and other products, advertising, product liability & recall, tortious and contractual liability for construction & commercial activity (particularly where these relate to the regulatory landscape), as well as issues related to the lawfulness of decision-making by public bodies. He has advised widely on issues related to Brexit and the wider implications of England and Wales being outside the European Union. During the pandemic he has advised numerous companies and organisations on the Covid regime and the impact of that regime on their business. He is particularly experienced in cases involving technical evidence. David is astutely aware of the commercial issues for clients, not least because of his experience as a non-executive Director.

## **Cases**

David has numerous cases reported in the law reports (going as far back as 1986) and reported in the media, including specialist trade publications. Some examples, by alphabetical order of practice area, include: Consumer David has extensive experience of acting for regulators and traders in consumer cases, from misdescription of goods to advising lenders in relation to changes in the retail provision of credit to acting for regulators in relation to disputes with on-line sales platforms. He has fought many trading standards cases and has advised on when a product recall is appropriate and how it should be executed. He is familiar with significant investigations by local authorities and by the Competition and Markets Authority. He recently provided extensive advice to a trade organisation as to the implications of a change in the law and to a multi-national business in relation to the consequences of a failure by competitors to comply with a new statutory regime. He has also advised a number of retail organisations on the implications of the evolving Covid Regulations. He was heavily involved in the illegal money lending pilot for Birmingham City council, which provided the model for the national scheme. David has extensive experience of the due diligence defence both at first instance and on appeal and he has in many important cases on the topic. Environment David has appeared in a large number of cases for a range of waste management companies both advising and fighting in court in relation to breach of permits, unlicensed deposit of waste, and transfrontier shipment



of waste. He has experience of issues relating to the definition of waste and end of waste disputes. He recently appeared for Biffa in a lengthy trial arising out of alleged breaches of the Transfrontier Shipment of Waste Regulations 2007. [R. v Biffa Waste Services Ltd](#) which included an interesting trip to the Court of Appeal in relation to a preparatory ruling. [R. v Biffa Waste Services Ltd](#) [2019] EWCA Crim 20 [2019] Env. L.R. 31 He has also acted in a challenge to the scope of the assessment of likelihood in the context of the Water Industries Act 1991 in [Wallis v Bristol Water plc](#) [2009] EWHC 3432 (Admin) [2009] WLR (D) 362. David has acted for the Environment Agency advising both on policy involving contaminated land and licencing conditions and specific disputes including licence modification and revocation, and water abstraction issues. He has also appeared in a number of statutory nuisance claims. [Food](#) David has an extensive food law practice ranging from contamination, hygiene, pest infestation and to labelling and food information issues including allergens. His clients are generally household names or large wholesale providers. He has also acted in a dispute between a supplier and a major supermarket under the Groceries Code Adjudicator Act and litigated a dispute in relation to the seizure by a port authority of food containing prohibited materials. David acted for the largest restaurant and bar operator in Europe (Mitchells and Butlers) in the longest ever food poisoning trial in the UK, *R (London Borough of Havering) v Mitchells and Butlers Ltd* (see news coverage in [The Mirror](#), [BBC News](#), and [The Daily Mail](#)). [Health and Safety](#) Most of David's health and safety work involves fatalities. In the Construction Sector his clients range from listed companies working on major infrastructure projects, to contractors and smaller builders. In the Rail Sector he has acted both for and against the Office of Rail and Road. He recently prosecuted *R (ORR) v Renown Railway Services Ltd* (see [ITV News](#)) and in a lengthy trial after the death of a young employee of a contractor arising from wholly inadequate management of fatigue. The case included a defence challenge to the trial judges ruling on the jurisdiction of the ORR to prosecute the incident which was dismissed by the Court of Appeal. David is also experienced in cases arising in the Manufacturing, Retail and Logistics Sectors in particular where systemic failure is alleged. He has experience of corporate manslaughter and gross negligence manslaughter. He defended Gillian Beckingham, the Local Authority architect from Barrow in Furness accused of multiple counts of manslaughter and health and safety offences after the largest outbreak of Legionnaires Disease in Europe (see news coverage in [BBC News](#), [The Guardian](#) and [Wikipedia](#)). David also acted for the company in *R v Martinisation (London) Limited* and another at the Old Bailey which was carrying out renovations to an apartment in Knightsbridge when two members of the workforce fell to their deaths when a balcony collapsed as they tried to lift a piece of furniture over it (see news coverage in [BBC News](#), [The Daily Telegraph](#) and [BBC News](#)). David also represents clients faced with or threatened by enforcement action in the form of Improvement Notices and Prohibition Notices including cases where the action is disruptive of a large project or where points of principle are at stake, for example because compliance would disproportionately impact the wider estate or activities of the recipient. David also advised one of the core participants in the Grenfell Tower Inquiry. [Inquests](#) Inquests of the most taxing and sensitive nature make up a part of David's practice. Many involve cases where a health and safety prosecution is a possibility. He has acted for clients who were identified as Interested Parties in cases involving industrial accidents as well as cases in medical settings including medical devices, and concerns about inadequacies in treatment. He has experience of inquests related to the safety of consumer products, including acting for the National Childbirth Trust in the heartbreaking inquest touching the death of Grace Roseman in which very serious issues arose as to the safety of an along-



side sleeper (see news coverage in [The Daily Telegraph](#), [The Daily Mail](#) and [The Sun](#)). David has also appeared in complex and sensitive cases involving restraint including the inquest touching the death of Mzee Mohammed (see news coverage in [The Guardian](#), [BBC News](#) and [The Liverpool Echo](#)). He has also appeared for NHS trusts in relation the provision of emergency psychiatric care including the multi party inquest touching the death of Kingsley Burrell (see news coverage in BBC News [here](#) and [here](#) and [IPCC News](#)). **Inquiries** A wide range of Inquiries in which David has appeared include the longest ever Water Management Plan Inquiry which considered the Water Resources Management Plan of Thames Water plc - [click here](#) He has also appeared in a Net Limitation Order and Bylaw Inquiry (Tor and Torridge) and numerous planning inquiries (predominately in relation to waste management facilities). He has also appeared in pharmacy inquiries and inquires relating to the revocation of, or conditions imposed on, waste management licences (permits). **Litigation and ADR** In addition, David litigates, arbitrates, and mediates cases involving disputes, which often relate to his regulatory expertise and include a range of public law, contract and tortious disputes. He regularly acts for Local Authorities including in relation to the exercise of decision making powers including recently acting for West Berkshire District Council successfully defending their conduct setting a Detailed Emergency Planning Zone around a nuclear facility in the first case under the Radiation (Emergency Preparedness and Public Information) Regulations 2019, [Crest Nicholson v West Berkshire District Council](#) David also has experience of defending professionals or prosecuting for professional bodies before disciplinary tribunals.

## Lecturing

David is a much sought-after public speaker and conference chair. He has taught in the School of Management Sciences at University of Manchester Institute of Science and Technology, The school of Biomedical Sciences at the University of Birmingham as well as his engagement with the University of South Wales (previously with Newport Business School). He lectures widely to professional and business audiences in the UK and the rest of the world. His experience includes extensive lecturing for commercial organisations including CLT and MBL on a wide range of subjects including, regulatory enforcement, environmental protection, health and safety, food law, and professional conduct and directors duties. In the UK events he has chaired include:

- a conference at the House of Lords organised by the Business Accountability and Responsibility Centre at the University of South Wales;
- the launch of the Catering Industry Guide for the British Hospitality Association;
- a conference on Food Law for the Legal Training Consultancy and;
- for many years the Eversheds' Oxford Residential Health and Safety Summer School.

In the UK events he has spoken at, and organisations he has spoken for, include:

- Royal Society for Public Health, Chartered Institute of Trading Standards, Local Government Group of the Law Society, Food Law Group, Brazilian Judges' Association Second International Congress London, Cardiff & South East Wales Occupational Health and Safety Group, IOSH (Institution of Occupational Safety and Health), South Wales Construction Safety Group.



David has also spoken in Europe, and North and South America including:

- on Product liability at the IBA annual conference in Washington DC, on Food Additives in Brussels, on directors' responsibility for Environmental law in Dublin, on Regulatory Compliance in the EU in Sao Paulo, on Food Integrity at Michigan State University Lansing MI, on the Carne Fraca scandal and its implications in Bello Horizonte, and on Food Law and Policy in Canada at Halifax, NS and Ottawa.

## **Publications**

David Travers is co-author of [Planning Law and Practice](#) (pub. 2013 by Wildy, Simmons and Hill). He is co-author of ['Planning Enforcement'](#) (pub. 2015 by Wildy, Simmons and Hill). David has also written articles (published by Lexis Nexis, academic publishers and others) on a wide range of topics including, health and safety, food safety, the regulation of directors, the conduct of appeals and the impact of Covid-19 on the justice system. He has been interviewed on a number of occasions by the BBC and other media outlets as well as providing advice off air.

## **Recommendations**

"His natural charm and encyclopaedic knowledge have judges and juries hanging on his every word."

"His advocacy is spot on." "He is very experienced and has been in the market for a long time."

"He has an exceptional manner with clients." "A very safe pair of hands on environmental cases, especially those which are scientifically and technically complex."

"He is a very calming presence when you have nervous clients, and is an excellent person with whom to discuss strategy." "David has a great depth of knowledge and is very highly respected in the sector." "He's down to earth, likeable and practical."

## **Chambers UK Bar Guide [2021]**

"He fully engages with the case team, providing proactive high quality advice that takes on board everyone's opinions. I find his advocacy to be top notch, obtaining the necessary information from witnesses in a way that keeps juries fully engaged and interested."

"He has a wonderful manner with clients and he is diligent and thorough, focusing on the points that really make a difference to the outcome."

"Great depth of knowledge, very highly respected in the sector, good and timely on paper and good on presentation to the client."

## **Legal 500 [2021]**



“He is commercially astute and pragmatic, technically excellent, responsive, charismatic and has an amazing ability to relate to people and build client trust.”

“Intellectually very strong” and “somebody I would go to if I had something really tricky that needed a great deal of thought. He’s good on strategy.”

“David’s great strength is that he can have a friendly conversation with clients where the news is bad and the law is tricky, allowing us to form a good strategy.” “He’s a go-to for something knotty that needs a great deal of thought”.

### **Chambers UK Bar Guide [2020]**

“He has an encyclopaedic knowledge of health and safety matters. He has excellent advocacy skills, and is able to present complex points in a direct and simple way so that juries can understand”.

“A popular choice for cases against environmental regulators, or for the Environment Agency in public inquiries”.

“A well-known silk for consumer law , he is a supremely calming presence in client meetings, completely on top of the law and the facts, and able to see the big picture”.

“He has the jury eating out of his hands”.

### **Legal 500 [2020]**

“A very intelligent man, a fearsome opponent and a very able barrister. He unquestionably knows as much about consumer law as any silk at the Bar. He is at the pinnacle of criminal consumer law.”

“A robust fighter. A pugilist!”

### **Chambers UK Bar Guide [2018]**

“He has an impeccable manner both in court and with clients”.

“A heavyweight with encyclopaedic knowledge”.

### **Legal 500 [2017]**

“A silent assassin with a huge brain: in a contentious situation, he’ll have spotted all the angles and witnesses don’t see him coming.”

“He takes the pressure off due to his calm demeanour.”

“He is meticulous in preparation and a great team player.”



“He has an exceptional skill level and his work is extremely good.”

**Chambers UK Bar Guide [2017]**

“A class act, who is tactically brilliant and easy to use; clients love him and opponents fear him”

“A very bright and charming man with a real strength in food-related consumer law”

“Recommended for defending against environmental regulators”

**Legal 500 [2016]**

“Witnesses underestimate him at their peril; he is a real heavyweight.”

“He has a calming influence and holds the attention of the court every time he rises to speak.”

“A real heavyweight – he is the QC clients ask for if they are in the know.”

**Legal 500 [2015]**

**Professional memberships**

Food Law Group

International Bar Association

Lex Anglo Brasil

Planning and Environmental Bar Association

UK Environmental Law Association

Health & Safety Lawyers Association

Association of Regulatory & Disciplinary Lawyers