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## Gordon Menzies

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Area of expertise

Arbitration

Civil & Commercial

Criminal Law

Employment Law

Licensing

Regulatory & Competition

Professional memberships

Criminal Bar Association

Health & Safety Lawyers

Association

## Profile

### Recommendations

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

Chambers UK Bar Guide [2019] Employment and Health & Safety

"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

Appointments

Appointed to the Attorney General's List of prosecuting advocates for Health & Safety cases ('A' List).

Practice

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

## Health and Safety

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 industry, workplace transport, maritime sector and use of work equipment. He both prosecutes and defends. Many of these cases involve fatalities and serious injuries sustained to employees and non-employees. He also has particular experience of appeals against improvement notices served pursuant to the Health and Safety at Work etc. Act 1974.

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

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

Attley's Roofing Ltd v Gregory; appeal against an improvement notice in relation to lead works carried out by a roofing contractor.

R v David Guymmer; prosecution following destruction of side of a house following gas explosion caused by a failure to install a gas oven correctly.

R v DB Cargo UK Ltd; 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 following partial amputation during use of an unguarded machine.

R v Arla Foods and PCL Transport; prosecution arising from 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; appeal against an improvement notice following fatality subsequent to contact with 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 serious 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 QC 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.

### 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.

Other work includes:

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.

### Food safety and consumer protection

Gordon has significant experience in food safety law which stretches from cases involving retail premises to online sales and extending to appealing hygiene improvement notices. This is part of 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. These cases often involve substantial applications for criminal confiscation pursuant to the Proceeds of Crime Act 2002.

Cases include:

R v Rebelo and others; manslaughter prosecution led by Richard Barraclough QC. This was the prosecution of an online business that supplied toxic slimming pills containing the toxic chemical DNP to a vulnerable woman who subsequently died.

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

Arun DC v Terry Gatterall; prosecution of butcher for breaches of HACCP regulations.

FSA v G & G Hewitts Ltd; appeal of hygiene improvement notices by an abattoir business.

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; 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; prosecution of auction business for fraud.

R v Michelino; prosecution of Congolese operation involving importation of millions of pounds of

counterfeit goods from China to the UK for onward distribution to France.

### Planning, housing and environmental

His experience in this sector includes *Wolverhampton CC v Smith* in which he was led by Stephen Hockman QC in a contaminated land dispute arising from the operation of the Courtaulds textile factory in Wolverhampton and its subsequent demolition in the 1970s. The case of *R v Ulus Holdings Ltd* involving breaches of an enforcement notice relating to an unauthorised change of use, is an example of the planning enforcement work that he does. This area of work extends to appearing at detailed assessment hearings challenging costs orders made in the planning context.

He also has particular experience of the framework relating to the regulation of houses in multiple occupation having been instructed in the case of *R v Arun Bajaj*, a prosecution for breaches of HMO requirements.

### CIVIL AND COMMERCIAL WORK

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.

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 QC).

### Intellectual property

He has experience in trade mark 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* involving counterfeit car accessories.

### 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.

Cases include:

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; EAT appeal in 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.

### 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.

Direct Access

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