

Barry B Adrian



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Education: BSc (Hons) Honorary lecturer on MSc Environmental Health, Birmingham University

Judicial Appointments: Recorder Midland Circuit

Areas of Expertise

- Regulatory
- Crime
- Intellectual Property
- Administration Law

Introduction

Barry is an acknowledged leader in regulatory work, environmental health, and health and safety.

Chambers and Partners 2019 noted that he 'poses a formidable challenge to defendants' and is 'a robust and methodical advocate'.

Barry is on the Attorney General's A list for crime.

Barry regularly appears for the Environment Agency in Category 1 water pollution incidents including oil over 30 km of River Severn leading to widespread fish kill, failures at sewage stations and blockages in public drains.

He regularly prosecutes and defends for unlawful controlled waste deposits, production of fraudulent waste control records (e.g. Leigh Environmental Limited) and burning clinical waste at incinerators without interlock or alarms (e.g. Britcare Limited) resulting in particulate matter and CFC release.

Barry prosecutes and defends in health and safety matters. Cases recently have included the death of a man excluded from a night club, the fatal accident to a baby involving anaphylactic shock, the crushing of a woman by a bus, the choking of a patient in a care home, and against a NHS trust resulting from the scalding to death in a bath of a respite centre patient. He prosecuted the Alexandra Theatre for the injuries caused to members of the audience when a section of the stage collapsed during a performance.

He appears for and against local authorities regularly in all regulatory areas in cases involving trading standards, trade marks, and fraud matters. He was involved in section 80 EPA 1990 appeals including the Fiddle and Bone and the Spotted Dog. Barry was prosecuting Counsel in the leading case of Sterling Homes v Birmingham City Council.

He has prosecuted for Of com in cases involving the RTT&E Regulations and the EMC Regulations.

He appears regularly in food safety and hygiene cases, including cases for and against McDonalds Restaurants Limited, Greene King Plc and notably for the prosecution in the food poisoning case against Cadbury Ltd. He has prosecuted for Customs in Value Added Tax Act 1994 matters involving phoenix syndrome issues.

Barry is ranked by Chambers UK 2022 under Consumer Law and Health and Safety and is praised for being "a very thorough man who knows his regulatory law backwards. He is a dab hand at often harrowing cases, and adopts a "meticulous approach which leaves no stone unturned."

Business and Financial Crime

Barry regularly appears both for and against large Companies in areas involving trade marks breaches, health and safety breaches and food safety breaches

Restraint and Confiscation

Barry has been involved in several confiscation hearings following trade mark prosecutions.

Health and Safety

Barry practises regularly in the area of health and safety and particularly in cases involving fatalities. He has been involved in the prosecution of Birmingham and Solihull NSH Trust and Servol Community Trust in a scolding to death case and prosecuted NS Sense for a choking to death matter. Other cases include prosecution of Pentons for a crushing to death in a transshipping operation and the prosecution of Interpipe for a crushing to death injury of a member of staff arranging the movement of steel pipe.

Recently, Barry prosecuted Tesco, BHS and Marks and Spencer for health and safety breaches involving serious injuries to staff and the public. He prosecuted the Alexandra Theatre in Birmingham when serious injury was caused by the collapse of an orchestra pit cover and prosecuted a stock car organiser for injury to a spectator.

Barry undertakes both prosecution and defence asbestos cases. He has defended local authorities including Birmingham, Dudley, Sandwell and Cherwell who have been prosecuted by the HSE for similar breaches.

Food Safety

Barry has regularly appeared in food poisoning cases. Two key cases were the prosecution of the largest milk borne outbreak in the country for Cumbria. Barry prosecuted the extensively media reported case against Cadbury Limited involving the sale of chocolate products containing Salmonella Montevideo and the attempt at cover up.

Barry has been involved in defending food hygiene cases for large companies including McDonalds Restaurants Limited and BHS.

Trading and Consumer Standards

Barry has been involved in some of the major cases in trading standards and regularly appears in trademark and consumer law matters.

He advised and attended the DTI conference as National Association of Estate Agents delegate and assisted in draft-ing the Property Misdescriptions Act 1991 Code for Estate Agents. This Code of Practice is now widely adopted as a template for due diligence systems across the Country.

Barry regularly lectures to local authorities, via Midland Court User Groups and LGG, in such areas as Corporate Manslaughter, Fatal Accidents, Section 80 Appeals, Human Rights Act, Prosecution Preparation and Duties.

Some of his significant cases include:

Prosecution of a widespread counterfeit pottery case in Stoke.

Prosecution for counterfeit clothes and CDs for local authorities all over the country

Environmental Law

Barry regularly appears in serious Environment Agency cases involving Category 1 water resources, waste and pollution matters. He is frequently instructed in scientifically complex areas involving tracing and air pollution.

He regularly prosecutes for unlawful controlled waste deposits, production of fraudulent waste control records (e.g. Leigh Environmental Limited) and burning clinical waste at incinerators without interlock or alarms (e.g. Britcare Limited) resulting in particulate matter and CFC release.

He has lectured for the past 15 years to MSc Environmental Health Students at the University of Birmingham. Recent Cases:

Prosecution of a 12 handed waste and asbestos case for BREW.

He appeared in the case against Cemex (formerly Rugby Cement) involving dioxins, furans and PM10 emissions from its plant.

Taxi Licensing

Barry appears frequently in taxi licensing appeals and in cases for and against the taxi/private hire industry, in relation to changes of conditions, plying for hire etc.

VAT and Excise

Barry has appeared for Customs in Phoenix Syndrome cases and drafted a template for VAT recovery used by Customs in such matters.

Coroners Court

Barry's work in fatal accidents involving government bodies necessarily involves appearances in inquests and the making of submissions relating to narrative verdicts in appropriate cases.

IP

Barry appears in trademark and copyright prosecutions. He recently prosecuted the most prolific counterfeit CD creator in the Country.

Judicial Review

Recent Cases:

- : Prosecuting:
 - Alun Roderick (2022-11-05)
 - Hugo Boss UK LTD (2015-09-04)
 - Emma Jane Bent (2011-02-02)
 - Sharar Abdolahi (2010-06-01)
 - Paul Roderick (2012-11-05)
 - Carl Roderick (2012-11-05)

Cases:

Appeared for Poundstretcher PLC in R v Newcastle upon Tyne MC ex p. Poundstretcher Ltd (2010) CO/3282/97, in which his submissions were described as “cogent and skilful” by Lord Bingham CJ. I have led Counsel in various courts

Appeared in a case brought by the Private hire Association challenging the decision of a DJ: County Cars (2013) Ltd and others v Sandwell MBC and West Bromwich MC CO/4573/2006

Appeals by way of case stated

Barry has appeared in numerous case stated appeals including:

Sterling Homes Ltd v Birmingham CC [1996] ENV LR 121 Leading case on section 80 matters Environment Agency v Biffa (2007) CO/5508/5 section 33 EPA case

Toys R Us v Gloucestershire CC 159 JP 338 misleading prices

Walker v Simon Dudley Ltd 161 JP 224 Abuse and Trading Standards case

Davenport v Walsall MBC [1996] 28 HLR 754 Section 82 EPA Case

Telford & Wrekin Council v Jordan CO/1282/00 Trade Description Act

Whirlpool and Magnet v Gloucestershire CC 159 JP 123 product liability prosecution