



## Kevin Slack



Call 1997




### Clerks

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### Appointments

- Recorder (2022)
- Fee Paid Judge of the First Tier Tribunal Health Education and Social Care Chamber (Mental Health) (2022)

### Memberships

- Criminal Bar Association
- Northern Circuit
- Gray's Inn

### Education

- MA, Law, Emmanuel College
- University of Cambridge (Double First 1996)
- Bar Vocational Course, Inns of Court School of Law (Very Competent 1997)
- Prince of Wales Scholarship, Gray's Inn (1996)

### Environmental Regulation

A member of the specialist Regulatory Advocates Panel (List B), Kevin has prosecuted on behalf of the Environment Agency for many years, during which time he has gained extensive experience in dealing with the legal issues that typically arise in such cases. Kevin's environmental crime practice now also benefits from the experience gained more recently in other regulatory areas.

He has presented cases on behalf of the GMC before the Medical Practitioners' Tribunal Service and also has experience of prosecuting cases on behalf of the Department for Business Innovation and Skills and the Health and Safety Executive and has provided regulatory advice to local authorities and the Department for Energy and Climate Change.

Kevin prides himself on his attention to detail, thorough preparation and his understanding of complex issues and how to overcome them.

### Environmental Regulation Cases

- Environment Agency v JW Ltd, RB and 11 others. Leading Junior in a 13 handed prosecution of corporate and individual defendants involving allegations of vast quantities of waste being illegally deposited on farmland (2019-ongoing)
- Environment Agency v WR Ltd (2020-2022). Successful prosecution of a company for multiple breaches of its environmental permit in the context of unauthorised landspreading of liquid waste to farmland.
- Environment Agency v BL Ltd (2019-2020). Successful prosecution of a hotel for multiple unauthorised discharges from its sewage treatment plant into a local river.
- Regulatory advice (2019) re investigation into suspicious soil sample results provided in support of landspreading deployment applications.

- *Drinking Water Inspectorate v U Ltd (2018)*. Prosecution of a water company for breaches of the Water Quality Regulations arising out of failures at a water treatment works which compromised the disinfection process.
- *Environment Agency v Y Ltd (2017)* involving a water company prosecuted for a discharge of sewage into the watercourse from a waste water treatment works. A key issue in the case was the proper legal interpretation of the terms of the treatment works' environmental permit.
- *Regulatory advice (2017)* in relation to sewage sludge generated by co-digestion and the proper ambit of the Sludge Use in Agriculture Regulations.
- *Environment Agency v E Ltd, CT Ltd and CC Ltd (2016)*. Complex prosecution involving oven cleaner that re-entered the market following its recall. Issues involved in the case included the legal definition of waste and corporate liability for offences involving mens rea.
- *Environment Agency v P and P (2016)*. Complicated confiscation proceedings in Preston Crown Court following convictions for the illegal storage of waste. Benefit from criminal conduct ultimately assessed at £1.2 million.
- *Environment Agency v CH (2015)*. A trial in Carlisle Crown Court involving alleged salmon poaching.
- *Environment Agency v AS & Q Ltd (2015)*. A prosecution in Manchester Minshull St Crown Court involving the illegal deposit of large quantities of mixed waste on land near a river course. The clean-up costs exceeded £100,000.
- *Environment Agency v CRG (2014)*. A prosecution in Chester Crown Court of a company operating a regulated facility which had persistently breached the conditions attached to its environmental permit and had subsequently breached the terms of an enforcement notice. The defence initially alleged abuse of process in the decision to prosecute.
- *Environment Agency v BSH, NWR & RA (2012-2013)*. This was the prosecution in Carlisle Crown Court of two companies and their managing director who were together responsible for the illegal depositing of thousands of tonnes of waste at various sites in Cumbria. The case involved consideration of a number of issues including the law surrounding the recovery of recycled aggregate from waste, the relevance of Highway Specifications to the definition of waste in this context, the WRAP Protocol, and the approach to be taken when calculating criminal benefit in cases of depositing waste for the purposes of the Proceeds of Crime Act 2002. The matter was originally listed for a trial of 3-4 weeks.
- *DECC v X plc (2013)*. Regulatory advice was provided concerning the potential prosecution of a company for regulatory breaches in connection with its operation of oil platforms in the Irish Sea. Issues considered included the correct interpretation of the provisions of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 and

the true construction of OPEPs relevant to the oil fields.

- *Environment Agency v F* (2012-2013). This was a prosecution before a District Judge of a company director involving, amongst other things, the definition of “producer” in the EU Revised Framework Directive and the correct interpretation of the terms of an environmental permit. Expert evidence was adduced by the defence and, had the prosecution challenge to this evidence been unsuccessful, there would have been wider ramifications for the national permitting system.
- *R v C Hospital Trust* (2012). Advice given to Hospital Trust facing criminal investigation following an accidental chemical discharge.
- *Operation Pandora* (2011-2012). This was a complicated prosecution in Preston Crown Court involving the dumping of hazardous waste across 6 sites in the north west of England by companies controlled by 4 individuals. Pollution of the water course had occurred at one of the sites. The evidence was voluminous. Much work was required to devise a means of presenting detailed evidence relating to hazardous waste consignments in a form that was digestible for a jury. Originally listed for a 6 week trial, all four defendants were successfully convicted. The sentence hearing received nationwide publicity.
- *R v L* (2012). This concerned a prosecution in Preston Crown Court involving end-of-life vehicles. The defendant was convicted after trial.
- *R v T* (2012). A Crown court trial involving the alleged illegal storage of skip waste.
- *R v H and others* (2010-2011). A case involving the illegal dumping of waste on farmland. The waste originated from a multi-national company who had used a broker to dispose of waste. Advice provided on merits of prosecuting various potential defendants, involving, amongst other things, consideration of availability of due diligence defences.
- *R v S* (2010) A successful prosecution in Worcester Crown Court involving the illegal storage of over half a million used tyres. The case involved consideration of the legal definition of controlled waste in the context of worn tyres that may be capable of other uses, including use in construction and export abroad. The defendant was sentenced to 12 months imprisonment.
- *R v D and D* (2009). A successful prosecution in Stoke-on-Trent Crown Court which raised a number of interesting legal issues including the definition of agricultural waste within the meaning of the Agriculture Act 1947 and the legal status of manure. Issues of abuse of process and the applicability of exemptions were also raised by the defence.