

Terry Barker MA, PG Dip, CMIOSH, MIIRSM, CCP (Asbestos) - Expert Witness Résumé

Provision of Expert Opinion / Advice 1999 – 2025 (ongoing)

Terry has provided written and oral expert evidence in relation to numerous Criminal and/or Civil matters on which he has been instructed.

Recent advice has in particular been focused on potential asbestos exposure(s) and RIDDOR obligations, CAR R.4, R.15 and other duties, along with the steps that should be taken to comply with CAR obligations. Where there has been a prosecution, work has focussed on retrospective exposure modelling and the subsequent level of harm risked as envisaged by the sentencing guidelines.

Provision of Expert Advice – 2012

(Civil - Undisclosed Clients)

Instructed as Joint Expert under the Civil Procedural Rules. This project required expert, technical and Asbestos consultancy/surveying expertise to consider and provide an opinion whether in all the circumstances Client “A” failed to exercise reasonable skill, care and diligence in the provision of the services to Client “B”.

Provision of Expert Advice and Technical Consultancy Work – 2008 - 2010

(Criminal - Undisclosed Client)

This project requires expert, technical and H&S consultancy expertise to defend / mitigate a potential Criminal Prosecution. Provision of Expert Advice. Resulted in a successful outcome for our Client as the enforcing authority has confirmed that no Prosecution will be pursued.

Consultancy and provision of competent health and safety and asbestos technical advice for the Client is now ongoing.

Provision of Expert Advice and Technical Consultancy Work – 2008 - 2010

(Criminal - Undisclosed Client)

This project requires expert technical asbestos and CDM expertise to defend / mitigate a potential Criminal Prosecution. Provision of Expert Advice and consultancy is ongoing.

Provision of Expert Advice – 2008

(Civil - Undisclosed Client)

This project required the evaluation of a potential very significant claim in respect to potential breach of a landlords obligations arising from the refurbishment of a building involving considerable asbestos removal works. Ongoing.

Provision of Expert Advice and Technical Consultancy Work – 2007

(Criminal - Undisclosed Client)

This project requires expert and technical, CDM and H&S consultancy expertise to defend / mitigate a potential Criminal Prosecution. A successful process of interview under caution along with a significant representation to the HSE resulted in no further action being pursued against our Client.

Provision of Expert Advice, Technical and Management Consultancy – 2006

(Criminal - Undisclosed Client)

This project required a complete review of the Clients operations in order to prevent the HSE following through on Asbestos Licence Revocation Procedures which had been invoked. Expert, technical, H&S and Management consultancy expertise was combined in order to restructure the business and develop and implement an appropriate H&S Management System. Engagement with HSE and ALU was critical and our Client was able to prevent revocation and successful gain an ongoing HSE Licence for Asbestos Work. Provision of Competent Advice and auditing etc. is ongoing.

Provision of Expert Advice – 2005

(Civil - Undisclosed Client)

This project required the preparation of an expert report as proof of evidence under the Civil Procedural Rules. Expert opinion was sort in respect to whether a professional consultancy practice had been negligent during asbestos survey works and subsequent project management of removal works.

Asbestos – Provision of Expert Advice – 1999

The Scotsman Publications Ltd

This project required a critical audit and review of an expert report that indicated our client had liabilities of approx. £750,000. Liaison with solicitors was required and ultimately our critical review resulted in our client carrying out necessary remedial works of £40,000.

Expert Work (Asbestos) - References:

In relation to the provision of expert opinions, the following testimonials have been provided by lawyers I have worked with recently, both of whom are willing to provide references should that be required:

Chris Morrison, Partner: <https://www.clydeco.com/en/people/m/chris-morrison>

Rod Hunt, Partner: <https://www.clydeco.com/en/people/h/rod-hunt>

Rod states:

"Terry Barker is our "go to" expert in relation to asbestos issues, and is extremely well recognised in this area. He has assisted us advising a number of our large corporate clients following unplanned asbestos releases; in particular whether these are RIDDOR reportable, steps that should be taken to comply with CAR obligations and, where there has been a prosecution, on the level of harm risked as envisaged by the sentencing guidelines. Terry has consistently provided a thorough and well-reasoned opinion that has assisted us advising our client and achieving the best possible result in the circumstances of each incident".

Jeff Swales, Solicitor, rradar t: 01482 296917 | m: 07701 008195 | w: rradar.com
<https://www.radar.com/crime-regulation>

<https://www.legal500.com/firms/231502-rradar/231400-hull-england/lawyers/713391-jeff-swales/>

In a recent email updating me on the outcome of a case, Jeff stated:

"This was a good outcome. Your excellent expert evidence was also very helpful in reducing the amount of the fine. In the case of the individuals, the custody threshold was passed and we had expected them to receive suspended sentences and a community order is a lesser penalty.

Thank you very much for your assistance."

Chavie Kapoor (Civil / Dispute) – Property and Landlord / Tenant

<https://www.mishcon.com/people/chavie-kapoor>

Barristers I have successfully worked with include:

Criminal cases:

Richard Matthews QC -

<https://www.richardmatthewskc.com/#:~:text=Richard%20Matthews%20QC%20is,Counsel%20in%20England%20and%20Wales>

Oliver Campbell QC - <https://www.hendersonchambers.co.uk/barristers/oliver-campbell-kc/>

Peter Gilmour - <https://stjohnsbuildings.com/people/peter-gilmour>

Civil (Property) Dispute

Ciara Fairley - <https://www.falcon-chambers.com/barristers/profile/ciara-fairley>