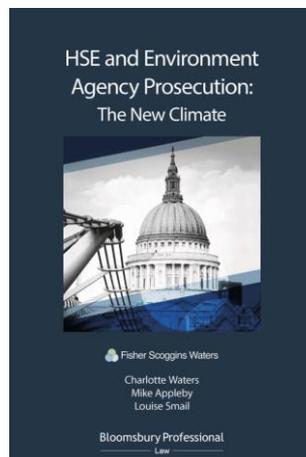


HSE and Environment Agency Prosecution: The New Climate

Charlotte Waters, Mike Appleby, Louise Smail



Book Foreword

Mike Appleby, Charlotte Waters and Louise Smail have produced a practical work that for the first time has sought to synthesize critical aspects of health and safety law and environmental law as it affects corporations and those who manage them.

Regulatory environmental law is concerned ultimately with safeguarding important features which contribute to the wellbeing of society. Health and safety law protects workers and the wider public alike. Whilst there have been offences associated with breaches of both aspects for very many decades, if not longer, there was a time when the criminal aspects of breaches of the law in these areas were treated as of much less significance than the civil aspects. Prosecutions were relatively few and far between and the penalties imposed by the courts were rarely substantial, in the sense of having a tangible impact on the businesses in question.

Public tolerance changed and so too did the approach of the courts. Fines increased and penalties were eventually subject to Sentencing Guidelines which cemented the change in approach that had for some time been in the making.

Most businesses are responsible and take their duties seriously. But the combination of exposure to increased financial penalties coupled with the reputational damage which can attach to regulatory breaches and the impact on securing contracts, has led to an increase in the determination of corporate entities to avoid breaches. At the same time the potential criminal liability of directors, senior managers and others directly responsible for transgressions has come to the fore. This accessible book, useful to lawyers and non-lawyers alike, provides guidance to help organisations manage risk not only for their own benefit, but for the benefit of others. It provides a handy reference for many aspects of environmental and health and safety regulatory law. It also touches on questions that may arise in public inquiries and inquests.

This valuable work thus provides organisations with an insight into how to manage risk in two important regulatory environments. The proper management of risk is likely to prevent accidents and injury and broader environmental mishaps. It will avoid harm to individuals and the public and at the same time protect the organisation and those who run it. The interests are entirely coincident.

Forewarned is forearmed.

The Right Honourable the Lord Burnett of Maldon
Lord Chief Justice of England and Wales
28 February 2019

For further information or to buy the book: www.bloomsburyprofessional.com/environmental