

Emma Toner

Year called: 2009

Email: emma.toner@compasschambers.com

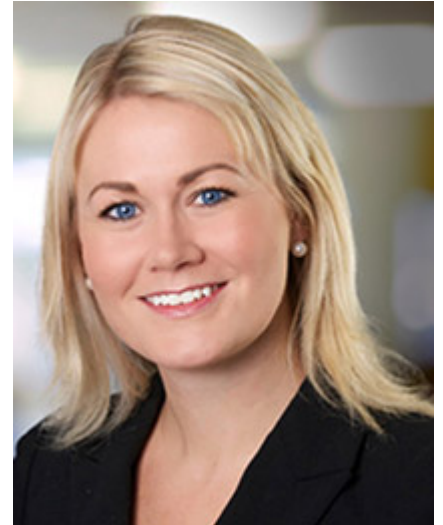
Qualifications: LL.B (Hons), (University of Strathclyde and University of Rouen, France)
Dip. LP, Glasgow Graduate School of Law
Diploma in Forensic Medicine, Society of Apothecaries of London
Faculty Scholar 2008/2009

Appointments

Deputy Editor, Session Cases 2016-
Reporter, Session Cases 2013- 2016

Professional Memberships

- Health and Safety Lawyers' Association
- Scottish Medico-Legal Society
- Scottish Criminal Bar Association



Principal areas of Practice:

- Regulatory Crime including Health and Safety, Road Traffic, Firearms
- Financial Crime including Civil Recovery of Proceeds of Crime
- Fatal Accident and Public Inquiries
- Personal Injury

Emma has extensive experience of regulatory crime, including cases brought under the Road Traffic Act 1988, Firearms Act 1968 and Proceeds of Crime Act 2002. She is regularly instructed in the High Court, Sheriff Court and Appeal Court, both as sole Counsel and as Junior Counsel to Senior and has conducted a wide range of trials, under both statute and common law, including cases involving financial crime. She is also regularly instructed in personal injury actions, for both pursuers and defenders, and in Fatal Accident Inquiries, including the Rosepark Fatal Accident Inquiry, the longest Fatal Accident Inquiry ever to run in Scotland, where she acted for a core participant.

Prior to calling, Emma spent 2 years as an Indicter in the High Court Unit of Crown Office and gained considerable experience of cases involving deaths, including Health and Safety cases and cases brought under s1 and s2B of the Road

Traffic Act. She was also responsible for the management of reports to Crown Counsel of sudden or suspicious deaths during this period and has an in-depth knowledge of the Fatal Accident Inquiry legislation. She is adept at dealing with technical and procedural issues in both the preparation and presentation of all cases in which she is instructed.

Emma has regularly delivered legal training to specialist inspectors within the Health and Safety Executive, both in Scotland and in England, and is involved as an examiner in the Health and Safety Executive legal assessment program. She is presently instructed as Junior Counsel in relation to two major group actions currently pending before the Court of Session, both of behalf of multiple pursuers, in relation to PIP breast implant cases and also in relation to the transvaginal mesh litigation.

In 2016, Emma was appointed as Deputy Editor of Session Cases.

Representative Cases:

- In Re Death of Barbara Anderson (Fatal Accident Inquiry into death of wheelchair user in housefire: instructed on behalf of manufacturer of wheelchair component) (2016)
- Glasgow Bin Lorry Fatal Accident Inquiry (instructed as Junior Counsel on behalf of next of kin of 3 deceased) (2015)
- HMA v Sneddon (defence counsel in prosecution under s1 Road Traffic Act 1988 re causing death by dangerous driving- convicted of causing death by careless driving under s2B after trial)(2014)
- HMA v Andrew Coulter & Others (instructed as defence Junior Counsel in application brought by Crown under the Double Jeopardy (Scotland) Act 2011 in relation to the proceedings which gave rise to the Chhokar Inquiry (2014)
- In Re Death of Marcel Daisley/ Daisley v. Groundworks Development Ltd (Fatal Accident Inquiry into death on construction site/ associated action for damages arising from fatality) (2014)
- HMA v. Glasgow City Council (Health and Safety at Work Act 1974, charges under sections 2 and 33; instructed on behalf of Glasgow City Council in prosecution arising from fatality) (2014)
- Bysouth v. Argyle and Bute Council (Junior Counsel in action for damages arising from fatality- suicide of child in care of Council)(2012)
- Rosepark Care Home Fatal Accident Inquiry (instructed on behalf of member of nursing staff) (2009- 2010)

Foreign Languages

- Fluent French

Recent Talks

Compass Chambers

T: 0131 226 2881

W: www.compasschambers.com

Health and Safety Prosecutions (Oct 2015, DLA Piper);

Sentencing in Environmental Cases (Dec 2014,
Compass Chambers Conference);

Essential Criminal law update (Oct 2015)
for Central Law Training