

<b>Health and Safety Executive</b>		<b>Operational Circular</b>	
<b>Field Operations Directorate</b>		<b>OC 168/12</b>	
<b>Review Date</b>	18/11/2015	<b>Open Government Status</b>	Fully Open
<b>Version No &amp; Date</b>	1: 18/11/2005	<b>Author Unit/Section</b>	HSE's Legal Adviser's Office

Target Audience:  
All HSE Inspectors

**LEGAL ADVISER'S OFFICE  
LITIGATION AND CORPORATE ADVISORY DIVISION**

**REFERRAL OF CASES TO LEGAL ADVISER'S OFFICE**

1 This circular, which only applies to cases arising in England and Wales, sets out the types of cases which the Litigation and Corporate Advisory Division of Legal Adviser's Office (LAO) can (and, in some cases, must) deal with. Such cases fall into the following categories:

- (1) Criminal cases which meet the criteria for ILO (see OC 168/11)
- (2) Committals for sentence (where a solicitor agent was **not** instructed in the magistrates' court);
- (3) Appeals against notices;
- (4) Advice on proposed Crown Censures.

Some cases must be referred to LAO; in others we can offer you advice as indicated below.

**CASES WHICH MUST BE REFERRED**

2 Criminal cases which meet the criteria for ILO must be referred to LAO in accordance with the procedure set out in OC 168/11. You are also encouraged to seek legal advice at an early stage in respect of cases which are likely to meet the ILO criteria. Experience has shown that early legal advice can assist you on evidential issues, which, in turn, will help to make your investigation more focussed and effective.

3 Committals for sentence (where a solicitor agent was not instructed in the magistrates' court). Please refer such cases to LAO, preferably as soon as the

magistrates have made the decision to commit ('send') for sentence to the Crown Court, but in any event within 7 days of that decision. LAO will provide paralegal support to prepare the necessary committal papers for the Crown Court and arrange legal representation.

#### CASES WHICH MAY BE REFERRED

4 Appeals against notices may be referred to Legal Adviser's Office. We welcome such cases being referred, particularly if they are likely to have national implications for HSE (perhaps involving an important point of law) or they are linked with a prosecution case which LAO is already advising on. If we do not have capacity to handle your case, we can advise you on solicitor agents who have experience of this type of work.

5 If you require legal advice on a proposed Crown Censure we can assist with this.

6 Referrals should be made as follows:

- i) ILO cases – see OC 168/11
- ii) Committals for sentence refer to Jill Elford (☎ 522 6802) or Sarah Peacock (☎ 522 6057) in the first instance.
- iii) & iv) Appeals against notices and advice on proposed Crown Censures: refer to James Turnill (☎ 522 6728) or Richard Turfitt (☎ 522 6912) in the first instance.

7 Please make contact with LAO by phone or email **before** sending cases or papers.