



Guide to regulatory offences

Mander Hadley's regulatory offences team provide situation-specific support to businesses and individuals facing difficult allegations in relation to regulatory breaches prosecuted by non-police organisations.

Whether your business is deemed to have breached health and safety or environmental regulations, or you are a private landlord facing prosecution in relation to House in Multiple Occupation (HMO) breaches, you need experienced experts by your side who will help you to prepare a sound defence when facing serious allegations – which could potentially result in imprisonment or hefty fines.

Fortunately, Mander Hadley have put together this useful guide to help you – which hopefully will answer some of your questions if ever you find yourself facing prosecution.

What are regulatory offences?

A regulatory offence is any breach of regulations relating to a specific industry or activity which is typically prosecuted by non-police organisations. Such organisations may include the likes of the Health and Safety Executive (HSE), the Environment Agency, local authorities or Trading Standards.

Facing allegations from such bodies requires expert advice and support, as prosecutions brought against individuals and businesses in breach of such regulations are often highly specific and concerned with complex technical details.

Some of the most common regulatory offences in the UK are:

- Trading Standards offences
- Health and safety offences
- House in Multiple Occupation (HMO) breaches
- Food hygiene offences

Depending on the allegations you face, preparing a solid defence can be complex and highly specific, which is why Mander Hadley are here to help.

“Cover all
the angles”





Trading Standards offences

Trading Standards officers operate as part of local authorities. They investigate a wide range of offences. Some of the most common investigations will be in relation to:

- Copyright
- Trade marks
- Trade descriptions
- Weights and measures
- Consumer credit agreements

Penalties for these offences can potentially include **unlimited fines** and, in some cases, **even imprisonment**.

If you are facing allegations or a potential investigation from Trading Standards officers, it is important to get in touch with specialist solicitors such as Mander Hadley sooner rather than later, to ensure that we can help you to prepare your case from the earliest possible stage.

Health and safety offences

In the UK, employers have a duty of care for their employees, as well as contractors and any members of the public who visit their premises.

The Health and Safety at Work Act 1974 is an important reference document for most employers, but your obligations could vary depending on the type of industry or sector you are operating within and the sort of risks your employees or visitors to your business premises may face.

Health and safety offences are prosecuted by the Health and Safety Executive (HSE), which has the power to investigate any incident or complaint involving your business.

In this respect, it is highly important to ensure that your organisation follows any necessary procedures and carries out risk assessments where recommended in order to avoid facing a potential complaint and later investigation.

The HSE cites examples of the enforcement of health and safety law on its website, some of which can be attributed to:

- Construction and machinery
- Slips and trips
- Transport
- Working at height
- Electrocutation

If you are unfortunate enough to find yourself facing an HSE investigation, you should act fast and seek legal advice immediately. Please contact us for further information.

House in Multiple Occupation (HMO) breaches

A House in Multiple Occupation is defined as a single property which is let to three or more tenants who form two or more households within that property and share a kitchen, bathroom or toilet. This typically includes houses which have been converted into 'bedsits' or one or more flats which are not entirely self-contained.

If you are operating as a landlord or HMO manager renting out Houses in Multiple Occupation (HMOs), you will need to adhere to a strict set of rules to ensure the health and safety of your tenants particularly to reduce the risk of fire.

In some areas and for larger houses you will be required to obtain and comply with a licence. A larger house has three or more storeys and five or more people living in it in two or more households.

If you are found to be operating without a licence, or to have breached regulations in any of the following areas, you could face prosecution, potential fines or imprisonment and substantial prosecution costs.

- Fire safety regulations (including access to unobstructed fire exits)
- Water supply and drainage maintenance
- General maintenance of fixtures, fittings and appliances where applicable
- Provision of adequate waste disposal facilities

If you find yourself facing a complaint in relation to any of the above, or any other potential landlord-tenant dispute, please contact us.



Food hygiene offences

Any premises which sell food are bound by incredibly strict regulations governing how food is stored and prepared. Examples of such regulations include keeping raw meat separate from cooked meat, as well as the cleanliness and state of repair of the premises.

The Food Safety Act 1990 provides the legal framework for food sold for human consumption in the UK. In short, those who sell food for human consumption are expected only to place 'safe' food on the market and authorised officers of food authorities are fully entitled to:

- Take samples of food and food ingredients
- Enter food premises unannounced to investigate possible offences
- Inspect food to see if it is safe

If it is felt that you have not met regulations, a local authority may decide to prosecute, which could lead to **substantial fines** or even **imprisonment**, not to mention the damage to your reputation.

Businesses suspected of breaching food hygiene regulations will usually be served with a legal notice from a local authority. In the event of this, it is important to contact legal professionals as soon as possible to help guide you on the best next steps forward.

Taxi licensing and other regulatory offences

Mander Hadley's team of specialists also deal with other regulatory matters including taxi licensing.

Your local licensing authority holds the power to suspend or revoke drivers' or operators' licences in certain circumstances, usually where traffic or other offences have been committed.

If you find yourself facing such complications, our regulatory offences team can advise and represent you at licensing authority hearings. Mander Hadley can also advise on any road traffic offences and their wider implications.

How can Mander Hadley help?

Mander Hadley's expert regulatory offences team are able to offer specialist advice and representation to clients who have fallen victim to allegations of regulatory offences. Our key aim will always be to defend you to the best of our ability.

Although helpful, the brief information included in this document is intended as a guide only and does not constitute legal advice. For more detailed information regarding any of the matters raised in this guide, tailored to suit your specific circumstances, please contact a member of Mander Hadley's regulatory offences team.

