

Geoffrey Counsell, the contractor in charge of a fireworks display held on the night of a motorway crash in which seven people died, has been cleared of breaching health and safety laws.

Geoffrey Counsell of Firestorm Pyrotechnics had denied a charge of failing to ensure public safety for the Taunton Rugby Club display. A judge at Bristol Crown Court directed the jury to find him not guilty. The pile-up involved about 30 cars when they were engulfed by a thick fog on the M5 on 4 November 2011. Mr Counsell, 51, from Ashill, Somerset, had been originally charged with seven counts of manslaughter but the charges were dropped earlier this year.

Instead, he was charged under the Health and Safety at Work Act with failing to operate the display so as to ensure that others who might be affected were not exposed to risks. Mr Justice Simon ruled Mr Counsell had "no case to answer" following an application from the defendant's barrister at the halfway point in the trial. He said the prosecution's case was "heavily weighted" on "hindsight" and there was not sufficient evidence to show that Mr Counsell ought to have foreseen that smoke from the display could have drifted and mixed with fog to create thick smog. I have therefore concluded that the evidence is such that the jury cannot continue in these circumstances and it is my duty to stop the trial and order an acquittal," he added.