

JERSEY / JUDGMENT

AG -v- Amplus Limited

[2010] JRC 132 (16 July 2010)

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JUDGMENT

THE BAILIFF: 1. This incident occurred because the injured employee, Mr Blackmore, was asked to operate a lorry-mounted crane when, although he had some practical experience of this machine and had experience of other machines, he had not been fully trained and certified as competent in relation to this particular machine as required by the relevant regulations. As a result of a combination of the positioning of the lorry and the lack of full extension of the stabilising legs, the lorry tipped over and fell upon Mr Blackmore, causing serious injury to his left leg and ankle. An employee of the sub-contractor who was on the lorry fortunately managed to escape injury as it tipped over. 2. The accident has clearly had serious consequences for the employee as we have heard but we are satisfied that this is a company which took its responsibilities seriously. Advocate Dorey has taken us very thoroughly but concisely through the measures which the company had taken. In particular it had entered into a contract with a specialist company experienced in health and safety matters, to advise it both generally and on a specific basis. It had taken other steps to fulfil its responsibilities as she has outlined. Furthermore since the accident, the company has had a thorough review carried out by its independent advisor; this has identified in particular one of the causes of this accident which was that, as the company is not a large one, it is dependent upon certain key men. In this particular case the person who would normally operate it and was qualified to do so was unavailable and that was why Mr Blackmore filled in. They have taken steps to address that and they have also now developed a list of each employee, and which machines he or she is competent to operate. There is a new system which has been installed on this particular machine which would mean that this accident could not occur again if the stabiliser legs were not out; this is something which the company was not aware of before. And finally they have arranged for the director responsible for Health and Safety to attend a detailed course. 3. There is other mitigation; the company pleaded guilty and was entirely co-operative. It does have one previous conviction under the Health and Safety legislation but we are satisfied that that was entirely different; it was a case of the company operating outside its area of expertise as a favour, and led to a breach in relation to asbestos. We disregard it for the purposes of today. 4. This was potentially a very serious accident and the Crown has, quite naturally, moved for substantial fines, but we are satisfied from the evidence available to us that this is a company which did take its responsibilities seriously. It was

not a case of a company which was unconcerned with the safety of its employees. 5. We think it right therefore to reduce the fines and we are going to reduce them so that there will be a fine of £7,000 on each count, making a total of £21,000 together with £2,500 costs and we give the company 3 months to pay. Authorities Health and Safety (Jersey) Law 1989, as amended. Safeguarding of Workers (Cranes and Lifting Appliances)(Jersey) Law Regulations 1978. R-v-Amplus Limited

[2007] JRC 134 . AG-v-Flying Flowers Limited

[2009] JRC 210 . R-v-Board of Trustees of the Science Museum [1993] 3 All ER 853. R-v-F. Howe & Sons [1999] 2 All ER 255. Page Last Updated: 02 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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