

ROYAL COURT

9th December, 1988

Before: The Bailiff, and
Jurats Baker and Gruchy

Her Majesty's Attorney General

- v -

R. J. Wilkinson, Limited.

Contravention of Regulations 4 and
44 of the Construction (Safety
Provisions) (Jersey)
Regulations, 1970.

C.E. Whelan, Esq., Crown Advocate
Advocate P.C. Sinel for the accused company.

JUDGMENT

THE BAILIFF: The Regulations for the safeguarding of workers have to be strictly observed and obviously a penalty has to be inflicted on employers who fail to come up to the standards required by the regulations. We are satisfied by what you have said, Mr. Sinel, that so far as appointing a safety officer is concerned, your client normally had an experienced man there and so far as the hoist is concerned, he had delegated the construction of it to an experienced erector, but nevertheless he remained responsible in law. Having said that we do not accept your submission that the Crown cannot produce letters sent to employers regarding their sites. It is an indication of their attention being drawn to the problems. Under the circumstances we have

come to the conclusion that the proper penalty is a fine of £1,500 on each of the charges and £100 costs.

n.b. No authorities.