

ROYAL COURT

116.

3rd July, 1992

Before: J.H. Vint, Esq., Lieutenant Bailiff, and
Jurats Coutanche and Hamon

HM Attorney General

- v -

Robert James Ainscough

1 charge of contravening Article 21(1)(a) of the
Health and Safety at Work (Jersey) Law, 1989.

PLEA:

Infraction admitted.

DETAILS OF OFFENCE:

Service companies had dug a trench and covered it properly with a board. Defendant removed board to do his own plumbing work, and did not replace it. 80 year old lady fell into trench - cut to her face (9 stitches), general abrasions, damage to spectacles.

DETAILS OF MITIGATION:

Not wilful. Had expected his labourer to replace cover. Genuine remorse.

PREVIOUS CONVICTIONS:

Nothing of significance.

CONCLUSIONS:

£800 plus £200 costs.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Those doing works on or near the highway owe a special duty to members of the public. This accident was caused by simple carelessness and illustrates the need for care to be taken.

C.E. Whelan, Esq., Crown Advocate.
The accused on his own behalf.

JUDGMENT

THE LIEUTENANT BAILIFF: Once again, this is an example of how the public can be put at risk by a temporary mistake by a tradesman. The Court believes that the sanction which the Crown has asked for is pitched about right.

Therefore, Mr. Ainscough, you will be fined the sum of £800 or in default three weeks' imprisonment, plus £200 costs.

No authorities.