

ROYAL COURT
(Samedi Division)

5th February 1993

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Before: The Bailiff, and Jurats Vint and Herbert

Her Majesty's Attorney General

-v-

Trio Construction Limited

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

PLEA:

Facts admitted

DETAILS OF OFFENCE:

Sub-contractor fell from 9'4" wall, suffering head and back injuries. A guard rail or trestle platform would have done something to reduce the potential for the fall/injuries.

DETAILS OF MITIGATION:

Victim performing a task in a completely unexpected way; had a fainting fit, causing the fall; company had good safety record; useful plea.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

£1,000 + £200 costs.

**SENTENCING AND OBSERVATIONS
OF THE COURT:**

£800 + £200 costs. Agreed offence at lower end of scale but Regulations are there to protect workmen from even the own folly.

C.E. Whelan, Esq., Crown Advocate
Advocate A.D. Robinson for the Defendant Company

JUDGMENT

BAILIFF: The law is quite clear there has to be a safe system of work; that indeed is what it was passed for. The circumstances of this case appear to be that the accident happened only on the second day of the site arrangements under which the main contractor, the defendant in this case, had sub-contracted the carpentry work.

It appears to us that unfortunately neither Mr. Young nor his site foreman had yet, no doubt for perfectly good reasons, been able to get round to seeing what kind of practice there should be for handing up shuttering and we do not entirely blame them for that but they have to carry the responsibility because employers have to anticipate the foolishness of employees, as indeed it was foolish, for Mr. Jeune - unfortunately for him - to stand on that wall.

Therefore there has to be a fine but we are going to make a slight reduction in the Crown's conclusions because of the good record and the circumstances, which I have outlined very briefly. We are going to make a reduction of £200 to the fine asked for and therefore the company is fined £800 and £200 costs.

No Authorities