

ROYAL COURT  
(Samedi Division)

117.

21st June, 1996.

Before: The Deputy Bailiff and Jurats Le Ruez  
and de Veulle

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The Attorney General

-v-

C.I. Bakery Limited

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

PLEA:

Facts admitted.

DETAILS OF OFFENCE:

Company charged with making premises available for work by non-employees when the premises contained unsafe plant. Exposed live terminals on an electrical distribution board in the main switch room. Persons could have received a serious or fatal injuries as a result of contact with the terminals. In the event an employee of a sub-contractor who was working in the switch room had a piece of wire which came into contact and there was an explosion temporarily blinding the employee and causing burns to his left forearm. Melted fragments of metal were embedded in his face. He was off work for a total of five days. He recovered fully.

DETAILS OF MITIGATION:

Good safety record. Accident Prevention Department described defendant company as "a responsible organisation which does attempt to address the management control of health and safety". Also the company had "been very responsive to issues raised as a result of the accident and.....stated their intention for the main switch room to be enlarged with the electrical equipment modified".

PREVIOUS CONVICTIONS

None.

CONCLUSIONS:

Fine of £1,750 with £250 costs.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted.

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S.C.K. Pallot, Esq., Crown Advocate.  
Advocate S.J. Crane for the Defendant Company.

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## JUDGMENT

**THE DEPUTY BAILIFF:** On 17th May, 1996, Channel Island Bakery Limited admitted infractions of the Health and Safety at Work (Jersey) Law, 1989.

Channel Island Bakery is part of the Le Riches Stores group. Work was being carried out on a former motor vehicle repair work shop, to which its frozen food depôt was moving.

A new supply cable was being installed by a firm of electrical contractors, Collas & Le Sueur. Two of that firm's electricians, Mr. Steven Mesney and Mr. David Boardman, started to work on modifying the existing cable. They ascertained that it was electrically isolated. They began to work, Mr. Boardman supporting the cable in his hands and Mr. Mesney cutting it with a hacksaw.

At one time Mr. Boardman was standing on the first step of a pair of aluminium steps to the side of the main distribution board, which we have examined.

When the Deputy Chief Engineer of Channel Island Bakery, Mr. Runacres entered the room, Mr. Mesney turned towards him and unfortunately a few of the metal strands that he was holding on the main cable came into contact with the main distribution board. There was an explosion and a huge flash, Mr. Boardman suffering injuries which included burns to his left forearm and melted fragments of metal strand becoming embedded in his face. He was off work for five days.

An inspection concluded that the cause of the accident was clearly the metal strands from the cable coming into contact with one or more electronically live terminals forming part of the moulded circuit breaker installed on the electrical distribution board. It would, apparently - had anyone thought of it - have been easy to avoid dangers from contact with the exposed live terminals by covering them with plastic or some other non-conducting material. There is a notice on the door of the main switch-room which was locked until the two employees came to make use of it, which says: "*Live apparatus - danger - keep away and no admittance - authorised personnel only*". But those live terminals could have caused serious or fatal injury at any time and it is, perhaps, fortunate that the injuries sustained by Mr. Boardman were not more serious and that he was the only one injured.

The learned Crown Advocate has pointed out in his summary to this Court that Channel Islands Bakery Limited and more recently Le Riches Stores Limited have been positive in their approach to health and safety measures. They have discussed matters with the Health and Safety Inspectorate and have always acted upon matters which have been brought to their attention. They are considered to be a responsible organisation which does not attempt to fail to address management control of health and safety. The holding company are, at the moment, undergoing a change in the manner in

which they address the management of health and safety and that process had started before the accident with which we are dealing with today occurred. They are apparently establishing health and safety as an important aspect of managing their business.

They have been very responsive to issues raised as a result of the accident and they are, of course, going to change their main switch-room and have the electrical equipment modified. An independent survey by an independent electrical engineer is to take place in the near future.

In the circumstances, this is not in the top range of injury, although, as I say, it could have been serious, and Crown Advocate Pallot has said that he has had to use a broad brush approach, but we not depart from his conclusions and therefore the company is fined £1,750 with costs in the sum of £250.



Authorities

A.G. -v- Leader Health Foods Limited (14th October, 1994) Jersey Unreported.

A.G. -v- Itex (Jersey) Limited (18th August, 1995) Jersey Unreported.