

# Brunswicks Regulatory News

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SOLICITORS

## Deficiencies lead to the death

Naturediet Pet Foods Ltd has been fined £157,500 after pleading guilty to a breach of s2(1) HSWA. The conviction followed an incident on 1 February 2006 when an employee, Marcus Snow, was working in the packing department of the company. The 40 year-old was working on a semi automatic 'off load machine', used to transfer finished cartons of dog food onto a conveyor, when the machine became jammed. Mr Snow crawled into the front entrance of the machine in an attempt to clear the suspected jam when the pneumatic pick-up unit descended and pinned him to the stack of trays. The continued pressure from the pick up unit on Mr Snow's chest led to his death by asphyxiation.

Guarding at both the entrance and exits of the machine was by means of photoelectric light curtains. However, both units had been wired out allowing whole body access to the body of the machine and access to several dangerous parts of machinery.

HSE Inspector Janet Hanson said:

*"This joint investigation with Surrey Police highlighted a number of serious and deliberate deficiencies in the safeguarding of the machine Mr Snow was working on. In addition to the photoelectric light curtains having been wired out, the interlock on the hinged access gate to the machine enclosure had also been bypassed allowing the machine to run with the guard door open. Our investigation revealed other machines at the site where also found to have safeguards bypassed and a number of prohibition notices were served at the time of the investigation. The ultimate cost of these deficiencies was borne by Mr Snow who tragically paid for them with his life. This tragic incident was entirely foreseeable and entirely preventable. The poor standards of machinery guarding on site meant that it was only a matter of time before the risk of serious personal injury was realised.*

*Employers are reminded that health and safety legislation requires all dangerous parts of machinery to be guarded."*

## Building Failures

Laing O'Rourke Construction South Ltd based in Dartford, has been fined £80,000 and ordered to pay £10,000 costs after pleading guilty to contravening reg6(3) Work at Height Regulations 2005 as defined by Regulation 3(3)(b)

The site sub-contractor Durable Contracts Ltd, based in Belvedere in Kent, has been fined £25,000 and ordered to pay £10,000 costs after pleading guilty to contravening s3(1) Management of Health & Safety at Work Regulations 1999, by not carrying out a suitable and

sufficient risk assessment for employees working on roofs.

The defendants were involved in the construction of a new laboratory block and gatehouse for the pharmaceutical manufacturer Eli-Lilly at Windlesham in Surrey. The victim, 57 year-old Tony Scott from Hertfordshire, suffered severe, extensive injuries after falling through an unmarked hole in the roof of the newly constructed gatehouse.

HSE Inspector Amanda Huff said:

*"This prosecution should act as a warning to all those involved in the management of the construction projects. It was down to chance alone that this incident did not result in a fatality. This accident would have been avoided if the work had been properly planned and the appropriate control measures implemented."*

Ed –

Regulation 3(3)(b) Working at Height Regulations 2005 states: The requirements imposed by these Regulations on an employer shall also apply to any person other than a self-employed person, in relation to work by a person under his control, to the extent of his control.

Regulation 6(3) of the Working at Height Regulations 2005 states: Where work is carried out at height an employer shall take suitable and sufficient measures to prevent, so far as is practicable, any person falling a distance liable to cause a personal injury.

## **Fatal Lift**

P Colohan and Company Ltd of Croydon has been fined £66,000 and ordered to pay costs of £40,950 after pleading guilty to a breach of reg8(1)(c) Lifting Operations and Lifting Equipment Regulations 1998 (commonly known as LOLER).

P Colohan was the subcontractor responsible for preparing a concrete frame for a 9 storey building. The building was being constructed at 35 Station Road, Wood Green, by Mount Anvil Plc (MAP) for their client, Metropolitan Home Ownership. Mr Walsh was a carpenter by trade and site supervisor / foreman working for this sub-contractor.

On 6th May 2004 4 excavator buckets were being lifted by a crane to the front bucket of an excavator, which was parked adjacent to the site. A reinforced metal bar (usually used to reinforce concrete) had been threaded through the holes on top of two of the four buckets, all of which were placed together. A chain was hitched to the attachment pins of the other two buckets. Mr Walsh gave a hand signal and a verbal instruction via a radio to the driver of the crane to lift the weight. Workers on the first floor level say the load was then hoisted some 3-6 metres. Witnesses report the chains were jerking from side to side and the reinforced bar was not level, with the larger of the buckets being higher than the other. This bucket then fell off the bar striking John Walsh and causing him fatal head injuries.

The HSE investigation found the lifting operation was not properly planned or executed. The company had not provided any specific risk assessments or method statements for this

operation and had not taken sufficient steps to ensure that Mr Walsh was qualified to carry out this work.

HSE inspector, Simon Hester, said:

*"This tragedy was avoidable. Critically, the employers failed to manage high risk activities effectively and failed to ensure that their staff were fully competent to carry out these tasks. The use of cranes for everyday work on construction sites is so common that it is easy to succumb to complacency. But complacency can lead to terrible results. The LOLER regulations are very specific and any employer using cranes should review their management of these high risk lifting operations, particularly the competence of lift supervisors, slingers and banksmen."*

Ed -

Regulation 8(1) of The Lifting Operations and Lifting Equipment Regulations 1998 states that: an employer shall ensure that every lifting operation involving lifting equipment is:

- (a) properly planned by a competent person
- (b) appropriately supervised; and
- (c) carried out in a safe manner

## **Shocking Circumstances**

South Eastern Electrical Plc, based in Hainault, has been fined £50,000 and ordered to pay costs of £20,000 at Basildon Crown Court. The company had been found guilty of breaching of s3(1) HSWA, namely failing to protect those not in its employment.

The prosecution concerned an incident at a supermarket in Southend, Essex, on 23 July 2006. Major refurbishment works were being carried out when the store was closed on a Sunday afternoon. A ground works subcontractor, from Benfleet, suffered an electric shock after coming into contact with a live cable during replacement of lighting columns in the car park. He was unconscious for a short period and suffered burns and bruising.

The HSE investigation found no circuit diagrams had been available and no attempt had been made by South Eastern Electrical Plc to produce a diagram by surveying each column to identify its point of supply. South Eastern Electrical's supervisor had pointed out a distribution board to the two electricians undertaking the work as the point of isolation for the lighting columns in the car park. However, it had not been made clear exactly which columns were supplied from this point and no written permit to work system was in place, which would have described exactly which columns had been made safe, how this had been done and by whom.

The first 3 columns were replaced ahead of time and, as a result, a decision was made to continue with the replacement of a fourth column. Assumptions were made that the supply for this column was also fed from the same distribution board as the previous three and

checks found that the supply to it was dead.

This fourth column was in fact supplied via a separate distribution board that had not been isolated and was also controlled by a light sensor. When the electricians had initially tested the supply at the fourth column there had been sufficient daylight to prevent the supply being switched on. However, during the replacement work, the level of light decreased to such an extent that the sensor energized the circuit. The resulting uninsulated ends of the now live cable were grabbed by a groundworker as he attempted to feed them into the new column and he received an electric shock.

HSE Inspector Dominic Elliss said:

*"The risks of working with electricity are well known and this incident could easily have been avoided. Effective identification and isolation of the electrical supply, together with clear instruction and supervision from the very beginning and throughout such work, are essential in preventing such incidents from occurring. By failing to implement simple and well documented controls over such work, electrical contractors place not only themselves, but others who may come into contact with their work, at risk of very serious injury."*

## **Shock on scaffolding**

The London Borough of Camden has been fined £40,000 and ordered to pay costs of £16,445 after pleading guilty to breaching s3(1) HSWA. This follows the electrocution of Ralph Kennedy on 15 September 2006 who was employed by Beacon Scaffolding, a company the council had subcontracted the work to. Mr Kennedy of Camden, and his colleague were dismantling a scaffold adjacent to a block of flats on the Mayford Estate in Eversholt Street, Camden. Whilst standing on the first 'lift' of the scaffold, Mr Kennedy came into contact with an external security lamp which was attached to the wall. The metal casing of the light was conducting an electrical current of 240v and the shock killed Mr Kennedy instantly. While attending to Mr Kennedy on the scaffold, a police community support officer also brushed against the security lamp and received an electric shock.

The HSE investigation showed that the earth wire inside the connection box leading to the lamp had been cut. It was not possible to ascertain who cut the earth wire, or why and when this was done. Camden Council maintenance department had no records to identify who installed the lamp or when. They were also unable to identify any repair work that had been undertaken on that particular light.

HSE inspector Kerry Williams said:

*"This tragic incident could have been prevented. All employers, including those providing social housing must have a planned maintenance program for the inspection and testing of their electrical installations. If the lights on the Mayford Estate had been tested on a regular basis, this death could have been easily avoided."*

## Scaffolding falls from height

Sky Scaffolding (Midlands) Ltd of Budbrooke Road Industrial Estate, Warwick, has been fined a total of £4,000 and ordered to pay costs of £1,761 by Coventry Magistrates' Court, after pleading guilty to breaching both reg10(2) Work at Height Regulations 2005 and reg3[1](b) Management of Health and Safety at Work Regulations 1999.

On 18th May 2008 scaffolding was being erected on the pavement outside the front of Metro Public House on The Burges in Coventry City Centre. The pavement had not been closed or restricted and pedestrians were passing-by. Two qualified scaffolders were working approximately 5m above ground and one had momentarily leant a short pole against a guard-rail. As he turned away, the steel pole, weighing several pounds, fell onto a passing member of the public injuring her with a significant gash to her leg, requiring hospital treatment.

One of the workmen, working on the pavement to pass materials and poles up to colleagues, had been tasked with asking pedestrians to wait during movement of materials or when materials were being handled overhead but this was not an easy job for one person, as people were passing in both directions. He did not see this particular lady approaching and did not ask her to stop.

The company had been charged with not taking suitable and sufficient steps to prevent any person being struck by any falling material or object liable to cause personal injury. They were also charged with not conducting a suitable and sufficient risk assessment.

The company had started work at 07.30 which they thought would avoid the busier times of pedestrian traffic but work was still underway at 09.20 when the incident occurred. The scaffolders had just decided to stop the work because pedestrian traffic was too busy and the accident occurred while they were securing materials on the upper level of the scaffolding to make it structurally safe to leave.

HSE Inspector Carol Southerd said:

*"The work being undertaken that morning, on the pavement, placed pedestrians and workers at risk because the company had failed to take more-robust steps to ensure that the system of work was effective to protect the public from simple human error such as dropped materials or tools during scaffolding erection. All employers have a responsibility to ensure that safe working practices are in place, because failure to do so could well cost lives, as well as enforcement action from HSE. The injured lady was immobilised for several weeks and still suffers from anxiety but it could have been so much worse if the pole had struck her head or body."*

## Scaffolding collapse

SGB Services Ltd, of Leatherhead in Surrey, has been fined a total of £4,000 and ordered to pay costs of £6,000 by Birmingham Magistrates' Court after pleading guilty to a breach of reg8(b) Work at Height Regulations 2005. The company had been charged with not ensuring that the working platforms, that they had installed were erected to ensure that components did not become accidentally displaced as to endanger workers or passers-by. On 13th December 2006 scaffolding, measuring between up to 50ft high and spanning 100ft along the side of a building, collapsed across Needless Alley at 6.40pm as it was being used by pedestrians.

In the same hearing John Davies Interiors Ltd, of Century House Oldbury, was fined £5,000 and ordered to pay costs of £1,996 after pleading guilty to breaching reg12(4) Work at Height Regulations 2005. The company admitted that it had not ensured that the working platforms were not used in that position, as they had not been inspected within the previous seven days.

HSE Inspector Mike Ford said:

*"The incident placed pedestrians and workers at risk because the two companies had failed to provide a scaffold that was suitably tied to the building and failed to ensure that the scaffold was inspected regularly after the erection. All employers have a responsibility to ensure that safe working practices are in place, because failure to do so could well cost lives, as well as enforcement action from HSE. It is extremely fortunate that nobody was injured, as CCTV footage of pedestrians passing within seconds of the collapse clearly demonstrates, it could have been so much worse. Anyone attempting to work on that scaffolding would have been at high risk. Falls from height at work resulted in 45 deaths last year, of which 23 were in the construction industry. In addition, 3,750 workers were seriously injured after falling from height and 3,409 of those were employed in the construction sector."*

## Pit fall

Dairy Crest Limited of Esher, Surrey has been fined £18,000 and ordered to pay costs of £2,675 after pleading guilty to breaching s2(1) HSWA.

The court heard that, on 17th June, 2007, a milk by-product effluent pit was being emptied and the contents drawn, via a 75mm diameter hose, into a tanker. Employee John Webberley was using the water from a hot water hose to melt solidifying milk by-products in the pit and thereby prevent the formation of a thick crust. As the ill-fitting metal grating, meant to cover the pit, was not secured in place 57-year-old Mr Webberley slipped and fell into the 1.9m deep pit. He sustained substantial injuries to his groin, later necessitating surgery. No measures had been taken to secure the grating or protect anyone from falling into the pit and the company had not provided and maintained a safe system of work. It was customary practice to remove the gratings while emptying the pit but no adequate safety pre-

cautions were in place during this procedure. Plant had not been adequately maintained so the gratings could have given way at any time.

HSE inspector David Kivlin said:

*"Regulations require employers to not only ensure that a safe system of work is followed but also that plant and equipment is safe to use. It is essential that covers and gratings of pits, containing free-flowing solids and liquids, are of a suitable and sufficient construction and well-maintained. This should minimise the risk of them giving way and ensure that employees working in and around them are not exposed to unnecessary risk. In this case the employer failed to adequately assess the risks associated with the task of emptying the pit. If a suitable risk assessment had been undertaken it should have identified the poor systems of work being used and this accident could have been easily avoided. The employee who fell received substantial injuries, which will have a lasting effect on his quality of life and as a result he will not be able to return to work. Employers should remember that falls remain one of the biggest killers of workers and in most cases the precautions needed are simple. There is ample free guidance readily available from HSE to help companies take the right action."*

## **Unlicensed Asbestos Removal**

Waite Construction Ltd, of Denham, Uxbridge has been fined £15,000, and ordered to pay costs of £26,488 after pleading guilty to reg8(1) Control of Asbestos Regulations 2006 and s2(1) HSWA. On 29 November 2006, HSE inspectors visited a site in Tudor Grove, Hackney, following a complaint from Hackney Council's Pollution Control team about workers removing asbestos from the boiler house, with no protection for themselves or others in the area. Waite Construction Ltd was the principal contractor for work on a block of units and a dis-used boiler house.

HSE inspectors found that pipes clad with asbestos had been removed and cut, even after local authority officers had advised that work be stopped. A Prohibition Notice was served for work to stop immediately and a further notice was issued to leave a skip undisturbed in an adjacent public car park. The second notice, called a "Notice to Leave Undisturbed," was served because it was believed that the skip contained asbestos lagging. Only then, did Waite Construction Ltd arrange for a licensed asbestos removal contractor to clean the public areas and seal the premises, pending safe removal of the asbestos.

The HSE investigation found that no survey had been conducted to check for asbestos, even though it was foreseeable that a building of this age would contain asbestos materials. It was also entirely practicable for Waite Construction Ltd to have arranged for a licensed asbestos removal contractor, before allowing workers into the area.

HSE inspector Sarah Snelling said:

*"Waite Construction Ltd sent their employees to remove asbestos materials from a boiler room with no protection and absolutely no regard for their health. Even after the company*

*was told that asbestos was present the men were sent back in to work in a grossly contaminated area. HSE will not tolerate disregard for the well-known risks of working with asbestos and the fines imposed today reflect society's concern."*

## **Asbestos Exposure**

Bestoff Services Ltd of Chorleywood, Hertfordshire pleaded guilty to breaching s3(1) HSWA. They have been fined £3,000, ordered to pay costs of £2091.70 and a victim surcharge of £15. The company carried out an asbestos survey on a site at Unit 27, Nuffield Way, Abingdon in February 2008 and reported that the site contained no asbestos. Two members of staff began work on the site the following month and part of their job involved removing panels of fibrous board. Several days later the site manager became suspicious about the pieces of fibrous panels that had been removed and they were analysed. The results showed they did in fact contain asbestos.

On 27 March an additional survey was carried out which identified asbestos-containing materials in several areas throughout the building, including the areas where the two men had been working.

HSE Inspector, Karen Morris, said:

*"This incident shows the importance of carrying out asbestos surveys before refurbishment work starts. In this case, the main contractor did the right thing by engaging a specialist asbestos surveying company, but was let down by them. It is vital that asbestos surveys are accurate and can be relied upon, in order to prevent this kind of inadvertent exposure. Had it not been for the vigilance of the site manager, many more people on site would have been put at risk of exposure."*

## **Fireball leaves student with Burns**

Hockmeyer Motors Ltd , based on Lincoln Road, Sleaford, has been fined £15,000 and ordered to pay costs of £9,000 after pleading guilty to breaching s2(1) HSWA for failing to ensure the health and safety of their employees. In January 2008, a student from a local school was enrolled on a work experience placement when he suffered burns from a fireball. The fire-ball, which melted the plastic print of his t-shirt onto his skin, was caused by brake fluid which ignited after being sprayed onto a running engine by a colleague.

HSE inspector Judith McNulty-Green, said:

*"This incident left a young man hospitalised, and could have been avoided if the company had assessed the risk associated with such habitual use of the solvent and implemented appropriate risk control measures to reduce identified risks. Work experience pupils are viewed as employees for the purposes of health and safety legislation, yet they are often more vulnerable than a company's trained and qualified employees. It is therefore imperative that if companies contract to have work experience pupils from local schools they update any risk*

*assessments to take into consideration this particularly vulnerable group of employee. HSE produces a wide range of guidance to assist companies that use flammable substances on its premises, so that obvious risks can be identified. However, this does not negate the need for companies to carry out site specific risk assessments."*

## **Chocolate Slip Up**

Thorntons Plc located at Thorntons Park, Somercotes, has been fined £12,000 and ordered to pay full costs of £4,548 after pleading guilty to breaching s2(1) HSWA for failing to provide a safe system of work. On 5 November 2007, Ashley Taylor, 23, from Shirland, was standing on a conveyor belt to cool a depositor (which puts the filling into the centre of chocolates), when he slipped on a wet mat. As he slipped, his hand was thrust inside the depositor hopper, and into the rotating rollers. Although a trip bar was provided around the hopper it was not correctly positioned to protect someone standing on the conveyor, and his hand was trapped before a fellow employee could stop the machine. He broke two bones, suffered severe tissue damage and needed the assistance of the fire service to be freed. He has not been able to return to work since.

HSE Inspector for Derbyshire, Noelle Walker said:

*"In this case, a combination of the wet surface and inadequately guarded rollers led to this injury, which could so easily have been avoided. This is just one of a significant number of accidents involving the cleaning and maintenance of food machinery and companies must ensure that they have the right systems in place to protect their staff from hazardous situations."*

## **Unguarded Amputation**

BASF Construction Chemicals (UK) Ltd of Albany House, Swinton Hall Road, Swinton, Manchester has been fined £12,000 and ordered to pay £7,280 costs after pleading guilty to an offence under s2(1) HSWA for failing to ensure the safety of an employee by allowing dangerous parts of a machine to be accessible. The court heard that the company supplies concrete additives for the construction industry. The incident happened on 5 November 2007 when an experienced employee was cleaning the machine, a Winkworth ribbon blender. The machine is used to mix products and is cleaned to avoid cross contamination when different colours are used. A pressure hose had been used to clean the inside of the machine but it was custom and practice for employees to use rags to dry the inside of the machine after washing.

The machine operator returned to the machine and noticed a rag hanging down from the discharge chute. As he went to pull the rag clear, his left hand was suddenly dragged into the machine amputating his fingers and thumb.

Health and Safety Executive Inspector Carl Jones said:

*"This was a completely avoidable incident which ended in serious injuries for an employee, but a more serious incident could well have occurred here. Not only was there no guard on the discharge chute, but there was no safe system of work for cleaning this machine. This prosecution should highlight to all companies the need to ensure that machines are properly guarded and that there are suitable written safe systems of work for tasks such as cleaning. This employee is going to have to live with the consequences of these management failings, but lessons must be learnt by other employers."*

## **MDF causes death**

Christopher John Pridmore, of Scholars Way, Mansfield, Nottinghamshire, has been fined £7,500 and ordered to pay costs of £2,500 after pleading guilty to breaching reg4(1) PUWER. On 6 November 2006, Simon Murphy was working as an apprentice at Chris Pridmore Joinery Ltd's workshop on the Maun Valley Trading Estate in Sutton-in-Ashfield, when a stack of MDF boards fell on him. He later died in Kings Mill Hospital from serious head injuries.

HSE inspector Maureen Kingman said:

*"The boards were stored on top of a bench in the workshop and fell because a bracket that was intended to restrain them was not strong enough to support their weight. The bracket failed after only a week in use. This was a tragic loss of a young life which could have been easily avoided. Mr Pridmore neglected to provide safe arrangements for the storage of sheets of MDF boards. The bracket, which had been produced to Mr Pridmore's design, posed inherent risk and its use as part of the storage system was ill-conceived. I hope other company directors can learn from this incident."*

## **Dumper Disaster**

A Carpenter & Sons (Builders) Ltd based in Shanklin, Isle of Wight, pleaded guilty to contravening s2(1) HSWA. The company has been fined £7,000 and ordered to pay costs of £5,728.50 by Newport Magistrates' Court. The investigation follows an incident in Wootton, Isle of Wight on 23 November 2007. An employee was driving a small skip-loading one-tonne dumper truck when it overturned. He had not been trained to drive a dumper truck and a full risk assessment had not been carried out. The victim suffered sprained ligaments and injuries to his left knee.

Joanna Woodcock, HSE inspector, said:

*"Dumper trucks are the most dangerous items of plant on construction sites, with overturns resulting in more deaths and serious injuries than any other site vehicle. This particular dumper was a small, narrow skip loader, which are typically less stable and contractors must ensure untrained operators do not use it. In this incident an untrained driver, a slippery slope and an awkward route resulted in the dumper overturning. It was a matter of luck than nobody was killed."*

## Fall from a Ladder

Mr Andrew Howard of North Dean, High Wycombe pleaded guilty to breaching s2(1) HSWA and has been fined £6,000 and ordered to pay costs of £5,000, plus the £15 victim surcharge. The prosecution found that between 1 May 2007 and 19 June 2007 the Beechdean Dairies partnership did not ensure the health and safety of his employees when working at height, which led to a member of staff being injured at work. On 19 June 2007, an employee was felting a link roof and filling in gaps between the link roof, freezers and walls, when the ladder he was standing on slipped or fell and he fell. He broke both his wrists.

HSE Inspector, Kelly Nichols, said:

*"Work at height remains the single biggest cause of workplace deaths and one of the main causes of major injury. More workers are injured falling from a ladder than any other access equipment. In 2007/2008, 16 workers died and over 1,100 suffered major injury following a fall from a ladder. Half of 'falls' injuries occur during building and plant maintenance activities. With proper planning and sensible management of the risks the vast majority of deaths and injuries from a fall at work can be avoided."*

## Fatal HGV Incident

John Peter Wootten, formerly trading as AEP Aggregates, has been fined £4,000 and ordered to pay costs of £750 after pleading guilty to breaching s3(1)(a) and s10(1) Management of Health and Safety at Work Regulations 1999. The prosecution follows HSE's investigation into a fatal incident in which a driver in Mr Wootten's employment, Joseph Caruana, was fatally injured by a trailer.

On 19 December 2001, Mr Caruana was unloading shingle at the RMC Readymix Ltd depot in Tower Hamlets. He reversed the articulated lorry up a concrete ramp into the unloading bay and activated the tipping mechanism. He engaged the tractor handbrake but not the trailer parking brake, and as he failed to release the tailgate of the trailer the shingle load built up at the rear of it. The weight caused the vehicle to skid down the ramp. When Mr Caruana noticed this he ran and jumped into the cab of his vehicle, but he did not have time to shut the door. The vehicle jack-knifed, throwing him from the cab and under the advancing wheels of the trailer and he died of multiple injuries at the scene.

Charles Linfoot, HSE Inspector said:

*"Hauliers need to make sure they have safe systems of work, which include risk assessments adequate training and supervision of all workers. These actions are simple and could have saved the life of Mr Caruana. It is appalling that Mr Wootten ignored basic safety precautions and it is completely unacceptable that a man was killed in these circumstances. This prosecution shows that we are determined to tackle this issue head on and will continue to take enforcement action against companies and individuals who breach safety precautions."*

## Roof Works

Richard Moulton Ltd of Embsay near Skipton pleaded guilty to breaching reg6(3) and 10(1) Work at Height Regulations 2005 and have been fined £2,000 on each breach, a total of £4,000, and ordered to pay costs of £1,000.

The prosecution came because of work undertaken to the roof of one building at Embsay Mills in Embsay in March and April 2008. The system of work used by the company was determined to be so unsafe that the work was stopped by serving a Prohibition Notice. The company, which had failed to put the required scaffolding around the building, put at risk not only the safety of the worker but also members of the public. There was a risk of falling objects or materials at an entrance to their workplace and when they were in the office, as the roofing job was taking place overhead.

Health and Safety Inspector David Welsh said:

*"In the construction industry falls from height are a serious risk and a major cause of death and life changing injuries. A significant proportion of the falls from height that occur on sites every year result from roof work, and the risks are frequently not dealt with adequately. For anything other than short duration roof work, scaffolding is usually needed around a building, or a suitably erected tower scaffold or proprietary system for roof access. Those roof businesses that are in doubt about the appropriate kind of edge protection to provide can contact HSE for free advice."*

## Employee Protection

Bacocompak (Norfolk) Ltd has been fined £4,000 and ordered to pay £6,666 in costs, and Mr Peter Bacon has been fined £2,000 and ordered to pay £3,333 in costs, after pleading guilty at King's Lynn Magistrates' Court to charges laid under s2(1) and s37(1) HSWA respectively. The court heard how on 17 April 2007, Mr Marcus Gohn, an employee of Bacocompak (Norfolk) Ltd, was working on a waste screening device when an unguarded conveyor belt became blocked. As Mr Gohn reached in to free the blockage, the belt restarted drawing his arm in to the end roller, trapping it and causing a severe fracture to his lower left arm.

HSE Inspector, Richard Hines said:

*"This was an entirely avoidable incident. Mr Gohn sustained a severe fracture to his lower left arm because the company failed to provide a safe work environment. The machine involved with the incident should not have been used without the correct guarding in place. This should serve as a timely warning to all companies that they have a clear responsibility to ensure the health and safety of their work force. This case illustrates how things can go wrong when risks are not properly controlled and HSE will not hesitate to take action against those who fall short of the law in such a way."*

Ed -

Section 37 (1) HSWA states: "Where an offence under any of the relevant statutory provi-

sions committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

## Man Crushed by Stone

Stoneville (UK) Ltd, of Set Star Estate, Brentford, Hounslow, has been fined £4,000 and ordered to pay costs of £2,000 at the Old Bailey after pleading guilty to breaching s2(1) HSWA. On 2 November 2005, Jerzy Tomasz Pejda, an employee of Stoneville (UK), was helping three other workers unload a delivery of granite slabs and tiles at the Stoneville yard. The slabs were delivered in a shipping container which held eight wooden crates. After the first three crates had been removed from the container, Mr Pejda and another colleague climbed inside the container to unload the large granite slabs. Some slabs became unstable and fell towards the centre of the container.

Mr. Pejda's colleague jumped out of the container, but Mr Pejda was trapped between the falling slabs and a bundle of granite that was secured inside the container. The other workers attempted to free Mr Pejda but they were unable to do so, and he was pronounced dead at the scene. His body was removed from the container with the help of the local fire brigade.

The HSE investigation found that there was a camber on the road which caused the load on the trailer to destabilise and lean towards the yard. The company had also failed to conduct a risk assessment, which would have meant that there was a plan for the unloading of the container in such a way that risks to employees were controlled.

HSE inspector, Owen Yorath, said:

*"The death of Mr Pejda was the tragic result of a failure to take practicable precautions to control the risks associated with the unloading of vehicles. Employers must learn from this tragedy that it is essential that companies carry out a risk assessment for the loading and unloading of workplace transport. Companies must also make sure the staff and management are properly trained and adhere to the risk assessment, to avoid such fatalities. There are significant risks associated with the handling of materials such as stone and employers must ensure they have adequate control measures in place to manage those risks."*

## Hand Crushed

TWP Packaging Limited, of Smithy Lane, Lamesley, Gateshead has been fined a total of £3,448 and ordered to pay £4,994.95 in costs after it pleaded guilty to breaching reg 9 and 11(1)(a) PUWER. The incident took place at the pallet and packing manufacturer on 26 February 2008. Edwin Hancock, from Newcastle, suffered a serious injury to his hand whilst

working on a machine called a notcher. A notcher is a machine that takes a "notch" out of the bottom of a piece of wood that will form the underside of certain types of pallet to allow the forks of a fork lift truck to pass underneath. Mr Hancock damaged his hand so severely that he had to spend some time in hospital and he is still unable to return to his normal work.

HSE Inspector Bruno Porter, said:

*"This case shows what can happen when dangerous parts of a machine are not properly guarded. The injured person had not received enough training to identify what to do in a blockage situation and was able to get his hand into a place where the cutters were spinning at high speed. It is essential that operators of all woodworking machines check that the guards that should be there are in fact in place and that those put to work have the right training."*

## **Arm crushed in Machine**

Kingspan Ltd, of Greenfield Business Park No 2, Greenfield, Holywell, Flintshire has been fined £3,500 by Scarborough Magistrates, and ordered to pay costs of £1, 949.70 after pleading guilty to an offence under reg11(1) PUWER. The prosecution follows an incident when Anthony Rackham, aged 42, of Scalby Road, Scarborough suffered serious injuries when he was pulled into a machine at a sheet steel-rolling plant at Sherburn, North Yorkshire in September last year.

Mr Rackham was making drainage fall pipe components and was feeding a sheet of steel into a lock form machine when his gloved left hand became caught in the front rollers, pulling his lower arm into the machine. His arm was crushed and sustained a double fracture.

HSE inspector Paul Robinson said:

*"A metal guard for the front rollers had apparently previously been taken off to help line up the sheets to go into the machine. The company removed the rollers and fitted a new clear plastic guard immediately after the accident, but if the situation had been properly planned and controlled effective guarding would have been in place at all times."*

Ed - Regulation 11(1) Provision and Use of Work Equipment Regulations 1998 requires employers to take effective measures to prevent access to dangerous parts of machinery or to stop their movement before any part of a person enters a danger zone.

## **Pavilion fall**

Allerton Dale & Co Limited of Horsforth, Leeds has been fined a total of £3,000 by Bradford Magistrates after pleading guilty to offences under reg26(2) Construction Design and Management Regulations 2007 and reg12(2) Work at Height Regulations 2005.

The prosecution arose from an incident on the 9 October 2007 in which 33-year-old elec-

trician Simon Hunter, of Keighley, fell 3m through a void on the first floor of a new sports pavilion being built at Bradford Grammar School, Frizinghall Road, Bradford.

Mr Hunter was installing a fire alarm cable when scaffolding guardrails, which were only properly secured at one end, collapsed as he leant over them. He suffered serious injuries and was unable to work for a long period. He is still waiting for corrective surgery.

Allerton Dale & Co were principal contractors on the site and had failed to carry out adequate safety inspections.

HSE Inspector David Stewart said:

*"The company is in liquidation, but it was a serious incident. It was deemed in the public interest to prosecute the company, even though it will no longer be trading, to send a message to other principal contractors. Principal contractors need to make sure they are complying with all their duties to ensure their sites are safe and inspections are carried out."*

Ed - Regulation 26 (2) Construction Design and Management Regulations 2007 states: Every place of work shall, so far as is reasonably practicable, be made and kept safe for, and without risks to health to, any person at work there. Regulation 12 (2) of the Work at Height Regulations 2005 states: Every employer shall ensure that, where the safety of work equipment depends on how it is installed or assembled, it is not used after installation or assembly in any position unless it has been inspected in that position.

## **Molten Plastic Burns Employee**

Forteq (UK) Limited of Tandem, Huddersfield has been fined £1,250 and ordered to pay costs of £2,224.40 by Huddersfield Magistrates' Court after pleading guilty to a charge under reg10(1) Personal Protective Equipment at Work Regulations 1992. The prosecution follows an incident on 20 June 2008 when an employee of the company suffered burn injuries as molten plastic sprayed onto his face, neck and arms whilst he was stripping the barrel of an injection moulding machine. The employee, who was not wearing eye, face or arm protection, remains visibly scarred.

HSE Inspector Andrea Jones said:

*"This case demonstrates the importance of employers not only providing suitable personal protective equipment for workers, but also ensuring its day-to-day use. In this case the company, which failed to monitor the working practices of its employees, signally failed to ensure that the appropriate personal protection was being worn, resulting in the burn injuries. There were no written procedures or risk assessments in place before the incident which specified that face visors, long sleeve gauntlets and work overalls were necessary for this work. The employee was fortunate that the molten plastic did not spray into his eyes. This accident highlights the fact that just providing personal protective equipment to employees is not enough - employers must ensure it is worn through adequate training, monitoring and supervision. After the incident HSE served an Improvement Notice requiring the company to*

*implement a safe system for maintenance work on injection moulding machines where there is a risk of a person receiving burn injuries from molten plastic."*

Ed - Regulation 10(1) Personal Protective Equipment at Work Regulations 1992 requires all reasonable steps to be taken to ensure that employees use personal protective equipment provided, by virtue of Regulation 4(1) of the said Regulations when working on the hot barrel of an injection moulding machine.

## **Leaky Fire Place**

Sandeep Rajput has been fined £1,200 and ordered to pay £1,748 costs by West Bromwich Magistrates' Court after pleading guilty to breaching reg36(2) Gas Safety (Installation and Use) Regulations 1998. The HSE started an investigation into the management of gas appliances in those rented properties after two tenants who lived in Sabell Road, Smethwick began to feel unwell with headaches and grogginess in early 2008. These symptoms are consistent with those experienced with carbon monoxide poisoning.

On March 28th 2008 the tenants contacted the gas supplier who condemned a fire due to a leaking pipe and other faults. On 29th September 2008 a second gas fire was condemned. During 23 months of tenancy with Sandeep Rajput as the person responsible, there was no current gas safety certificate for the property supplied to the tenants.

The Court heard that despite Rajput being aware, early in March 2008, of black soot marks above one of the gas fires and despite numerous attempts by the Health and Safety executive to contact him there was no attempt made to rectify matters, to service appliances or to issue a legally-required Landlord Gas Safety Certificate.

HSE inspector Pam Folsom said:

*"Carbon monoxide is a killer. You can't see it, taste it or smell it. On average 20 people are killed every year because of faulty gas appliances, if gas appliances are not maintained, people die, it is fortunate that the tenants had noticed problems and acted swiftly. Wherever it is appropriate, HSE will continue to take action against landlords who disregard their tenants' safety. Mr Rajput's failure to manage the gas appliances in his wife's property put the tenants at risk from both carbon monoxide poisoning and gas explosion over a significant period of time. Every conceivable effort was made, on a number of occasions, to contact Mr Rajput by letter, by 'phone and in person, in order to resolve the situation and safeguard the tenants so there was no excuse for risking the lives of the tenants. Landlords must ensure that gas appliances installed in their rented properties are maintained and provided with a current Landlord Gas Safety Certificate. "*

## **Unsecured Ladder**

Scandinavian Log Cabins Direct Ltd, based in Theddlethorpe, near Mablethorpe, Lincolnshire, has been fined £500 and ordered to pay £500 towards the costs after pleading guilty of breaching reg4(1)(c) Work at Height Regulations 2005.

Raymond Martin, a 48 year old who lived locally, had been working on a tower scaffold on 6 August 2007, as part of his work to construct a log cabin. During a break, the scaffolded area had been removed, so Mr Martin completed his work using a section of a two-part ladder which was not tied, secured or footed. The ladder slipped and he fell 3m onto a concrete floor, sustaining serious injuries.

HSE inspector Judith McNulty-Green said:

*"This incident could easily have been avoided if the company had done a proper risk assessment to ensure adequate safety measures were in place for people working at height, including planning and supervising this work. None of these things happened. Unfortunately that did not happen here as the tower scaffold had been removed during the work and the ladder that was used in its place was not tied, secured or footed. If it had, Mr Martin may not have been injured. Instead, he suffered a fractured pelvis, chips to the ball joint of his hip, and damage to the sciatic nerve in his leg - the nerve later had to be removed. He was in surgery for over seven hours, had to have plates fitted to repair his pelvis and will now need a hip replacement. In fact, the injuries were so severe that he wasn't able to visit family and friends in his native Barnsley for several months after the incident.*

*All employers should heed this warning to ensure that they have safe systems of work in place when organising work at height. HSE will not hesitate to prosecute employers who put the safety of others at risk."*

## **Property Tycoon warned**

A landlord with 193 properties across the UK has been put on notice not to repeat the failings that led the HSE to prosecute him for not complying with an Improvement Notice served on him to provide one of his tenants with a gas safety certificate. Mr Ajay Ahuja from Cambridgeshire has pleaded guilty at Northampton Crown Court to contravening s33(1) HSWA for failing to comply with an Improvement Notice served by HSE. He has been given a two-year conditional discharge and ordered to pay costs of £14,000.

The Improvement Notice was served following repeated attempts by HSE to get Mr Ahuja to provide his tenant with a gas safety certificate for the gas boiler in the property he rented from Mr Ahuja in Corby, Northamptonshire. All landlords have a duty under the Gas Safety (Installations and Use) Regulations 1998 to annually check the safety of the gas appliances in properties they rent out to others and provide a certificate confirming this to be the case.

Neil Craig, Principal Inspector with HSE said:

*"Every year about 20-30 people die from carbon monoxide poisoning associated with domestic gas appliances, due mainly to these appliances not having been properly installed or maintained. We need landlords to ensure their gas appliances are maintained to a safe standard and checked annually, with copies of the gas safety certificate being provided to their tenants. Should Mr Ahuja come to our attention again in respect of such matters, we will investigate to establish whether or not he is complying with his duties and if found in breach, return him to the courts"*

## Crane Failure causes deaths

WD Bennett's Plant & Services Ltd has been found guilty of breaching s3(1) HSWA and reg 8(3) Construction (Health, Safety and Welfare) Regulations 1996 which led to the death of two workers and injured a third. They were charged alongside Eurolift (Tower Cranes Limited) who pleaded guilty to two health and safety breaches at the beginning of the trial. Eurolift (Tower Cranes) Limited pleaded guilty to breaching s2(1) HSWA and reg8(3) Construction (Health, Safety and Welfare) Regulations 1996.

The prosecution followed an incident on a construction site at a school in Durrington, Worthing, on 11 February 2005. The deceased men, Steve Boatman and Gary Miles, had been working on the jib of a crane. A third man, who was injured in the incident, was working on the mast of the crane. He was instructed to start de-torquing the mast bolts of the crane. He should have slacked off the bolts one-by-one, and then re-tightened each bolt in turn, but he was not trained in this job and he failed to re-tighten the bolts leaving them part undone. This caused the crane to collapse as it was turned.

Mr Boatman and Mr Miles were flung from the crane and died from injuries sustained in the fall. The third victim suffered several broken bones and lacerations.

HSE Inspector Peter Collingwood said:

*"This was a tragic and highly avoidable accident in which two men lost their lives. It was caused by the inadequate supervision of a worker who was not trained, nor competent for the task that he was asked to undertake. While the outcome of the proceedings is welcomed it does not alter the fact that Gary Miles and Steve Boatman lost their lives in circumstances which could have been avoided. HSE would like to extend condolences to both families. To avoid future tragedies like this, employers and contractors must ensure that tower crane work including erection and dismantling is only undertaken by trained, experienced and competent people who are supervised adequately."*

Ed - Both companies await sentencing.

## Buncefield judgment

The Commercial Court has handed down its judgment in *Colour Quest Ltd & Ors v Total Downstream UK Plc & Ors* [2009] EWHC 540 (Comm). The court found Total liable for the damage caused by the explosion and fire that occurred in December 2005 at the Buncefield oil storage depot in Hertfordshire.

At about 0600 on Sunday 11 December 2005, a massive explosion occurred at the Buncefield Depot in Hertfordshire. It is thought to have been the largest peacetime explosion in Europe ever to have occurred. It measured 2.4 on the Richter scale and could be heard 200 km away. Apart from damage to a large proportion of the Buncefield site, significant damage and disruption was also caused to both commercial businesses and residential properties outside the perimeter of the depot. The claims that have arisen are said to amount to

over £750 million.

The conclusion of the court is that Total had failed to discharge the burden of establishing that HOSL was responsible for the negligence of the supervisor. The court also found there was a further contributory fault consequent on the failure of Total's head office staff to promulgate an adequate system for preventing the overfilling of a tank. This reflected the absence of any written tank filling procedures for use in the control room even following a "near miss" in August 2003. In the result there was a lack of careful monitoring of filling operations and an improper reliance on alarms.

The court also made the following findings:

- i. Total are not entitled to recover a contractual indemnity from HOSL or Chevron in respect of all or any part of the claim.
- ii. In regard to the Rylands v. Fletcher claim (which imposes strict liability for the escape of dangerous materials) brought by those claimants who were situated within the perimeter of the Buncefield site, the defence of consent is not available
- iii. The claimants have a claim in private nuisance in addition to their claim in Rylands v. Fletcher.
- iv. The claimants' claim in public nuisance includes, subject to proof of special damage, claims in respect of loss of business attributable to interference with customer access.
- v. The claimants' claim in public nuisance, again subject to proof of special damage, is not limited to those with a proprietary interest in proximity to the explosion.
- vi. Some of the claims brought by Shell are not recoverable in negligence or private nuisance as being pure economic loss unconnected with any proprietary or possessory interest in the damaged property.

## Healthcare Regulation

Measurements to improve the regulation and governance of healthcare professionals, providing greater reassurances for the public and professionals, have been set out in two reports published by the Department of Health. The Tackling Concerns Nationally and Tackling Concerns Locally reports are part of the wider Government reforms on professional regulation to raise professional standards and ensure patient safety. These two reports are the result of external working groups taking forward the implementation of the reforms announced in the White Paper - Trust, Assurance, Safety: the Regulation of Health Professionals in the 21st Century - over the last 18 months.

Tackling Concerns Nationally (TCN) makes recommendations on professional regulation and assuring patient safety at a national level. It sets out recommendations for the establishment of the Office of the Health Professions Adjudicator (OHPA) which will look at cases brought forward assessing fitness to practise for healthcare professionals.

This separate body would be independent from existing professional regulators, the Government and the healthcare profession to ensure absolute fairness and transparency. The board will initially take on cases concerning doctors and will expand to other professions. A consultation has also been launched which sets out proposals for the principles and govern-

ance of this new body.

Tackling Concerns Locally (TCL) sets out recommendations and principles of best practice to strengthen local NHS arrangements for identifying poor performance among healthcare workers and taking effective action. Local implementation will be supported by more detailed operational guidance and by regulations which the Department of Health will introduce later this year, after consultation with interested parties.

Health Minister, Ben Bradshaw said:

*"Our overriding priority is to ensure that patients and the public are protected. The recommendations outlined in Tackling Concerns Nationally and Tackling Concerns Locally will put in place the best systems, both locally and nationally, to identify and address concerns about individual professional conduct and competence. These reports go a long way to further ensure healthcare standards in the NHS are high, and to reassure both public and professionals that the systems and processes put the safety of patients at their heart, while being fair to staff."*

## **Get ready to bin old P45s**

Employers are being reminded by HMRC that they must use the new A4 version of form P45 from 6 April 2009. The new version was introduced in October 2008 and now includes an employee's date of birth and gender. Any stocks of old A5 versions of the P45 should be destroyed by 6 April.

HMRC's Mel McDonald, said:

"The new P45 has real benefits for employers. It will help HMRC match employees' information to their records and will reduce the number of queries we send employers. It is also important to remember that employees may not recognise the new forms. All they need is reassurance that the form P45 has changed in appearance and now includes their date of birth and gender." Employers who use HMRC's free Online Return and Forms - PAYE service can print parts 1A, 2 and 3 of form P45 onto A4 plain paper, when they have submitted the P45 part 1 (employee leaving details) to HMRC online. This facility is also available in some payroll software packages.

The form should be printed onto white A4 paper, using black ink.

## **File online**

Small employers are being urged by HMRC to file their 2008/09 Employer Annual Return online this year, and get a £75 tax-free payment in the process. Employers with fewer than 50 employees can file on paper or online, but only those filing a valid online return will qualify for the £75 payment. Those employers with 50 or more employees must file their 2008/09 return online, or face a penalty.

To file online, employers must first register with HMRC's "PAYE Online for Employers" service. It can take up to a week to get the Activation PIN after registering, so employers should not leave it until the last minute. Agents, tax advisers or payroll bureaux can also file on be-

half of employers. And small employers will still qualify for the £75 tax-free payment, even if an intermediary files online for them.

Employer Annual Returns are due by 19 May, or late-filing penalties will apply.

HMRC's Sue Williams said:

"We are accepting returns now, and would urge all employers to send them in as soon as they are ready, to avoid any last-minute rush."

## **Tax law rewrite**

Modernising the UK's direct tax law took another step forward when two new draft bills rewriting corporation tax and international tax legislation were published by the Tax Law Rewrite project. Financial Secretary to the Treasury, Stephen Timms MP, said:

"These two Bills will complete the task of rewriting the majority of direct tax legislation for individuals and businesses that started in 1996. Thanks to the close co-operation between the project team, tax practitioners, the legal profession and business representatives the project has once again rewritten tax legislation in a clearer and more accessible format."

The Bills rewrite the law without changing its general effect and have wide support amongst the tax community. Key features are:

- the Corporation Tax Bill (the second of two dealing with corporation tax) will substantially complete the rewrite of the corporation tax code. It includes provisions about losses and gifts to charities, various relief's such as group relief, distributions, particular types of companies and activities, avoidance, and definitions;
- The Taxation (International and Other Provisions) Bill includes provisions about double taxation relief, transfer pricing, advance pricing agreements and tax arbitrage. It also relocates and where appropriate rewrites some provisions which would otherwise have been left unhelpfully in the Income and Corporation Taxes Act or one of the Finance Acts.

## **Water Companies Face Enforcement**

OFWAT has announced it will be taking action against water companies that fail their customers. The regulator has published its 'Approach to Enforcement'. This sets out how OFWAT will protect consumers by using its enforcement powers where companies fail to comply with their obligations. OFWAT has taken a range of enforcement action in recent years. Since acquiring fining powers in April 2005, penalties have been imposed on Severn Trent, Southern Water, United Utilities, Thames Water and Tendring Hundred totalling £74.3 million.

In 2006, OFWAT secured a legally binding undertaking from Thames Water to spend an extra £150 million to plug leaks in the company's pipe network after it failed to meet its leakage target. This was more than double the maximum possible fine which the regulator could have imposed.

In recognition of the damage to its customers and the regulatory regime, caused by misreporting of meter reading performance data, Three Valleys Water committed £2.5 million to a charitable trust over the five years from 2009 to 2014.

Regina Finn, Ofwat Chief Executive Officer said:

"We expect every company to fulfil its obligations. Where a company fails its customers, we will take proportionate action to deal with those shortcomings. Any sanction we take will reflect the seriousness and impact of a company's failure. We do have the power to fine companies, but reserve this measure for the most serious misdemeanours. We are here to protect consumers' interests. If customers have suffered as a result of company failings, we expect the company concerned to act swiftly to make sure those customers don't lose out."

## **Buzzing Plans**

DEFRA and the Welsh Assembly Government have published 'Healthy Bees', a plan to protect and improve the health of honey bees in England and Wales.

The ten year plan was drafted in consultation with beekeeping organisations and aims to sustain honey bee populations by supporting beekeepers to ensure effective bio-security measures are adopted to minimise risk from pests and disease. This follows an investment of an extra £4.3 million to gather more information from beekeepers and undertake more research into the health of bees, announced by Environment Secretary Hilary Benn in January. Of this, £2 million over five years will contribute to a new research programme on pollinators, which is currently being developed with other funding partners.

The first stage of the plan will attempt to identify and make contact with perhaps as many as 20,000 amateur beekeepers to make sure that they are aware of the need to alert the National Bee Unit (NBU) to bee health problems and encourage them to register on Bee-Base, its beekeepers database. This will help ensure that any new or existing health problems are identified.

The last two years have seen recorded losses of between 10 to 15 per cent in bee numbers although it is possible that real losses are significantly higher due to the number of beekeepers not in contact with the NBU.

Honey bees contribute directly to local food production and make an important contribution, through pollination, to improving the yield of some crops. They are susceptible to a variety of disease and environmental threats, some of which have increased significantly over the last five to 10 years.

## **Channel Islands Holidays**

UK residents visiting the Channel Islands must ensure they have adequate travel insurance from 1 April. The recommendation comes from the Department of Health as the healthcare arrangements for UK visitors to the Islands are due to change.

The current agreement, which has been in place since 1 May 1976 allowed UK travellers to get a limited number of medical treatments in the Channel Islands free of charge, will end on March 31. Anyone travelling to the Islands, which include Guernsey, Jersey, Alderney, Sark and Herm, will be required to pay for medical treatment should they become ill or injured there after this date. Visitors should therefore take out adequate insurance before

they travel.

Visitors from the Channel Islands to the UK will also now be liable for charges for medical treatment when visiting the UK, so they should also have health insurance cover.

Ed - similar changes will affect the Isle of Man in due course too.

## **Green Diesel Seized**

The source of up to 50,000 litres of laundered green diesel seized at the Port of Holyhead earlier this week is being investigated by officers from HM Revenue & Customs. The fuel was discovered in two freight lorries by customs officers from the UK Border Agency (UKBA). Each trailer contained a concealed tank. One tank was properly welded inside the trailer but the second - weighing around 20 tons - was crudely attached using only two cargo straps to secure it.

The rented vehicles - one of which was registered in Northern Ireland, and the other in Britain - were carrying loads of waste cardboard. This cargo concealed the tanks, which each contained an estimated 20-25,000 litres of laundered green diesel.

Andrew Pavlinic, Assistant Director of Criminal Investigation, HMRC, said:

"Fuel launderers show no regard for honest drivers, businesses and the environment. The fact that one tank, full of heavy and flammable fuel, was simply strapped on also shows utter contempt for the safety of other road users. HMRC takes very seriously the unfair and illegal practice of selling laundered fuel. The seizure has prevented a significant quantity of illicit fuel from entering the market, and prevented criminals from undercutting honest businesses. Cheap, illegal fuel isn't a bargain. Its production and the waste products from the laundering process can cause considerable damage to the environment, and can cause serious damage to vehicle engines. If someone offers you cheap fuel that seems too good to be true, it almost certainly is just that."

The two drivers were arrested, interviewed and bailed pending further enquiries. They will return for further questioning on 20 May.

## **Lasting Power of Attorney**

Lasting Powers of Attorney (LPA) forms will be overhauled to make them simpler to complete and cheaper to register, the Public Guardian Martin John has announced.

The overhaul follows a public consultation on key aspects of the implementation of the Mental Capacity Act 2005. Changes will see the forms incorporate previously separate guidance, more use of plain language and the cost of registration coming down to £120 from the current £150.

Justice Minister Bridget Prentice said:

*"Helping people plan for an uncertain future when they may lack the mental capacity to*

*make decisions for themselves is very important. Consulting the public has helped us to know where we can to improve services to make it easier for them to make these plans."*

LPA's enable people who are concerned for their mental capacity, or those who want to plan for such a time, to choose a person to look after their personal and financial affairs. A new level of supervision of court appointed deputies will be introduced from 1 April 2009. This will give short-term intervention where needed, especially for lay deputies and when it is not always clear at first what level of supervision is needed.

The Public Guardian, Martin John, said:

*"We have listened to people's concerns about the length and complexity of the forms and we have responded. For example, we have reduced the risk of errors through improved design and have included guidance to make completion simpler. Reducing the LPA registration fee demonstrates our commitment to provide a cost effective service and to encourage take up of such an important safeguard. We aim to deliver a service that is easy to understand and use, and improving the forms is a key step in that direction. We will continue to involve the public as we seek to further improve our services to them."*

## **Planning Burden**

Red tape busting reforms to the planning system which could save the economy up to £300 million a year have been announced by Housing and Planning Minister Margaret Beckett - well that is how she presents it!

A series of measures to ease the pressure on businesses and cut down their costs during the challenging economic climate have been set out in the Government's response to the Killian Pretty report, published by the Department for Communities and Local Government. Key proposals enable more smaller businesses to develop their premises without needing full planning permission, potentially taking nearly 40 per cent (31,500 a year) of minor business and non residential applications out of the system altogether or making them subject to a quicker and simpler process.

Small businesses, shops, schools and hospitals wanting to build small scale extensions would no longer need to pay the costs (on average £2,000) or wait weeks to start building if the proposed reforms work. Other small redevelopments, such as the replacement of shop-fronts, would go through a smoother process. This is in addition to the range of measures the Government has introduced to simplify the regulations facing businesses that have so far helped businesses save around £1.9 billion a year.

By taking smaller applications out of the system there will be more time and resources for councils to focus on the major applications that matter most. Developers and councils will also be further encouraged to talk about proposals before a planning application is submitted to iron out potential problems early on.

## HSE's Myth of the Month

Myth: Health and safety rules take the adventure out of playgrounds

The reality

We're all for playgrounds being exciting and challenging places. Children should have fun in them, get fit, develop social skills and learn how to handle risks.

What's important is to strike the right balance - protecting children from harm while allowing them the freedom to develop independence and risk awareness. Exciting and challenging playgrounds do this, poorly maintained or badly designed ones don't. Health and safety laws don't stop children having fun but ill-considered and overprotective actions do.

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