



JMW Farms Limited

JMW Farms Limited was fined £187,500 and ordered to pay £13,000 costs at Belfast Lagside Crown Court on 8 May 2012 for health and safety failings that led to the death of 45 year old employee. The company is the first in Northern Ireland to be convicted under the new corporate manslaughter legislation. Under this legislation, companies and organisations can be found guilty as a result of serious management failures resulting in a gross breach of a duty of care.

The employee was killed after being struck by a metal bin which fell off a forklift. The forklift was being driven by one of the company directors. The investigation revealed that the bin had not been attached or integrated with the forklift. It was also revealed that it was not possible to insert the lifting forks into the sleeves of the bin as the forks were too large and incorrectly spaced.

Reid Engineering (Cookstown) Ltd

Reid Engineering (Cookstown) Ltd was fined £17,500 at Omagh Crown Court on 10 May 2012 after pleading guilty to two breaches of health and safety legislation. A fine of £8,750 was imposed for each breach of Article 4 (1) of the Health and Safety at Work (Northern Ireland) Order 1978 and Regulation 6 (3) of the Work at Height Regulations (Northern Ireland) 2005.

The case arose following an investigation into an incident on 12 May 2011 when a 17 year old student fell from a pallet that had been raised to a height of nearly 8 metres to allow him and three other workers to get onto a roof.

S J Anderson and Sons Ltd

S J Anderson and Sons Ltd were fined £3,000 at Lisburn Magistrates Court on 17 July 2012 after pleading to breaches of health and safety legislation.

A fine of £1,500 was imposed for each breach of Regulation 6 of the Work at Height Regulations (Northern Ireland) 2005 and Regulation 9 of the Provision and Use of Work Equipment Regulations

(Northern Ireland) 1999.

The case arose following an investigation into an incident on 21 February 2011 when two workers fell approximately 5.5 metres during a lifting operation using a handler lift truck in a cage which fell from the forks. Both workers received numerous injuries as a result of their fall.

Clairehill Plastics Limited

Clairehill Plastics Limited pleaded guilty to two breaches of health and safety legislation at Craigavon Crown Court on 22 June 2012. A third charge has been left on the books, sentencing was set for September 2012.

The company was fined £8,000 at Craigavon Crown Court on 28 September 2012. A fine of £5,000 was imposed for a breach of Article 4 (2) (a) of the Health and Safety at Work (Northern Ireland) Order 1978 and £3,000 for a breach of Regulation 11 (1) of the Provision and Use of Work Equipment regulations (Northern Ireland) 1999.

The case arose following an investigation into an incident on 6 January 2011 when a 20 year old employee was carrying out unplanned maintenance on a rotational moulding machine. During the operation his clothing got caught between two unguarded gear wheels pulling him into the machine and amputating his arm at the shoulder.

Gallaher Limited

Gallaher Limited was fined £150,000 at Antrim Crown Court on 26 October 2012 after previously pleading guilty to breaches of health and safety legislation.

Fines of £75,000 each were imposed for breaches of Article 4 of the Health and Safety at Work Order (Northern Ireland) 1978 and Regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000.



Prosecutions

The case arose following the investigation of an incident on 25 July 2011 when a 63 year old maintenance engineer, was carrying out repair work on a robotic palletiser. During the work an unsupported robotic arm, which weighed approximately a quarter of a tonne, fell on top of him and he died four days later from his injuries.

OM Tyre Recycling Limited

OM Tyre Recycling Limited was fined £7,500 at Newry Crown Court on 8 November 2012 after pleading guilty to a breach of health and safety legislation at an earlier hearing in September 2012. The fine was imposed for a breach of Article 4 (1) of the Health and Safety at Work Order (Northern Ireland) 1978 as well as a 12 month conditional discharge.

The case arose following an investigation into an incident on 22 July 2011 when an employee came into contact with an unguarded tail pulley while trying to clear a blockage of accumulated shredded tyre pieces from an operating conveyor. He sustained serious injuries to his right arm and hand.

Mr Seamus Connery - Farmer

Seamus Connery was given an 18 month conditional discharge on 5 December 2012 at Magherafelt Magistrates Court for failure to comply with the enforcement notice relating to provision of adequate fencing for the stock on his land.

J B Plant Hire and Scott Ferguson

J B Plant Hire and Scott Ferguson were fined £12,500 and £20,000 respectively (and costs of £953 each) at Laganside Crown Court on 5 December 2012 after pleading guilty to breaches of health and safety legislation.

JB Plant Hire was fined £10,000 and £2,500 respectively for breaches of Articles 5 (1) and 7 (1) of the Health and Safety at Work (Northern

Ireland) Order 1978.

Scott Ferguson was fined £9,000 for a breach of Article 4 (2) (a) of the Health and Safety at Work (Northern Ireland) Order 1978 and £11,000 for breaches of Regulation 4 (1), 11 (1) and 16 (1) of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999.

The case arose following an investigation into an incident on 11 October 2010 when a worker lost his left arm after it became trapped in a paddle mixer which had no guards or other safety features to prevent access to moving parts.