

April 2018 - March 2019

Richard Boyland - 12 June 2018

Richard Boyland, trading as North Antrim Potatoes, was fined £5,000 for a health and safety offence after the member of the public had his leg trapped between a forklift truck and the rear of a lorry during an unloading operation.

Antrim Crown Court heard how the injured man, who was passing the business premises in his vehicle, had stopped to offer assistance to Richard Boyland whose fork lift truck had become trapped during unloading of fertiliser bags from a flatbed delivery lorry.

The recovery operation of the fork lift truck involved the lift truck being towed by the lorry from the grass verge unto the public road. During the operation the fork lift truck, driven by Richard Boyland, struck the member of the public who sustained very serious and life changing injuries to his right leg after it became trapped between the lift truck and rear of the lorry.

A joint investigation by the Health and Safety Executive Northern Ireland (HSENI) and the Police Service of Northern Ireland (PSNI) into the incident, which occurred on 13th February 2017, found that Richard Boyland had failed to ensure the safety of somebody who was not an employee but rather a member of the public who had simply stopped to offer assistance.

In addition, Mr Boyland had not completed any approved training in relation to the operation of fork lift trucks.

The breach and fine was as follows:

1. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978, fine £5,000

Derek Henderson - 1 October 2018

Derek Henderson, trading as Henderson Fireplaces, was sentenced to four months imprisonment suspended for two years after he undertook work to install gas fire appliances at eight locations across Northern Ireland between 2010 and 2015. An investigation by HSENI found that Mr Henderson was not Gas Safe registered at the time he carried out the work. He did not hold the appropriate qualifications to carry out work to install gas fires.

Gas Safe Register is the official list of businesses that are legally permitted to carry out gas work. Every registered business employs an engineer(s), who is issued with a Gas Safe ID card. Not all engineers are qualified to do all types of gas work - so remember to check their ID card before any work is carried out.

The breaches were as follows:

1. Eight breaches at eight separate properties of Regulation 3(1) of the Gas Safety (Installation and Use) Regulations (NI) 2004
2. One breach of Regulation 26(1) of the Gas Safety (Installation and Use) Regulations (NI) 2004

Asbestos Management Services - 4 December 2018

Asbestos Management Services (AMS) pleaded guilty to a breach of the Health and Safety at Work Order and was fined after two separate contractors were put at risk of exposure to asbestos fibres while refurbishing a shop.

Asbestos Management Services Limited had been contracted to conduct an asbestos survey during which a number of samples were taken. HSENI's investigation found that an AMS surveyor had given the go ahead for work to take place prior to receiving the results of the sample analysis. Asbestos was later found to be present in the samples that had been taken by the company.

The breach and fine was as follows:

1. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978; fine £7,500.

Jonathan Belshaw t/a Belshaw's Recycling Service - 24 January 2019

Mr Belshaw was sentenced for failings which resulted in the disturbance of asbestos while dismantling a disused factory in Portadown.

Mr Belshaw had employed 2 casual workers at the site which was found to have friable asbestos insulation on building structures. The site was also extensively contaminated with asbestos containing materials.

Belshaws Recycling Services failed to identify the presence of asbestos in the building materials and had failed to carry out a suitable and sufficient assessment of the risk to his employees from exposure to asbestos when carrying out work at the premises.

The breaches and fines were as follows:

1. Regulation 6(1) Control of Asbestos Regulations (Northern Ireland) 2012; - six months imprisonment suspended for three years and a fine of £6,000
2. Regulation 16 of the Control of Asbestos Regulations (Northern Ireland) 2012; - six months imprisonment suspended for three years to run concurrently with suspended sentence for breach of Regulation 6(1) Control of Asbestos Regulations (Northern Ireland) 2012
3. Article 4(1) by virtue of 4(2)(a) of the Health and Safety at Work (Northern Ireland) Order 1978; - six months imprisonment suspended for three years to run concurrently with suspended sentence for breach of Regulation 6(1) Control of Asbestos Regulations (Northern Ireland) 2012

Alan Little Ltd. - 21 March 2019

Alan Little Ltd was fined for failings which resulted in the death of one of its employees at its premises in Lurgan.

Alan Little Ltd. pleaded guilty after an employee suffered fatal injuries during an unloading operation. The employee died after he was struck by a palletised load which fell from the forks of a telescopic handler during the operation. The driver of the lorry also sustained relatively minor injuries when he was impacted by the load as it fell.

The telescopic handler, which was on hire, was being operated by an untrained member of staff. The palletised load weighing over 2 tonnes consisted of a robot and an electrical control box. Neither were secured to the pallet and during the lifting operation to remove the pallet from the lorry, the robot became unstable and toppled over, striking the employee as it fell.

The breaches and fines were as follows:

1. Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978; fine £45,000
2. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978; fine £5,000.