

NEWS RELEASE

24 November 2009

Northstone (NI) Ltd Prosecution

On Friday 20th November 2009 at Dungannon Crown Court, Northstone (NI) Ltd was fined a total of £60,000 for three breaches of health and safety legislation. One of their sub-contractors, Gerard Hayden, was also fined. The case against the principal contractor and the sub-contractor was brought by the Health and Safety Executive for Northern Ireland.

The cases relates to an incident that occurred on 28th February 2006 during a road resurfacing project at Bellanaleck, Co Fermanagh when Mr Martin McKay, a sub-contractor, died when he touched the side of a lorry as it came into contact with overhead electricity cables. Subsequent enquiries by HSENI revealed that the principal contractor for the site, Northstone (NI) Ltd, who had overall responsibility for the construction work, failed to ensure a safe work area near overhead power lines. The company had not identified the presence of overhead lines by placing suitable warning devices to alert approaching construction traffic. Consequently, Northstone (NI) Ltd pleaded guilty to a breach of Article 5 of the Health and Safety at Work (NI) Order 1978, for failing to ensure the safety of their sub-contractors, and was fined £20,000. They also pleaded guilty to a breach of Regulation 3 of Management of Health and Safety at Work Regulations (NI) 2000 for failing to complete a suitable risk assessment and fined £20,000. They were also fined £20,000 for a breach of Regulation 16 of the Construction (Design and Management) Regulations (NI) 1995 for failing to ensure that subcontractors adhered to health and safety procedures. Gerard Hayden, the driver of the tipping lorry, was fined £300 for a breach of Regulation 3 of Management of Health and Safety at Work Regulations (NI) 2000.

After the hearing Mr Kevin Campbell, an Inspector with HSENI said, **“It is vital that all construction companies properly identify the location of**



electricity power lines before starting the work. Where it is not possible to avoid working close to these power lines, systems must be implemented to minimise and control the risks. These systems need to be communicated to the workforce, implemented, and maintained.”

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For further information please contact David Beck at HSENI
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Notes to Editors:

1. HSENI (The Health and Safety Executive for Northern Ireland) is an Executive Non-Departmental Public Body, sponsored by the Department of Enterprise, Trade and Investment.
2. HSENI, the regional health and safety authority, is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland.