

April 2017 - March 2018

Norman McKenzie - 18 May 2017

Portadown builder Norman McKenzie's sentence was increased at the Court of Appeal on 18 May 2017. This was in relation to health and safety failings that led to the death of his employee Mr Petyo Hristanov on 20 January 2015 and caused injury to another worker.

The Director of Public Prosecutions (DPP) for Northern Ireland considered the earlier sentence of Mr McKenzie on 10 March 2017 to be unduly lenient and referred the case to the Court of Appeal for review of the sentence.

The DPP presented the case to the Court of Appeal, on the grounds that the sentence handed down fell outside the range of sentences which the judge, applying all relevant factors, should reasonably have considered appropriate.

The Court of Appeal subsequently issued its judgement on 18 May 2017. Mr McKenzie was given a 24-month custodial sentence on the count of manslaughter. Mr McKenzie will serve 12 months in prison and 12 months on licence. In addition the court imposed sentences of 6 months imprisonment on each of the counts relating to Health and Safety offences to run concurrently with the twenty four months imposed on the count of manslaughter. The fines previously imposed were removed.

The revised breaches and fines for Mr McKenzie are as follows:

1. Manslaughter: a -24-month custodial sentence to serve 12 months in prison and 12 months on licence.
2. Article 4(1) by virtue of 4(2)(a) of the Health and Safety at Work (Northern Ireland) Order 1978 - 6 months imprisonment to run concurrently with the twenty four months imposed on the count of manslaughter.
3. Regulation 3(1)(a) Management of Health and Safety at Work Regulations (Northern Ireland) 2000 - 6 months imprisonment to run concurrently with the twenty four months imposed on the count of manslaughter.
4. Regulation 6(3) Work at Height Regulations (Northern Ireland) 2005 - 6 months imprisonment to run concurrently with the twenty four months imposed on the count of manslaughter

*The original sentencing can be viewed in the Public Register of Prosecutions April 2016 - March 2017.

Andrew Scott - 12 September 2017

On 12 September a County Antrim contractor was sentenced at Belfast Magistrates Court and fined £750 for failing to ensure safety measures were adhered to when moving a 1.8 tonne concrete slab.

Mr Andrew Scott, a self-employed contractor from Ballyclare, Antrim, was tasked with installing the precast concrete slab at Bryson Recycling Limited. During the lifting operation the concrete slab toppled over causing serious injuries to an employee of Bryson Recycling Ltd.

The incident occurred while changes were being made to the positioning of fabric slings that were being used to lift the concrete slab with a fork lift truck. The concrete slab became unstable and toppled over resulting in severe crush injuries to the injured persons leg and foot.

The breach and fine for Mr Scott is as follows:

1. Article 5(2) of the Health and Safety at Work (Northern Ireland) Order 1978 - £750.

Charles Elkin - 31 October 2017

A Co Tyrone farmer was fined at Dungannon Crown Court on 31 October after an incident involving a 14 year old casual employee.

Mr Charles Elkin, a farmer, of Mullagharn Road, Omagh, pleaded guilty of failing to maintain safe conditions on his farm after a 14 year old worker was found unconscious in a tractor that was mixing slurry inside a farm building.

The 14 year old had been asked to stay in the tractor while the slurry was being mixed and to switch the tractor off if it started to overheat.

The breach and fine for Mr Elkin is as follows:

1. Article 4(1) and in particular Article 4(2)(d) of the Health and Safety at Work (Northern Ireland) Order 1978 - £1,000.

Philips Logistics Ltd - 20 February 2018

Philips Logistics Ltd was fined at Dungannon Crown Court on Tuesday 20 February after an accident which led to an employee receiving serious injuries.

Philips Logistics Ltd pleaded guilty to failing to maintain safe working conditions at its premises at Tamnamore Road, Dungannon, after a driver for the company fell from inside a loaded rigid curtain-sider.

The driver was in the process of replacing the restraining bars, when he fell approximately 1.5 metres onto the ground below, sustaining serious injuries

Breaches and fines for Philips Logistics Ltd are as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 and in particular Articles 4(2)(a) of that Order - £1,500.
2. Regulation 3(1)(a) of the management of the Health and Safety at Work Regulations (NI) 2000 - £1,500.
3. Regulation 4(1) of the Work at Height Regulations (NI) 2005 - £1,500.
4. Regulation 6(3) of the Work at Height Regulations (NI) 2005 - £1,500.

Creightons and Traynors - 22 February 2018

Two Northern Ireland companies were fined and sentenced at Belfast Crown Court on Thursday 22 February after an employee of one of the companies received serious crush injuries as a result of a car falling from a vehicle transporter.

Traynors Limited a vehicle dismantling company was collecting recovered vehicles from Creightons Garage. The driver of the transporter, an employee of Traynors, had been attempting to secure a car onto the lower deck of the transporter using a lorry winch when the car, which was being loaded using a fork lift truck, rolled off the forks of the fork lift truck and landed on top of him.

Breaches and fines for Traynors Limited are as follows:

1. Article 4(1), by virtue of Article 4(2)(a) of the Health and Safety at Work (NI) Order 1978 - £1,000
2. Article 4(2)(c) of the Health and Safety at Work (NI) Order 1978 - £1,000
3. Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations (NI) 2000 - £1,000
4. Regulation 11(1)(a) of the Management of Health and Safety at Work Regulations (NI) 2000 - £16,000 and;
5. Regulation 9(1) of the Provision and Use of Work Equipment Regulations (NI) 1999 - £1,000.

Breaches and fines for Creightons are as follows:

1. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - £1,000
2. Regulation 3(1)(b) of the Management of Health and Safety at Work Regulations (NI) 2000 - £1,000, and;
3. Regulation 11(1)(a) of the Management of Health and Safety at Work Regulations (NI) 2000 - £16,000.

Northern Excavators Ltd - 01 March 2018

Northern Excavators Ltd, of Culcavy Road, Hillsborough, were found guilty of failing to remove an excavator bucket from the Belfast to Dublin railway line following an overnight operation for track rehabilitation works. This resulted in a 6-carriage passenger train striking the bucket the following morning, fortunately with no significant injuries to passengers on board.

Northern Excavators Ltd had been sub-contracted to carry out the work because of their expertise in working on railway lines. However they failed to have adequate safety precautions in place during this repair operation, which could have resulted in passengers being hurt or even killed.

Breaches and fines for Northern Excavators are as follows:

1. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978 - £4,000
2. Regulation 5(1) of the Management of Health and Safety at Work Regulation (Northern Ireland) 2000 - £4,000 and;
3. Court costs of £1,092

Mason Animal Feeds - 23 March 2018

Mason Animal Feeds Ltd, of Marlacoo Road, Portadown, was found guilty after 17-year-old employee who was using the chain conveyor, had his right arm dragged into the conveyor while trying to clear a blockage, and severely damaged his right arm and wrist, to the extent that he now has no movement in his wrist, and limited movement of his fingers and thumb.

After a number of operations the injured party is awaiting further surgery to improve the use of his fingers and thumb.

Breaches and fines for Mason Animal Feeds are as follows:

1. Article 4(2) of the Health and Safety at Work Order (NI) 1978: £40,000
2. Regulations 8 of the Provision and Use of Work Equipment Regulations (NI) 1999: £40,000
3. Regulations 11 of the Provision and Use of Work Equipment Regulations (NI) 1999: £40,000 and;
4. Court costs of £976