

April 2019 - March 2020

F.P. McCann Limited - 31 May 2019

F.P. McCann Limited pleaded guilty to two breaches of health and safety legislation after an employee was found fatally injured beside a dumper truck at its Knockloughrim Quarry premises.

The employee was driving an Aveling Barford dumper truck and had been tasked with transferring material from the crushing and screening plant to a stockpile area located within the quarry. The dumper truck was found stopped in the safety berm (edge protection) around the stockpile area. Both front wheels of the truck were lodged in the edge protection. The employee was found on the ground close to one of the front wheels of the dumper truck and tragically sustained a fatal head injury.

The breaches and fines were as follows:

1. Article 4(1) by virtue of Article 4 (2)(a) of the Health and Safety at Work (NI) Order 1978 - fine £75,000
2. Regulation 6(1) of the Quarries Regulations (NI) 2006 - fine £75,000.

Amalgamated Environmental Services (AES) Ltd - 19 June 2019

Amalgamated Environmental Services (AES) Ltd trading as AES Marconi pleaded guilty to one breach of health and safety legislation after a man was found dead within an excavation site at the rear of his house. The site was being remediated following contamination with oil. An investigation by HSENI found that the work was not appropriately planned.

An incomplete generic risk assessment had been conducted without visiting the site, security arrangements were not suitable to prevent access to the area, arrangements to assist tenants with necessary access to the area were not clear, and the risks associated with the work were not effectively communicated.

The breaches and fines were as follows:

1. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - fine £15,000
2. Regulation 3(1) of the Management of Health and Safety at Work Regulations (NI) 2000 - left on books.

Terex GB Ltd - 27 June 2019

Terex GB Ltd pleaded guilty after an employee sustained fatal injuries as a result of being crushed between two mobile stone crushing machines which were stored along with others in a stockyard area.

The employee had been tasked with moving one of the machines, using a handheld controller, from its parked position in the stockyard. During this operation the front of the machine veered towards a neighbouring parked machine, causing the employee to become trapped and tragically sustained fatal crush injuries to his chest.

The breaches and fines were as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £50,000
2. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - fine £50,000
3. Regulation 3(1) of the Management of Health and Safety at Work Regulations (NI) 2000 - fine £50,000

ISL Waste Management Ltd - 28 August 2019

ISL Waste Management Ltd, based in Mallusk, pleaded guilty to a breach of health and safety legislation at Laganside Crown Court, after an employee sustained serious injuries after being crushed between the rear of a Refuse Collection Vehicle (RCV) and the grab attachment of a mini digger.

In this incident the employee had reversed the RCV into the processing plant in preparation for unloading. The unloading process required the driver to operate controls located to the rear of the RCV. It was while the employee was working to the rear of the vehicle that the incident occurred.

The breach and fine was as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £25,000

Enva Toomebridge Limited - 28 August 2019

Following an incident where a self-employed electrical contractor sustained serious injuries when his foot was trapped in a hydraulic powered compactor known as a Briquetter, Enva Toomebridge Limited (formerly known as Clearcircle Environmental (NI) Ltd) was fined after pleading guilty at Magherafelt Magistrates Court. Arising out of the same incident Mr Declan Quinn, a self employed maintenance contractor, was fined after pleading guilty to a breach of health and safety legislation.

The incident arose when the guard on the hydraulic ram had been removed by Mr Quinn when he was investigating a potential fault. During the period when Mr Quinn was not present the injured person returned to complete their work. The unguarded ram of the Briquetter machine started automatically and began to crush his left foot causing severe injuries. He was trapped for approximately 45 minutes.

The breaches and fines were as follows:

For Enva Toomebridge Limited -

1. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - fine £1,500

For Mr Declan Quinn -

1. Article 5(2) of the Health and Safety at Work (NI) Order - fine £500

McAuley Precision Limited - 24 September 2018

McAuley Precision Limited in Ballymoney, pleaded guilty to three health and safety breaches at Antrim Crown Court, when two people sustained serious injuries after stainless steel tubes / pipes fell on them from an overloaded Cantilever racking system. Both individuals suffered a number of serious crush injuries in relation to the incident.

The breaches and fines were as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £10,000
2. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - fine £10,000
3. Regulation 3(1) of the Management of Health and Safety At Work Regulations (NI) 2000 - fine £10,000

Brian McGuckian t/a McGuckian Milling Company - 07 October 2019

Brian McGuckian, trading as McGuckian Milling Company pleaded guilty to two health and safety breaches at Antrim Crown Court, after an employee sustained serious injuries when his left arm was amputated by a screw auger conveyor.

On the day of the incident, the injured party was working in the blending plant at the animal feed manufacturing site when he noticed a blockage had occurred at a holding bin. While attempting to rectify the defect his arm was drawn into an unguarded rotating screw auger resulting in the amputation of his left arm below the elbow.

The breaches and fines were as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £10,000
2. Regulation 11(1) of the Provision and Use of Work Equipment (NI) Regulations 1999 - fine £10,000

Richard McClure t/a McClure Farms - 12 December 2019

Richard McClure, a farmer trading as McClure Farms from Coleraine was fined £10,000 after pleading guilty to one breach of health and safety legislation, while S Higgins Construction Ltd, based at Knockloughrim, Magherafelt was fined £10,000 after pleading guilty to two breaches of health and safety legislation.

The case arose from a HSENI investigation into an incident at McClure Farms, Coleraine on 16th November 2018. A 23yr old employee of S Higgins Construction Ltd was assisting with the preparations for the construction of a concrete reinforced wall at the farm of Richard McClure. During this work, a large metal shuttering panel fell on to the employee as he was working close to its base.

The breaches and fines for Richard McClure were as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £5,000
2. Regulation 13 of The Construction (Design and Management) Regulations (NI) 2016 - fine £5,000

The breaches and fines for S Higgins Construction Ltd were as follows:

1. Article 4(1) of the Health and Safety at Work (NI) Order 1978 - fine £5,000
2. Regulation 19 of The Construction (Design and Management) Regulations (NI) 2016 - fine £5,000

Briggs Equipment UK Ltd - 20 December 2019

Briggs Equipment UK Ltd pleaded guilty to five breaches of health and safety legislation at Laganside Court, Belfast, after a lorry driver, sustained serious injuries when a Hyster Stacker truck, which was being delivered to Briggs Equipment UK Ltd Depot in Newtownabbey, fell from the forks of a forklift truck and landed on top of the injured party.

The breaches and fines were as follows:

1. Article 4(2)(a) of the Health and Safety at Work (NI) Order 1978 - fine £30,000
2. Article 4(2)(c) of the Health and Safety at Work (NI) Order 1978 - fine £30,000
3. Article 5(1) of the Health and Safety at Work (NI) Order 1978 - fine £30,000
4. Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations (NI) 2000 - fine £30,000,
5. Regulation 3(1)(b) of the Management of Health and Safety at Work Regulations (NI) 2000 - fine £30,000.

Ace Recycling (NI) Limited - 13 February 2020

Ace Recycling (NI) Limited and its sole director were fined a total of £28,000 for health and safety breaches, including failing to ensure a suitable and sufficient assessment was completed to identify the presence of asbestos at a former factory site at Shaerf Drive, Lurgan.

Demolition work at the former factory site commenced during December 2016 and continued through to February 2017. An independent contractor, not a licenced asbestos removal company, was tasked by James McCoubrey to remove asbestos containing materials from the site, the extent of which were unknown. Suitable precautions were not taken by the contractor during the demolition process to ensure the safe removal of asbestos.

Following receipt of a complaint regarding the alleged removal of asbestos, a HSENI Inspector visited the site. The Inspector served a prohibition notice preventing any further asbestos removal work from continuing. A subsequent visit by the same Inspector identified that the prohibition notice had not been complied with and further unnecessary asbestos contamination of the site had taken place.

Ace Recycling (NI) Limited - 13 February 2020 (cont'd)

The breaches and fines were as follows:

ACE Recycling –

1. Article 6 of the Health and Safety at Work (NI) Order 1978: fine £9000
2. Regulation 4(3) of the Control of Asbestos Regulations (NI) 2012: fine £9000

James McCoubrey Limited -

- a) Article 6 of the Health and Safety at Work (NI) Order 1978: fine £4000
- b) Regulation 4(3) of the Control of Asbestos Regulations (NI) 2012: fine £4000
- c) Article 31(1)(g) of the Health and Safety at Work (NI) Order 1978: fine £2000

Clogher Valley Livestock Producers - 13 March 2020

Clogher Valley Livestock Producers pleaded guilty to one breach of health and safety legislation at Dungannon Court following an incident where a farmer died after being struck by a gate at the livestock mart in June 2018.

The farmer had been struck by an inadequately maintained steel stock-proof gate when a young bull had attempted to jump over the gate, this incident resulted in the farmer receiving serious head injuries. The gate had a defective latch which meant the gate could not close properly. These type of gates are common in this mart and throughout the industry.

The breaches and fines were as follows:

1. Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978; fine £12,500