

# Gas installer prosecuted for illegal gas work

A gas installer has been sentenced after carrying out gas work that was found to be immediately dangerous whilst no longer being gas safe registered.

Liverpool Magistrates' Court heard how from 11 November 2018, John Atherton had commenced fitting a new gas boiler and central heating system at a domestic property in St Helens, Merseyside. He installed the boiler and left the flue terminating in the loft allowing products of combustion to enter the property, resulting in the boiler being left in an immediately dangerous condition.

An investigation by the Health and Safety Executive (HSE) found that Mr Atherton was not Gas Safe registered at the time the work was undertaken, despite implying that he held the necessary registration to complete this work. He had previously been registered with Gas Safe when working for a former employer, but the registration had lapsed on 11 October 2018. The registration was not renewed, resulting in him illegally carrying out the gas work.

Mr Atherton of Hallcroft, Skelmersdale, Lancashire pleaded guilty to breaching regulation 3(3) and 26(1) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 26 months imprisonment suspended for one year, ordered to carry out 200 hours community service and ordered to pay costs of £2,000.

Speaking after the hearing, HSE inspector Lisa Bailey said: "John Atherton undertook gas work, which he knew he was not registered to do. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life."

## Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. More information about domestic gas health and safety can be found at <https://www.hse.gov.uk/gas/domestic/faqs.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

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## Global engineering company fined after employees exposed to chemical spill

The fabrication division of Nasmyth Technologies Limited has been fined after four employees were exposed to hazardous substances that caused significant ill health and time off work as a result.

Poole Magistrates' Court heard how, on the 9 October 2017, between 150 and 200 litres of a chemical preparation, that included hydrofluoric acid, spilled across a large area of the factory floor in Wimborne, Dorset. Four workers were involved in the clean-up that took several hours. They were provided with inadequate personal protective equipment (PPE) and respiratory protective equipment (RPE) to undertake a clear up, for which they had no training. Some of them suffered ill health following the incident, which included an asthma attack, a severe headache, nausea, sore eyes and throat. One of the workers, whose symptoms persisted, was referred by his doctor to a specialist for treatment.

An investigation by the Health and Safety Executive (HSE) found that there was significant non-compliance regarding management of substances hazardous to health. The company had failed to carry out a suitable and sufficient assessment and had not prepared for this emergency situation. One of the failings was that the RPE (face masks) provided did not have the correct type of filter for protecting against hydrofluoric acid gas. Additionally, the type of RPE provided to workers relied on a good seal against the face in order to protect workers and no face fit tests had been undertaken to ensure the masks fitted the workers' faces. Furthermore, workers were unshaven meaning their beards or stubble prevented an effective seal of the RPE to their faces.

Nasmyth Technologies Limited of Nasmyth House, Coventry Road, Exhall, Coventry pleaded guilty to breaching Section 2(1) of the Health & Safety at Work 1974 Act. They were fined £13,000 and ordered to pay costs of £9,551.

Speaking after the hearing, HSE inspector Berenice Ray said: "This incident could have so easily been avoided had the company firstly undertaken a suitable and sufficient risk assessment and then implemented the necessary controls, including emergency arrangements for dealing with a chemical spill and the provision of instruction and supervision to ensure safe working practices are followed.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

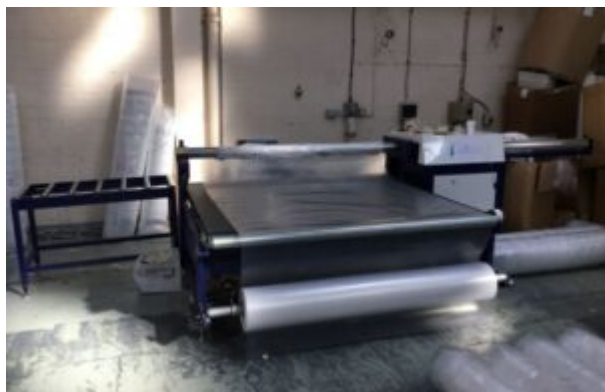
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4. The Control of Substances Hazardous to Health Regulations 2002 (COSHH) is the law that requires employers to control substances that are hazardous to health. For more information on this, see <https://www.hse.gov.uk/coshh/basics/index.htm>

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## [Mattress manufacturer fined after employee dragged into machine](#)



A Nottingham mattress manufacturer has been fined after an employee of the company suffered multiple injuries to his arm, shoulder, ribs and neck after he was drawn into a NG-06 Semi-Automatic Mattress Rolling Machine (MRM).

Nottingham Magistrates Court heard how Dreamtouch Mattresses Ltd failed to prevent access to the dangerous parts of machinery on the MRM at the Chelsea Street site. As a result, the common practice at the site was for employees to use their hands, and or arms when feeding and pressing mattresses on the unguarded rotating winding film reel. Employees at the site confirmed there was no documented safe system of work or training for the use of the MRM.

An investigation by The Health & Safety Executive (HSE) found that the company did not prevent access to the dangerous parts of the machine and had

not implemented a suitable and sufficient safe system of work which would direct employees to not place their hands close to the dangerous parts of the machine.

Dreamtouch Mattresses Ltd, Chelsea House, Chelsea Street, Nottingham, NG7 7HP pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. They were fined £66,000 and ordered to pay costs of £4,836.20.

Speaking after the hearing, HSE Inspector Amandip Dhanda, said: "This injury was easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Picture: The unguarded NG-06 Semi-Automatic Mattress Rolling Machine (MRM).

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## **[Foundry fined for exposing workers to hand-arm vibration risks](#)**

Saint-Gobain Construction Products UK Limited, a large foundry in Telford, has been fined after a number of its workers were diagnosed with hand arm vibration syndrome (HAVS).

Newcastle-under-Lyme Magistrates' Court heard how three employees, the earliest of which had used vibrating tools at the company since 1989, had developed and were subsequently diagnosed with HAVS in 2016. Despite the diagnosis, one of the workers continued working with vibrating tools, without effective measures to control the risk. The employees used tools such as hand grinders, air chisels, spindle grinders, and earlier on in their employment, jackhammers to finish cast iron drainage products.

An investigation by the Health and Safety Executive (HSE) found that until 19

December 2017, the vibration risk assessment did not identify each employee's daily exposure to vibration and did not measure cumulative exposures of using different vibrating tools throughout a shift. The investigation also found there was inadequate health surveillance in place and employees were not made aware of HAVS and its symptoms. Despite health surveillance notifying the company of a HAVS diagnosis, the company had failed to take effective action to adjust the affected worker's job, meaning staff continued to be exposed to excessive vibration.

Saint-Gobain Construction Products UK Limited of Saint-Gobain House, East Leake, Loughborough, Leicestershire pleaded guilty to failing to discharge the duty imposed upon it by Section 2(1) of the Health and Safety at work etc Act 1974. They were fined £500,000 and ordered to pay costs of £9,453.

Speaking after the hearing, HSE inspector Andrew Johnson said: "This was an established multinational company that had the resources to protect its workers from the effects of excessive vibration, but failed to do so over a long period of time.

"All employers have a duty to provide effective measures to ensure the health of their staff is not seriously or permanently harmed by the work they are asked to do."

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## **[Construction company sentenced after worker sustains life-changing injuries](#)**

A construction company has been sentenced after a self-employed ground worker sustained life changing injuries in an incident involving a disc cutter.

Truro Crown Court heard how on 1 June 2017, self-employed ground worker Morgan Prosser, contracted by MJL Contractors Limited, was working to

complete ground works at a new building site near Bodmin, Cornwall. Mr Prosser was using a petrol disc cutter to cut reinforced concrete beams to size. Whilst he was doing this the saw 'kicked up' and caused a severe laceration to his arm. Mr Prosser underwent months of operations following the incident to try to save his arm. However, it had to be amputated in October 2017, which has had a significant impact on his ability to work and his personal life.

An investigation by the Health and Safety Executive (HSE) found that MJL Contractors Limited were responsible for the groundworks at the site, including providing and maintaining the disc cutter. Mr Prosser had not been sufficiently trained to use the petrol disc cutter and the system of work in use for cutting reinforced concrete beams had not been planned or assessed to ensure the risks were properly controlled.

MJL should have been aware that Mr Prosser had no previous experience of undertaking such a task and this should have been identified and addressed at his induction or at the time the work was allocated to him to complete.

MJL Contractors Limited of Hellys Court, Helston in Cornwall, were found guilty of breaching Section 3(1) of the Health & Safety at Work etc. Act 1974. They have been fined £250,000 and ordered to pay costs of £100,000.

Speaking after the hearing, HSE inspector Georgina Symons said: "The contractor's injuries have been life changing. This serious incident could have easily been avoided if basic safeguards had been put in place."

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