

# Construction company fined after child struck by wall collapse

Gurmit Properties Limited were fined today for safety breaches after a substantial part of a wall at a construction site at Barnsley Road, South Elmsall collapsed, seriously injuring a child.

Leeds Magistrates' Court heard that, Gurmit Properties Limited (GPL) were the owners of the site at Barnsley Road, South Elmsall. The company had previously received a large delivery of aggregate, which was deposited on land next to the construction site. Officials from the local council attended the site and ordered the materials to be removed. GPL then brought the materials back on to their site storing them behind the wall.

On 7th February 2018 an eight-year old child was walking with her mother along Harrow Street, adjacent to GPL's construction site, when she was hit by the collapsing wall. She sustained serious injuries, including crush injuries to her foot which resulted in the amputation of a big toe.

An investigation by the Health and Safety Executive (HSE) found that GPL had not assessed the structural integrity of the wall to ensure it was safe to be used as either a secure boundary for the site or as a retaining wall for storing materials. When the materials were stored against the wall it failed and this led directly to the collapse and the injuries to the child.

GPL were a client and a contractor within the meaning of Construction (Design and Management) Regulations 2015 and failed in their duty to ensure that the wall was either safe for use as a secure site boundary or as a retaining wall for storing materials.

Gurmit Properties Ltd of Albion Street Castleford West Yorkshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £22,500 and ordered to pay £11,998.80 in costs.

After the hearing, HSE inspector Chris Tilley commented: " The company should have appointed a competent person to carry out an assessment of the wall at the start of the project to establish whether it was safe to use as a boundary wall and then carried out a similar assessment when the wall was then used as a retaining wall for storing materials.

"This incident could have been avoided by simply carrying out correct control measures and adopting safe working practices.

"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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**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. [hse.gov.uk](https://www.hse.gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

<https://www.hse.gov.uk/pubns/books/hsg151.htm>

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## [Property Management Company fined following a gas explosion](#)

Holt Estates England Ltd has been fined after a homeowner sustained burns when gas escaping from an open-ended pipe ignited.

North Somerset Magistrates' Court heard that following pre-sale refurbishment work at a property in Chard a gas cooker was disconnected from the gas pipe, but the pipe was not sealed off properly leaving an open-ended pipe connected to the mains gas supply, which was only turned off at the meter.

The cooker hob was removed during refurbishment in late summer 2018 when the property was empty.

On 25 January 2019 the new owner moved in and turned the gas on to use the central heating boiler. Unfortunately, he did not know about the open pipe which immediately began to leak gas.

As he was trying to turn on his cooker, the leaked gas ignited. This resulted in a small explosion and fire. The homeowner Mr Robins sustained smoke inhalation and burns, which required hospital treatment

An investigation by the Health and Safety Executive (HSE) found that the company in control of the refurbishment work had failed to ensure so far as was reasonably practicable that persons not in their employment were not exposed to risks to their health and safety from the gas installation.

Holt Estates England Ltd of High Street in Caterham, Surrey was found guilty of breaching Section 3(1) of the Health and Safety at Work Act. The company was fined £40,000 and ordered to pay costs of £11,105.90

Speaking after the hearing, HSE inspector Dawn Lawrence said: "This was a

terrifying incident for the homeowner and could have proved fatal.

“Anyone employed to work on gas appliances in domestic premises must be a Gas Safe registered engineer and competent in that area of gas work. Homeowners and residents can check that a gas engineer is correctly registered through the Gas Safe website.

“HSE will not hesitate to take appropriate action against those who fall below the required standard.”

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information about the Gas Safe register can be found here: [The Official List of Gas Safe Registered Businesses](#)

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## **Chemical company fined after worker suffered burns**

Robert McBride Ltd was sentenced today for safety breaches after a 31-year-old worker suffered 13 per cent superficial burns to his right arm and hand following the ignition of flammable vapours at the company’s site in Hull.

Beverley Magistrates’ Court heard that on 21 August 2017, a batch of hairspray was being mixed in a 10,000 litre stainless steel mixing vessel. Flammable vapours were created within the mixing vessel as a result of heating.

Ethanol was pumped directly into the vessel via pipework from an external storage tank. Other constituents (liquid and powder) were added to the vessel via a manway lid on the top of the vessel. The mixing process then required

the addition of heat via an integral steam coil within the vessel.

As the worker was adding powders into the vessel via the lid using a metal scoop, flammable vapours leaving the vessel via the lid ignited, briefly engulfing his upper torso.

An investigation by the Health and Safety Executive (HSE) found there was an extraction system at the lip of the manway lid to remove vapours from this area, but it was not adequate to prevent a build-up of a flammable atmosphere. The ignition source is likely to have been a spark from the metal scoop, or static electricity build up on the workers clothing.

Robert McBride Ltd of Hornscroft Park, Kinswood, Hull pleaded guilty to breaching Regulation 6(1) of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002. The company was fined ££480000 and ordered to pay costs of ££13,441.80.

Speaking after the hearing, HSE inspector David Stewart said: "Dutyholders should carry out a DSEAR risk assessment in areas where there is a potential for the creation of explosive or flammable atmospheres in order to identify adequate control measures."

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3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

[DSEAR Regulations – Fire and explosion \(hse.gov.uk\)](http://hse.gov.uk/dsear-regulations-fire-and-explosion)

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# HSE issues MOD with Crown Censure following severe injuries to employee

The Ministry of Defence (MoD) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after an employee was shot during a training exercise.

In January 2019 an employee of the Ministry of Defence suffered severe injuries as a result of being shot with live ammunition during a training exercise where blank ammunition should have been used. This put both employees and persons not in the employment of Ministry of Defence, at risk.

The incident has had severe life changing consequences for the injured employee. Following their medical discharge, they suffered from PTSD and following the incident had difficulty performing routine tasks such as getting dressed, cooking cleaning and driving. .

By accepting the Crown Censure, the MoD admitted breaching its duty under Section 2(1) and Section 3 (1) of the Health and Safety at Work etc. Act 1974 in that they failed to ensure, so far as was reasonably practicable, the health, safety and welfare at work of its employees, and persons not in their employment, particularly in relation to the risks associated with training exercises.

After the hearing, HSE inspector Stacey Gamwell said: “ This was a very serious incident which could have easily resulted in death. Just like any other employer, the MoD has a responsibility to reduce risk to its employees and others who may be affected by its work.

“We recognise military training can be hazardous – but where work of this nature is to be done, that danger should be controlled as much as reasonably practicable.

“An objective of military training is to prepare personnel for potential hazardous situations, but this does not mean the training itself should expose trainees to uncontrolled or inadequately controlled hazards.

“An employer must take all reasonably practicable steps to control the risk to the safety of employees whilst they are at work and others who may be affected by that work. They can do this through suitable and sufficient risk assessment and safe systems of work.”

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# Two contractors sentenced after cable strike at substation

A principal contractor and subcontractor have been fined after an employee's retina was damaged by an explosion caused by a cable strike during construction works at a substation.

Manchester Magistrates' Court heard how VolkerInfra Ltd, a high voltage cabling contractor, had been subcontracted by principal contractor Siemens Energy Ltd to carry out cabling works as part of a wider construction project at Whitegate Substation in Chadderton, Manchester.

On the 17<sup>th</sup> September 2019, an employee of VolkerInfra Ltd, who was excavating phases for laying a 275kV cable, struck an existing live cable close by with the excavator. The contact resulted in multiple explosions which caused blistering to the driver's retina.

An investigation by the Health and Safety Executive (HSE) found the permit to dig had not been properly completed by Siemens Energy. It was also found neither they, nor the subcontractors had checked the cable markings prior to work commencing. The existing live cable had not been adequately identified and so the markings for the cable location were incorrect by around 50cm. It was also found there had been inadequate monitoring and supervision of work.

Siemens Energy Ltd of Faraday House, Sir William Siemens Square, Camberley, Surrey pleaded guilty to breaching Regulation 13(1) of the Construction Design and Management Regulations 2015 and Section 3 (1) Health & Safety at Work etc. Act 1974 was fined £900,000 and ordered to pay costs of £6,327.52.

Volkerinfra Ltd of Hertford House, Hoddesdon, Hertfordshire pleaded guilty to breaches of Section 3 (1) Health & Safety at Work etc. Act 1974 and was fined £180,000 and ordered to pay costs of £6,430.72.

HSE Inspector Rebecca Vaudrey said after the hearing: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working."

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2. More about the legislation referred to in this case can be found at:

[Avoiding danger from underground services – HSG47 \(hse.gov.uk\)](#)

3. HSE news releases are available at <http://press.hse.gov.uk>