

# HSE to prosecute following 2011 explosion at Pembroke Refinery

The Health and Safety Executive (HSE) has today informed two companies they face prosecution following an incident at the Pembroke Refinery on 2 June 2011, which resulted in the deaths of four people and serious injuries to another.

Valero Energy UK Limited and B & A Contracts Limited are to face charges under Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The charges relate to the deaths of Dennis Riley, Robert Broome, Andrew Jenkins and Julie Jones and major injuries to Andrew Phillips who were all working on the Amine Recovery Unit when an explosion and subsequent fire took place.

At the time of the incident the refinery was operated by Chevron Limited, but ownership changed in August 2011.

The defendants are due to appear at Haverfordwest Magistrates' Court on 24 September 2018 at 2pm.

HSE's deputy director field operations, Jane Lassey, said: "Following a painstaking and extremely thorough investigation, much of which was conducted jointly with Dyfed Powys Police, we have concluded that there is sufficient evidence to bring criminal charges."

## **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. HSE news releases are available at <http://press.hse.gov.uk>
4. Now that criminal proceedings have commenced your attention is drawn to the fact that the provisions of the Contempt of Court Act apply to this matter. You will understand that it is not appropriate for HSE to give media interviews until court proceedings are concluded.
5. The [Code for Crown Prosecutors](#) sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to prosecutions is set out in its [enforcement policy statement](#).

Journalists should approach HSE press office with any queries on regional press releases.

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## North West property developer sentenced after building collapse

A Manchester-based property developer has today been sentenced after the roof and part of the rear wall collapsed at one of his properties during demolition works.

Manchester Crown Court heard how Riaz Ahmad appointed a group of workers, who had no experience in construction, to carry out demolition work at a property in Oldham. On 11 August 2017, after receiving a call from Oldham Metropolitan Borough Council's building control department, a HSE inspector visited the site and found almost all the internal walls and supports of the roof had been taken out. A Prohibition Notice was served preventing any further work and a major road running past the building was closed.

A day later, it was agreed that there was no safe way of accessing the building and Oldham MBC obtained an order to demolish the building. It was soon after this that the roof and wall collapsed. This triggered an emergency response involving Greater Manchester Police and the Fire Service, during which properties were evacuated and the area cordoned off. Oldham Borough Council arranged for an emergency demolition of the remainder of building to take place later that day. Local businesses faced significant disruption as the site was made safe.

An investigation by the Health and Safety Executive (HSE), found the collapse could have been prevented had a principal contractor been appointed and a suitable risk assessment been carried out. These steps could have ensured the stability of the building during the demolition with regards to temporary works and control measures such as scaffolding. Mr Ahmad did not suitably plan the work as he employed unskilled workers, neglected the risks from working at height and stability of the building, failed to provide them with basic welfare facilities and did not consider several health hazards.

Riaz Ahmad, of Dickenson Road, Manchester, was found guilty of breaching Section 2 (1) and Section 3 (1) of the Health and Safety at Work Act 1974 and Regulation 19 (1) of the Construction (Design and Management) Regulations 2015. He was sentenced to eight months imprisonment for each offence (to run concurrently) and was order to pay prosecution costs of £65,000.

In his sentencing of Mr Ahmad, the Judge remarked that:

'This was a very serious case indeed. It was nothing short of a miracle that only one person was injured. A clear statement has to be made to those who undertake significant projects such as this, namely that health and safety legislation has to be adhered to for good reason, and those who ignore its basic tenets will receive punishment.'

Speaking after the hearing, HSE inspector David Argument said: “The incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

“Duty holders 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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## **West Midlands manufacturing company fined after worker crushed**

A manufacturing firm in Worcestershire has been fined after a worker suffered crush injuries when wooden panels fell onto him.

Worcester Magistrates’ Court heard how, on 8 April 2017, a Global Displays Limited employee was injured when a stack of panels toppled over and crushed him. Several smaller panels were resting against untied, upright 4m x 1m panels, causing the whole stack to become unstable. The worker suffered a dislocated shoulder and fractured arm as a result.

An investigation by the Health and Safety Executive (HSE) into the incident found the company had failed to identify the risks from storing timber boards close to work benches and a thoroughfare used by employees. The company had not provided a safe place for the boards to be stored so they would not fall over.

Global Displays Limited, Global House, George Baylis Road, Droitwich, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974. The company was fined £14,000 and ordered to pay costs of £ 1,179.

Speaking after the hearing, HSE inspector Alastair Mitchell said: “This incident could so easily have been avoided by simply carrying out a risk assessment in relation to the storage of display panel boards. This would have identified the risks from unsafe stacking and the need for appropriate control measures, such as a method for storing boards safely.

“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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## [Contractor, client and director convicted after dangerous building site conditions](#)

A contractor, client and director have been convicted after conditions at a building site were found to be dangerous.

Southwark Crown Court heard that inspectors from the Health and Safety Executive (HSE) visited the construction site on Gladesmore Road, London on numerous occasions in 2015 while building work was taking place at the property.

Inspectors found poor health and safety conditions on site including dangerous work at height, unshored excavations, and poor welfare facilities. This resulted in numerous prohibition notices, improvement notices and notifications of contravention being served on the contractor and client.

A HSE investigation found that the contractor, Mr Bodnariu, failed to plan, manage and monitor the work on site. The client company WEL Estates Limited failed to make suitable arrangements for managing a project, and the director of WEL Estates Limited, Mr Yoel Lew, had allowed the poor conditions on site.

Mr Bodnariu pleaded guilty to breaching regulation 15(2) of the Construction (Design and Management) Regulations 2015, and was sentenced to eight months imprisonment, suspended for 12 months, 250 hours of community service, and ordered to pay costs of £1,000.

WEL Estates Limited was found guilty of breaching Regulations 4(1) of the Construction (Design and Management) Regulations 2015, and was fined £20,000 and ordered to pay costs of £5,000.

Mr Yoel Lew was found guilty of breaching Section 37(1) of the Health & Safety at Work etc. Act 1974 and sentenced to 200 hours of Community Service.

Speaking after the hearing HSE inspector Sarah Robinson said: "Dutyholders 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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## [HSE to prosecute Celsa Manufacturing \(UK\) Ltd](#)

The Health and Safety Executive (HSE) has informed Celsa Manufacturing (UK) Ltd that it will be prosecuted following the explosion at Celsa steelworks, Splott, Cardiff on 18 November 2015.

The explosion resulted in the deaths of Mr Mark Sim and Mr Peter O'Brien, engineers at the company's Rod and Bar Mill, and injured other workers.

The families of Mark Sim and Peter O'Brien have been informed that Celsa Manufacturing (UK) Ltd will be prosecuted.

Celsa Manufacturing (UK) Ltd is due to appear at Cardiff Magistrates' Court on 11 September 2018 to face a charge under Section 2 (1) of the Health and Safety at Work Act.

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