

# Farming business fined after a walker dies in cattle incident

A farming business has been fined after a member of the public died after being butted several times by a cow in front of two onlooking grandchildren.

Marian Clode, 61, was on a family walk on 3 April 2016 when the attack happened on a public bridleway in Northumberland. She died in hospital three days later.



Marian Clode

The family had been staying at a cottage at Swinhoe Farm, Belford and said Marian “was dearly loved and still so sadly missed.”

An investigation by the Health and Safety Executive (HSE) found that despite it being near the end of the Easter holidays, the business decided to move around 16 cows, together with a similar number of calves, along a popular bridlepath – a route taken by visitors to St Cuthbert’s Cave. Effective precautions were not in place to warn walkers of the impending herd, such as signage and lookouts.

At the same time as the cows made their way to their field (which was approximately 1km along the bridlepath), Marian and her family, who had been staying at a cottage on the business’ farm, were walking in the opposite direction from St Cuthbert’s Cave. The farm workers involved in moving the cows were not aware of the oncoming family as they were at the rear of the herd.

The route along the bridlepath was undulating meaning neither the farm workers nor the walkers were aware of each other until it was too late. The first the family knew of the oncoming cattle was as the herd appeared over the brough of a hill ahead, only seconds before they would come face to face.

Most of the family, including two young grandchildren, clambered over the barbed wire fence for cover but their grandmother, Marian Clode who was at the head of the group, was confronted by a cow at the front of the herd. The cow butted her several times causing fatal injuries.



The bridleway in Northumberland

The company had failed to put in place a system of work that was safe. There was a lack of an appreciation of the risk posed to any pedestrians or cyclists that might encounter cattle on the bridleway.

HSE has advice and guidance for [farmers, landowners, and other livestock keepers](#).

At Newcastle Crown Court, J M Nixon & Son, Swinhoe Farm, Belford, Northumberland pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. They were fined £72,500 and ordered to pay £34,700 costs on 15 December.

A family statement said: "In the seconds we had to react, Marian, who was a little ahead, had the least time, but still managed to move to the side of the track and make herself as inconspicuous as possible, tucked against a wooden gate, beneath an overhanging tree.

"Despite this, Marian was attacked by the lead cow and suffered fatal injuries.

"In the immediate aftermath of the incident and in the months and now years which have passed, we believed Marian lost her life because of JM Nixon and Son's failure to implement even the most basic safe systems of work.

"Marian's death was completely avoidable, which makes coming to terms with our loss even more difficult.

"We are grateful to the HSE for successfully prosecuting this case, which after almost eight years brings us some closure, although Marian is never far from our thoughts. She was dearly loved and still so sadly missed."

After the hearing, HSE inspector Jonathan Wills said: "This horrific tragedy during a family holiday could have been prevented. Had the company carefully planned the movement of cattle from their winter housing along a popular route used by walkers and cyclists and put sensible, inexpensive measures in place this incident would not have happened.

"Public knowledge – and concern – is increasing about how dangerous cattle can be. Farmers should not place cattle with calves in fields where members of the public have a legal right to walk. HSE will take action when legal

duties are not followed.”

This HSE prosecution was led by enforcement lawyer Radha Vaithianathar and assisted by paralegal officer, Rebecca Forman.

#### 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.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

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## [Offshore companies fined after grandfather injured on North Sea gangway](#)

Two offshore companies have been fined a combined total of more than £1.2m after an offshore worker’s feet were crushed while walking along a gangway over the North Sea.

The Health and Safety Executive (HSE) prosecuted Shell and Ampelmann Operations following the incident off the Norfolk coast on 17 October 2017.

Martin Hill, a grandfather of eight from Norwich, says he now struggles to go on walks and carry out simple DIY tasks as a result of his injuries.



The damaged boot Mr Hill had been

wearing at the time of the incident

The then 63-year-old was part of a group of maintenance workers being transferred on the Kroonborg support vessel towards Shell's Galleon PG offshore gas rig when the incident happened. The transfer went ahead in conditions of high wind and heavy seas, when it should not have done.

Motion-compensated, or 'walk to work', gangways, are used to access offshore wind farms and rigs. They have a combined mechanical and computerised system to enable them to continue to provide a steady pathway for people transferring from ship to rig or turbine. The distance between the ship and the rig changes with the sea and vessel movement so any such gangway must telescope in and out to keep a full bridge.

As Mr Hill made his way along gangway from the support vessel towards the rig, he did so in the pre-sunrise gloom. Although there was some artificial lighting, there was not enough of it in the right places. Both of his feet got trapped as the gangway telescoped together. The serious nature of the injuries meant he had to be airlifted to hospital and he narrowly avoided having both of his feet amputated.



Mr Hill's trapped boot in the gangway

Now 68, Mr Hill said: "Both of my feet got stuck between the two sections of the gangway and consequently my feet got very badly crushed. When they got the bridge off me I passed out and next thing I knew I was on the medical centre on the ship. Most of the bones in my feet were broken and most of the skin was pulled off. I have used magnetic therapy to help with my injuries which has been a big help.

"I am not 100% now, my feet will play up if I try and do DIY when there are steps or ladders involved, or if I go for a reasonable walk. I like to think it didn't affect me mentally but it did – I haven't returned to offshore work after the incident."

The HSE investigation found that people using the Ampelmann-designed and owned gangway were not sufficiently protected from the risks of entrapment and trip injury at the moving step. Ampelmann simply failed to take all

reasonably practicable steps to reduce the risk of people's feet being trapped at the sliding step. Mr. Justice Jeremy Johnson said that, though some efforts were made, "There were some basic errors which persisted over a long time".

Mr. Justice Johnson said of Shell's instructions to the staff conducting transfers "were inconsistent and confusing and spread across several documents. They were not understood by those operating" the gangway transfer system. In addition, Shell also failed to ensure that lighting was in accordance with long-standing guidance available on the HSE website: <https://www.hse.gov.uk/pubns/books/hsg38.htm>. Mr Justice Johnson said in assessing Shell's culpability, "The problems were in place for a considerable time and were far from minor or isolated".

Shell U.K. Limited, of York Road, Lambeth, London, pleaded guilty to breaching Section 3(1) of The Health and Safety at Work etc. Act 1974. The company was fined £1,031,250 and ordered to pay £247,000 in costs at Chelmsford Crown Court on 14 December 2023.

Ampelmann Operations (UK), of Waterloo Quay, Aberdeen, pleaded guilty to breaching Section 3(1) of The Health and Safety at Work Act 1974. The company was fined £206,250 and ordered to pay £247,000 in costs at Chelmsford Crown Court on 14 December 2023.

HSE inspector John Hawkins said: "Offshore equipment, whether used in the course of hydrocarbon extraction, like at the gas rig in this case, or in harvesting renewable energy, such as at a wind turbine, requires maintenance, and maintenance requires reliable and safe access."

"Walk to work gangways have an important contribution to make towards providing reliable and safe access, but their design and operation must ensure workers are protected from the risk of needless entrapment and serious injury."

"The sentences passed reflect the importance of specialist companies making sure that all aspects of the equipment they design and deploy are in fact safe, rather than just assumed to be safe. It is important operating companies continually challenge themselves, through effective audit and review of their procedures, to make sure their safety management systems are robust enough and that the safety instructions generated are clear, consistent and in accordance with guidance.

"To have workers exposed to a risk of injury when required to do something as basic as walking to work over a gangway does not reflect the standards expected."

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## [Newport City Council fined £2million after death of much loved family man](#)

Newport City Council has been fined £2million after “a hardworking man who loved his family very much” was killed while carrying out road repair works.

Stephen Bell was barrowing tarmac from the back of the local authority’s tipper lorry when he was struck by a farm vehicle passing the road works.

The 57-year-old’s wife Jenny said how the events of 18 July 2019 had changed their family’s life forever.



Stephen Bell was a much loved husband, father and grandfather

“I do not have the words to express the pain my family and I felt when we heard the news and losing him so suddenly has taken its toll on us all and has left us all heart broken,” she said.

“Stephen was a kind, caring and a hardworking man who loved his family very much. He had a smile that lit up a room, an amazing sense of humour and laughter that was contagious.



“In the years since he’s been gone my family and I have missed so much.

“I have been unable to share my grandchildren’s birthdays with him. Christmas days without him and family holidays with a very special person missing.

“Recently, our youngest daughter got married, and didn’t have her father to walk her down the aisle.”

Cardiff Crown Court heard how Mr Bell and his colleagues had been carrying out resurfacing repairs on the section of Langstone Court Road that runs beneath the M4 motorway. At the time of the incident a Newport City Council team leader and the four highway operatives were working on foot and authorised to be on the site.

An investigation by the Health and Safety Executive (HSE) found that the council did not take all reasonably practicable steps to organise a safe working environment by ensuring there was a suitable and sufficient safety zone between the road works area and the running lane (the live part of the carriageway), as well as securing the perimeter of the road works site against road workers entering the running lane.



Stephen Bell was working for Newport City Council when he was killed

Mrs Bell added: “Since losing Stephen, my daughters have been a pillar of strength to me and I wouldn’t have made it through these dark days without them.

“I would also like to take this opportunity to thank our family and friends for their continued support.

“Nothing will bring my husband back and no matter what justice takes place, it will never be enough to compensate my family and I for what we have all lost.

“I just want to make sure nothing like this ever happens again so that no other families experience what we have experienced.

“I would like to close by taking this opportunity to thank HSE for their thorough investigation and for their support over the last four and half years.”

Newport City Council, Civic Centre, Godfrey Road, Newport, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and has been fined £2million and ordered to pay costs of £9,780.

Speaking after the hearing, HSE inspector Philip Nicolle said: “The council’s failures have had a devastating impact on Stephen Bell’s family.

“This tragic incident could so easily have been avoided if the council had simply carried out correct control measures and safe working practices.

“We will not hesitate to take action against those that fall below the required standards.

“Our thoughts remain with Mrs Bell and those who knew and loved Stephen.”

This prosecution was led by HSE enforcement lawyer Matt Reynolds.

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## **[Joinery firm fined for health and safety failings](#)**

A joinery firm in south east London has been fined £14,000 for health and safety failings, including putting its workers at risk of exposure to wood dust.

Sidcup-based DLD Joinery Limited was inspected by the Health and Safety Executive (HSE) in May 2022 as part of the workplace regulator’s Dust Kills



campaign, which targets woodworking businesses due to the significant health risks associated with wood dust.

During the inspection at the firm's site on Powerscroft Road, Footscray, the HSE inspector identified multiple failings related to control of exposure to wood dust, including excessive levels of settled dust around the site, as well as unguarded woodworking machinery and unclean toilets.





Some of the company's local exhaust ventilation (LEV) systems, which are used to extract wood dust at source during machining of wood, were damaged, and the arrangements to clean up residual wood dust not captured by these systems were ineffective.

The company had also failed to carry out repairs to its LEV systems recommended by external examiners four years previously to ensure they would extract wood dust more effectively. In addition, the employee toilets were extremely dirty and there was no system in place to ensure they were regularly cleaned. The company had been served with enforcement notices relating to its control of exposure to wood dust on two previous occasions, in 2009 and 2014.

Following the inspection in May 2022, the company was served with four Improvement Notices by HSE. However, the firm failed to comply with two of these notices, which related to face-fit testing for respiratory protective equipment and health surveillance for occupation asthma, by the deadlines set by the inspector.

Due to the number of issues identified, HSE opened an investigation into the company's failure to comply with Section 2(1) of the Health and Safety at Work etc Act 1974, as well as its failure to comply with the Improvement Notices.

HSE has guidance on working in the [woodworking industry](#) and is running the [Dust Kills: Wood Dust campaign page](#), which provides free advice to businesses and workers on the control measures required to prevent exposure

to dust.

DLD Joinery Limited, of Powerscroft Road, Footscray, Sidcup, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, as well as failing to comply with two Improvement Notices. The company was fined £14,000 and ordered to pay £5,092.62 in costs at the City of London Magistrates' Court on 14 December 2023.

HSE inspector Gordon Carson said: "This case sends out a clear message to the industry that HSE will prosecute when inspectors find serious health and safety failings, particularly when previous enforcement and advice has been provided.

"Exposure to wood dust causes various occupational lung diseases which can significantly affect the quality of people's lives, and in some cases result in premature death. HSE continues to target the woodworking industry and strongly urges businesses to consult its website for further information to ensure that control of exposure is managed, and their statutory duties are complied with."

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## [Leading textiles firm hit with £100,000 fine after worker loses hand](#)

A linen services company has been fined £100,000 after a man's hand had to be amputated.

Scott Drummond, from Rhyl, North Wales, suffered serious injuries to his hand after it became trapped in machinery at the laundry operated by Johnsons Textile Services Limited in Bumpers Lane, Chester, on 24 June 2021. The injuries were so serious that his hand was later surgically amputated above the wrist.

Guidance on [working safely with machinery](#) is available.

The 45-year-old had been investigating a fault on a large commercial dryer when he was caught by the machine. He had been working on a step ladder and as he lost his balance, reaching out to prevent a fall, resulting in his arm being crushed by the mechanism. He was left trapped and in extreme pain as he tried to call for help.

The moving parts of the dryer were unguarded, and although there was a one metre exclusion rule around the machine, this was vague and took no account of a person making an involuntary movement towards the danger area.

In a statement to the court, Mr Drummond said: "Health and safety shouldn't be about cost, it should be about keeping everyone safe.

"I should have been able to come home from work safely, but I was left with an injury that I'll have to manage for the rest of my life.

"I am making this statement in the hope that what has happened to me doesn't happen to anyone else."

An investigation by the Health and Safety Executive (HSE) found that Johnsons Textile Services Limited of Monks Way, Preston Brook, Cheshire, had not fully assessed the risks involved, had not provided suitable guarding, and failed to put in place an adequate safe system of work.

The company pleaded guilty to breaching regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £100,000 and was ordered to pay £10,741.69 costs at a hearing at Chester Magistrates on 11 December 2023.

After the hearing, HSE inspector Thomas Delroy said: "Scott's injuries are truly life changing. This serious incident and its devastating consequences could have been avoided if basic safeguards had been put in place.

"Here at HSE we would like to highlight that all employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

The prosecution was led by HSE enforcement lawyer Kate Harney.

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