

# HSE issues MoD with Crown Censure following death of military diver

The Ministry of Defence (MoD) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after a military diver died during training.

On 26 March 2018, 27-year-old Lance Corporal George Partridge was brought back to surface after he stopped responding to lifeline signals while he was underwater. He was sadly pronounced dead after CPR was performed. He had been on a training course at the National Diving and Activity Centre in Chepstow. Lance Corporal Partridge and his dive buddy were tasked with attaching a distance line from the base of a shot line to the underwater wreck of a helicopter at a depth of 27m. When he was recovered his cylinders were found to be empty.

HSE served two Crown Improvement Notices relating to the failure to train all army divers how to undertake air endurance calculations and to assess the risk of a diver running out of air.

Julian Turvey, a HSE inspector who specialises in diving, said:

“This was a tragedy for all concerned however just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as they properly can. The scenario of a diver running out of air is a very real risk that needs to be managed.”

Today, at Whale Island, by accepting the Crown Censure, the MoD admitted breaching its duty under Section 2(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 all its employees, including George Partridge, in relation to the risks associated with diving exercises.

## **Notes to Editors:**

1. The breach of law the Censure is being issued over is: Section 2(1) of the Health and Safety at Work etc. Act 1974, which states that: *“It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”*.
2. The MoD cannot face prosecution in the same way as non-Government bodies and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown Censure, but once accepted is an official record of a failing to meet the standards set out in law.
3. More information on Crown Censures can be found here:

<http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm> <sup>[1]</sup>

4. The [Code for Crown Prosecutors](#) <sup>[2]</sup> sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its [enforcement policy statement](#) <sup>[3]</sup>.

The post [HSE issues MoD with Crown Censure following death of military diver](#) appeared first on [HSE Media Centre](#).

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## [Facilities management company fined after an employee was crushed](#)

Facilities management company, Totally Local Company Ltd, has been fined after an employee suffered serious injuries when they were crushed between a ride-on-roller and shipping container during footpath improvement works.

Manchester Magistrates' Court heard how, on Friday 30<sup>th</sup> November 2018, an employee of Totally Local Company Ltd was seriously injured when a ride-on roller, driven by another employee, reversed into him as he was attempting to lock up a vehicle container. He was crushed between the vehicle and the container, that was there to support construction work at Abney Hall Country Park, Stockport, and suffered a collapsed lung and various broken bones requiring multiple surgeries.

An investigation by the Health & Safety Executive (HSE) into the incident found that the company had no traffic management plan in place. The traffic routes used were unsuitable and vehicles were not adequately separated from pedestrians, posing risk to both workers and the general public due to the park remaining open.

Totally Local Company Ltd of Oakhurst Drive, Stockport pleaded guilty to breaching sections 2 & 3 of The Health and Safety at Work Act etc 1974. The company was fined £200,000 and ordered to pay costs of £8,367.36.

After the investigation, HSE inspector Rebecca Hamer said: "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."

## 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>

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## [Car business owner sentenced for breaching health and safety law by putting employees and tenants in danger](#)

A mechanic and landlord based in Kent has been sentenced after refusing to comply with enforcement notices issued by the Health and Safety Executive (HSE) and Kent Fire and Rescue Service to protect workers and tenants from injury.

HSE inspectors were involved in a multi-agency intervention at the premises in September 2017 to protect vulnerable workers, tenants and the surrounding community.

HSE received concerns that workers were accessing the dangerous unguarded flat roof of The Convent of Mercy in Swanley. The premises were being used to store car parts for Smartworld; a car repair and sales business owned by Mustafa Kemal Mustafa. Mr Mustafa was also the landlord of The Convent, a house of multiple occupancy (HMO).

HSE issued seven enforcement notices, covering unsafe working at height, dangerous electrical installations, flammable risks and machinery guarding.

Croydon Crown Court heard that Mr Mustafa deliberately ignored prohibition and improvement notices served by the HSE and continued to put himself, workers and members of the public at risk.

Mr Mustafa Kemal Mustafa, of Briar Lane, West Wickham, Bromley, pleaded guilty to non-compliance of notices breaching Section 21 and 22 of Health and Safety at Work Act 1974, breaching Section 4(2) of the Electricity at Work Regulations 1989; and breaching Section 6(3) of the Work at Height Regulations 2005. He has been disqualified as a director for six years, received two suspended custodial sentences, 300 hours unpaid work and ordered to pay £8,000 in costs.

Speaking after the hearing, HSE inspector Joanne Williams, said: "HSE is dedicated to ensuring that business owners and landlords operate within the law and provide safe accommodation for tenants and a safe place to work for employees.

"We do not tolerate disregard for health and safety and consider the non-compliance of HSE enforcement notices as a serious offence.

"In this case Mr Mustafa chose to flagrantly ignore the support, guidance and warnings from HSE to assist his compliance with the law and continued placing people at serious risk of injury or even death."

Inspector Williams added: "Wherever possible we continue to work with companies to improve health and safety. However, we will not hesitate to take enforcement action where necessary and prosecute individuals and businesses who ignore warnings and the law."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Guidance can be found on the HSE website  
<http://www.hse.gov.uk/gas/landlords/index.htm>  
<http://www.hse.gov.uk/work-at-height/index.htm>  
<http://www.hse.gov.uk/electricity/> <http://www.hse.gov.uk/pubns/hsc14.htm>
5. For Kent Fire and Rescue Service (KFRS) related offences, the court sentenced Mr Mustafa to an 11 month custodial sentence, suspended for two years. This is to run concurrently with the sentence for the HSE related offences, which was a 13 month custodial sentence, suspended for two years. In addition, he must serve 300 hours unpaid community service over 15 months, is disqualified from being a company director for six years, and must pay £3,000 costs to KFRS and £5,000 costs to the HSE.

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# Landscaping company fined after worker suffers head injuries

A company specialising in landscaping and garden machinery has been fined following an incident where a worker suffered head injuries on site at a school in Cromer, Norfolk.

Peterborough Magistrates' Court heard that, on 8 August 2018, Jeremy Buck suffered multiple fractures to the side of his face when his head became trapped between an excavator's bucket and a gate post. Mr Buck had been watching to ensure the machine did not hit the nearby fence when pushing soil but became trapped when he was facing away from the approaching excavator.

An investigation by the Health and Safety Executive (HSE) found that Garden Discount Centre Limited /trading as GDC Ltd, from St Olaves, Great Yarmouth, failed to assess the risks of the task and implement safety measures. Furthermore, no specific training for banking or operating excavators was given to employees, including the injured man and the excavator driver. Employees were not instructed on safe working practices with or near moving site plant.

Garden Discount Centre Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 was fined £20,000 and ordered to pay costs of £4,745.50.

Speaking after the hearing HSE inspector Kasia Urbaniak said: "This incident could so easily have been avoided by simply assessing the risks of the task at hand, implementing suitable safety measures and issuing relevant safety instructions to employees.

"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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## [Isle of Wight worker dies during demolition project](#)

Three construction companies have been fined after a worker suffered fatal injuries while demolishing a two-storey building in preparation for a development project.



Portsmouth Crown Court heard how David Shayler, an employee of Ryde Demolition Limited, was removing roof timbers by hand with a colleague, when a gable wall partially collapsed causing him to fall backwards striking his head against a stack of roof tiles.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred on the 13 October 2016, found that the work was inadequately planned and managed by all the duty holders involved in the project, the technique used to remove the roof timbers was done out of sequence, and the brick gable had been left unstable. In addition, inadequate provision was made to prevent falls from height, despite concerns raised by workers in the days leading up to the incident.

Ryde Demolition Ltd of St Johns Hill, Ryde have pleaded guilty to breaching two counts of Section 2(1) of the Health and Safety at Work Act 1974 and have been fined £80,000 and ordered to pay costs of £12,132.02.

HJ Bennett Ltd of Pyle Street, Newport have pleaded guilty to breaching two counts of Section 3(1) of the Health and Safety at Work Act 1974 and have been fined £120,000 and ordered to pay costs of £12,057.62.

Stoneham Construction Limited of St Johns Place, Newport have pleaded guilty to breaching Regulation 13(1) of the Construction (Design & Management)

Regulations 2015 and have been fined £56,667 and ordered to pay costs of £12,004.42.

Speaking after the case, HSE inspector Dominic Goacher said: "This was a tragic and wholly avoidable incident, caused by the companies' failure to implement safe systems of work."

"Demolition is a high-risk activity whose safe execution is complex and technical and where expertise is vital. The risk of unintended structural collapse is well known within the industry. Demolition requires careful planning and execution by contractors who are competent in the full range of demolition techniques."

"Falls from height remain one of the most common causes of work-related fatalities in this country, and the risks associated with working at height are well known. In this case the risks of structural collapse and falling from height were not controlled, which led to the preventable death of a father-of-two."

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about carrying demolition out safely can be found on HSE's website: <https://www.hse.gov.uk/construction/safetytopics/demolition.htm>

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