

# [Building contractor fined for asbestos failings at a domestic property construction project](#)

A company has been fined for failing to complete the correct asbestos survey at a domestic construction project.

Salisbury Magistrates' Court heard how, on 18 October 2017, there was a gas explosion at a flat at Market Place, Chippenham where construction work had been carried out to develop the property into flats.

Following the gas explosion, an investigation by the Health and Safety Executive (HSE) found Prestige EA Ltd failed to plan, manage and monitor construction work to prevent persons from being exposed to risks associated with asbestos. Prestige EA Ltd was contracted to advise and manage the development of the property into four flats above a retail unit. The wrong type of asbestos survey was carried out before the work so the work completed was not in compliance with the law.

The now liquidated Prestige EA Ltd of St James Court, St James Parade, Bristol pleaded guilty to breaching Section 3 of the Health and Safety at Work etc. Act 1974 and was fined £2,000 and must pay costs of £3,000.

Speaking at the hearing, HSE inspector Leo Diez said: "Duty holders must make sure construction work is properly planned, managed and monitored to ensure asbestos work is carried out in a safe manner to the required standard.

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations.

"HSE will not hesitate to take action against companies who disregard the law and place lives at risk.."

Roderick Standing was a senior manager at the now dissolved Longwood Building Ltd and was contracted by Prestige EA Ltd to carry out the construction work. Following a trial, Mr Standing was found not guilty of breaching Section 3 of the Health and Safety at Work etc. Act 1974.

## **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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## [Managing director receives suspended sentence after worker is burned in petrol tank explosion](#)

A managing director has received a suspended sentence after an employee suffered severe burns on a construction site in Swynecombe, Henley-on-Thames, Oxfordshire.

Milton Keynes Magistrates Court heard how managing director of MWJ Construction Ltd, Marcin Wojtas failed to take reasonably practicable precautions for the decommissioning of a petrol tank, which resulted in an explosion.

An investigation by the Health and Safety Executive (HSE) into the incident that occurred on 9 July 2018, found that the injured person and another operative were instructed by Mr Wojtas to use an angle grinder to remove the tank lid to speed up the decommissioning of the tank. While performing this task, the petrol vapours within the tank were ignited and an explosion occurred. The injured person sustained burns to 26 per cent of their body.

The investigation also found Mr Wojtas had been informed by an officer from the Petroleum Enforcing Authority that the work to decommission the fuel tank was a specialised operation and needed to be completed by a competent contractor. Neither operative had any of the training, experience or knowledge required to make them competent.

Marcin Wojtas of Hatfield Road, London pleaded guilty to breaching section 37 of the Health and Safety at Work etc. Act 1974. He was given a six month suspended sentence and ordered to pay total costs of £8,455.48.

Speaking after the hearing, HSE inspector David Tonge said: "The accident could have been prevented if the work was appropriately planned through an adequate risk assessment. Had this been the case, competent operatives would have conducted the work, the tank would have had its hazardous contents (petrol vapour and petrol) removed safely and equipment appropriate to use

around an explosive atmosphere would have been used.”

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. For HSE’s working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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## [Company fined after worker suffered serious facial injuries](#)

Manufacturing company, Acrivarn Ltd, was sentenced today for safety breaches after an employee using a 9-inch angle grinder suffered significant facial injuries when the cutting disc came into contact with his face.

Huddersfield Magistrates’ Court heard how, on 23 July 2019, the injured person had been assigned the task of dismantling a mezzanine spray booth steel structure in the assembly workshop. To cut through the thicker parts of the steel structure he was using a Bosch nine-inch angle grinder with a steel-cutting disc attached. This equipment requires two hands to operate it.

In order to cut the steel on the higher parts of the booth the employee was using a stepladder and had attached himself to the hook of an overhead crane with a fall restraint harness he was wearing.

When he was standing on the ladder, attempting to cut through a piece of angled steel beam, the grinder kicked back at him and the cutting disc made contact with his face.

The cutting disc caused a deep laceration under his chin, through into his mouth which required 52 stitches. Nerves in his face were damaged, which caused a loss of feeling and movement in his lips and chin. He narrowly escaped making contact with his jugular vein.

An investigation by the Health and Safety Executive (HSE) found that the employee had only used the nine-inch angle grinder on one other occasion during his employment with Acrivarn Ltd and had never used it when working at

height. At the time of the incident, Acrivarn Ltd had access to more appropriate oxyacetylene cutting equipment and trained operators of such equipment on site.

Acrivarn Ltd of South Park Mills, Hare Lane, Pudsey Leeds pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc. Act 1974. The company has been fined £24,000 and ordered to pay £1,412.24 in costs.

Speaking after the hearing, HSE inspector David Beaton said: "There was a significant risk of the angle grinder kicking back when cutting through the angled steel.

"Using the grinder at height affected the user's ability to resist kickback forces and placed him in a dangerous position.

"Working at height and demolition work needs to be properly planned, suitably and sufficiently assessed and the most appropriate equipment selected for the job."

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## [Builder fined after contractor suffers life-changing injuries in fall from roof](#)

A builder has been sentenced after a contractor fell eight metres from a roof at a site in Hove.

Brighton Magistrates Court heard how on the 28 June 2019, Mark Bucknall was working with another man to install rooflights to the flat roof of a loft conversion in Hove. To access the roof, they had to climb out of a window and

up the original tiled roof.

When returning inside the property, the worker slipped and fell landing in the concrete yard of the neighbouring property. He sustained multiple fractures to his spine and right leg, and a fractured left heel and wrist. He is still recovering from the injuries and it is unknown if he will regain mobility.

An investigation by the Health and Safety Executive found that the work was not properly planned. Earlier in the project, scaffold had been erected, but it was removed before the rooflights were delivered. No consideration was given to falling from the edge of the flat roof whilst installing the rooflights, or how they would safely access the roof.

Mark Bucknall of Holmes Avenue, Hove pleaded guilty to breaching Section 37 (1) of the Health and Safety at Work etc. Act 1974 and was fined £1,760, ordered to pay £2,000 costs and £170 victim surcharge.

Speaking after the hearing, HSE inspector Stephen Green, said “The worker’s injuries are life changing and he could have easily been killed. This serious incident and devastation could have been avoided if basic means to enable safe access and prevent falls, such as the scaffolding used earlier in the project, had been in place.”

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## **[Company fined after subcontractor falls from height](#)**

Solar panel company Blue Sun Energy Limited was sentenced today for safety breaches after a self-employed labourer fell through a rooflight.

Leeds Magistrates’ Court heard that on 13 December 2018, the 34-year-old, was

working on behalf of and under the control of Blue Sun Energy Ltd when he fell approximately 3.5 metres through an unmarked and unguarded fragile surface (rooflight) into the shed below.

An investigation by the Health and Safety Executive (HSE) found that the worker was undertaking snagging work relating to the installation of solar panels on the roof of a cowshed at Home Farm Gargrave, Skipton. He stepped onto one of the roof lights and fell through it. He suffered a traumatic brain injury, fractured shoulder and severe bruising. He has yet to return to work.

Blue Sun Energy Limited of Avenue Road, Queniborough, Leicester pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £38,019 and ordered to pay £1,071 in costs.

Speaking after the hearing, HSE inspector Ben Caines said: "Falls from height often result in life-changing or fatal injuries. In most cases, these incidents are needless and could be prevented by properly planning the work to ensure that effective preventative and protective measures are in place such as edge protection or coverings built to the correct standard.

"This incident could have easily been prevented if the company had installed adequate edge protection or covered the opening to prevent falls."

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