

# Port operator sentenced after worker seriously injured during loading operation

A Liverpool port operating company has been sentenced after a worker was struck by a load falling from two fork lift trucks (FLT) at the Port of Liverpool in Seaforth.

Liverpool Magistrates' Court heard that on 28 May 2015, three agency workers performing work for the Mersey Docks and Harbour Company were loading bundles of rebar onto HGV trailers for onward transfer. The injured employee was acting as banksman whilst his two colleagues were operating their FLT's as part of a tandem lift manoeuvre. During the loading procedure a single bundle of rebar weighing 1,924 kg, suspended on the forks of the two trucks, was struck by the reversing HGV's headboard causing it to fall onto the employee stood on the far side by the HGV's cab.





Following the incident, the operative sustained multiple fractures, lacerations, scarring and abrasion, ligament reconstruction to his left knee and has undergone four operations which resulted in the amputation of two toes of his left foot. He has been unable to return to work since the incident.

An investigation by the Health and Safety Executive (HSE) found no suitable risk assessment relating to the hazards arising from loading bundles of rebar onto reversing flatbed trailers had been carried out. The tandem FLT lifting operation was also not properly planned, supervised or carried out in a safe manner.

The Mersey Docks and Harbour Company Limited of Maritime Centre, Port of Liverpool pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £300,000 and ordered to pay costs of £7,593.55.

After the hearing HSE inspector Rohan Lye said: "Those in control of work have a responsibility to ensure they provide safe methods of working and a safe working environment. If suitable controls had been in place the serious physical injuries sustained by this worker could easily have been prevented."

#### **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>

The post [Port operator sentenced after worker seriously injured during loading operation](#) appeared first on [HSE Media Centre](#).

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## [Fitter prosecuted for illegal gas work](#)

A gas fitter from Bolton has been sentenced after carrying out defective gas work whilst no longer being gas safe registered.

Bolton Crown Court heard how Anthony Lord, trading as Lord HBA, carried out work on gas fittings at two premises in Bolton, Gilnow Chippy and Hamzah Sweets & Bakers, between 1 and 28 March 2017. A Gas Safe inspector visited Gilnow Chippy on 7 July 2017 and detected a gas escape which he identified as immediately dangerous as well as numerous faults on ventilation and extraction systems that were deemed “at risk.”





An investigation by the Health and Safety Executive (HSE) found that Anthony Lord's gas safe registration had ended approximately 12 months prior to carrying out the work. The registration was not renewed resulting in him illegally carrying out the gas work. He had also continued to use his previous employer's registration details on gas inspection paperwork, which he was not entitled to use.

Mr Anthony Lord of Sevenoaks Drive, Bolton pleaded guilty to breaching Regulations 3(3), 3(7) and 5(3) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to a 10-month custodial sentence suspended for two years, 210 hours of unpaid work and 20 days of rehabilitation activity.

Speaking after the hearing, HSE inspector Ian Betley said: "Anthony Lord undertook gas work which he knew he was not registered to do and pretended to be Gas Safe registered. All gas work must be done by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life.

"HSE will not fail to take the appropriate enforcement action against those that fall below the required standards."

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  3. More information on gas health and safety can be found at <http://www.hse.gov.uk/gas/index.htm>
  4. HSE news releases are available at <http://press.hse.gov.uk>

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## [Agricultural company fined after employee seriously injured by machinery](#)

An agricultural company based in Hereford has been fined after an employee was seriously injured when working on a bio-chopper machine.

Telford Magistrates' Court heard that on 6 October 2017 an employee of the company sustained fractures to her left lower arm when she was pulled into the machine at the site on Homme Farm in Ross-on-Wye.

An investigation by the Health and Safety Executive (HSE) found that due to damage to the guard on the Bio-Chopper the company had devised a system of work which involved feeding a sheet of material into the machine. The machine was not adequately guarded, there was no safe system of work and no suitable training for the injured worker.

E C Drummond (Agriculture) Limited of Homme Farm, Ross-on-Wye, Herefordshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and has been fined £226,000 and ordered to pay costs of £11,564.10.

Speaking after the hearing, HSE inspector Steve Richardson said: "This injury could have been easily prevented, and the risk of injury should have been identified.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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## [Tree service company sentenced after employee suffers finger amputation](#)

Josh Noon Tree Services has been sentenced today after a worker suffered serious hand injuries when his hand was caught in a log splitting machine.

Exeter Magistrates' Court heard that on 29 December 2017, 33-year-old tree surgeon Darren Gillespie was working with another employee on the log splitting machine at the company's site at Lapford, Crediton.

Mr Gillespie was placing logs in the splitter and then removing the split logs and throwing them into the log store while another employee would operate the log splitter. His hand became trapped whilst working on the machine and when he pulled away he found his right-hand index finger had been completely severed along with the tip of the middle finger.

The court heard that even after surgery, Mr Gillespie still suffers from pain the incident has significantly impacted his ability to continue to work as a tree surgeon.

An investigation by the Health and Safety Executive (HSE) found that due to a lack of guarding or two-handed controls, the machine involved in the incident presented a foreseeable risk of serious injury to operators. The inclusion of a second person loading logs onto the splitter increased the likelihood that a serious injury would occur.

Joshua Mark Noon of Highfield Close, Lapford, Crediton, pleaded guilty to breaching Regulation 3(2) of the Health & Safety at Work etc Act 1974, he has been fined £3100 and ordered to pay costs of £6019.90.

Speaking after the hearing HSE inspector Paul Mannell said: "This incident could so easily have been avoided by simply carrying out correct control measures for machinery guarding and safe working practices.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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## [Director of waste company convicted](#)

The director of a waste management company has been ordered to carry out unpaid work after an employee was critically injured.

Poole Magistrates' Court heard that on 18 April 2017 Justin Tinsley, then aged 33, had only been employed by Mike Toon Ltd for a few weeks when he was trapped between a telehandler and a gate post at the company yard on Dawkins Road in Poole. Mike Toon Ltd processed and recycled builders' waste and soil at the yard.

Justin was struggling with a manoeuvre and the machine became stuck. With the engine running and the door blocked Justin climbed out through the window to allow Mr Toon to free the machine. However, the machine moved unexpectedly, and Justin was crushed between the machine and a gate post. Justin was unconscious in hospital for some weeks and has never fully recovered from his crush injuries.





An investigation by the Health and Safety Executive (HSE) found Justin was being trained to drive a telehandler by the company owner and director Michael Toon. The investigation found several serious long-term faults with the telehandler including some relating to braking.

Michael Toon of Bournemouth pleaded guilty breaching section 37 of the Health and Safety at Work etc Act 1974; that being a director of Michael Toon Ltd he failed to discharge his duty under section 2(1), the offence being committed with his consent or connivance or being attributable to his neglect. He was given a 120 hours unpaid work community order and ordered to contribute to costs of £1500.

HSE inspector Ian Smart said: "Michael Toon was well aware of the unsafe condition of the telehandler yet allowed it to be used by an inexperienced employee.

"HSE promotes safe-stop procedures where drivers should apply the parking brake and turn off the ignition before exiting any mobile machinery. Justin

could not do this as the telehandler was in such poor mechanical condition. The law requires mobile machinery to be in safe working order at all times. Maintenance is not optional. This accident could easily have been prevented.”

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