

MoD accepts Crown Censure over fatal diving incident

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 14 November 2018, 26-year-old Marine Benjamin McQueen was brought back to surface after he became separated from other divers. He was sadly pronounced dead after CPR was performed.

He had been involved in a maritime training exercise when the incident occurred in Portland Harbour.

HSE served two Crown Improvement Notices on 25 February 2019 relating to the failure to conduct suitable and sufficient risk assessments for the exercise. MoD rectified these issues by 12 March 2019.

Nick Deppe, an 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 becoming separated is a very real risk that needs to be managed."

By accepting the Crown Censure, the MoD has acknowledged that but for crown immunity, there was sufficient evidence to provide a realistic prospect of conviction for breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

Notes to Editors:

1. As a Government body, the MoD cannot face prosecution in the same way as private or commercial organisations this is known as Crown Immunity.
2. Section 2(1) of the Health and Safety at Work etc. Act 1974, 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*".
3. There is no financial penalty associated with a Crown Censure.
4. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm>^[1]
5. The [Code for Crown Prosecutors](#)^[2] 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](#)^[3].

The post [MoD accepts Crown Censure over fatal diving incident](#) appeared first on [HSE Media Centre](#).