

ROYAL COURT  
(Samedi Division)

213.

14th October, 1994

Before: The Deputy Bailiff, and  
Jurats Coutanche and Herbert

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The Attorney General

- v -

Leader Health Foods Ltd.

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1 infraction of the Health and Safety at Work (Jersey) Law, 1989: Article 21(1)(a).

**PLEA:** Facts admitted.

**DETAILS OF OFFENCE:**

Company charged with making premises available for work by non-employees when the premises contained unsafe plant. A top cover was missing from a drinks refrigerator so that live electrical wiring was exposed. A sub-contractor's labourer suffered a severe electric shock when he tried to move the appliance. Deep burn to index finger right hand. Surgical procedures under local anaesthetic. Continuing need for physiotherapy. Some loss of flexion in the finger, possibly permanent.

**DETAILS OF MITIGATION:**

Good safety record. Resolve for improved procedures in the future. Unable to identify a reason for the absence of the cover, possibility that it had only recently been removed without the company's authorisation.

**PREVIOUS CONVICTIONS:**

One under hygiene law. Disregarded.

**CONCLUSIONS:** £2,000 plus £250 costs.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions granted. The statute places a premium upon the protection of employees. Conclusions appropriate.

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C.E. Whelan, Esq., Crown Advocate.  
Advocate J.C. Gollop for the Defendant Company.

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JUDGMENT

5 THE DEPUTY BAILIFF: We are going to grant the conclusions. The  
Electricity at Work (Jersey) Regulations, 1983, were passed with  
the purpose of safeguarding the interests of employees and it  
ought, we think, to have been possible for the defendant company  
10 to carry out occasional inspections or, in any event, to acquaint  
itself with the fact that this cover had been removed from the top  
of the appliance. It is clear from the report from the Jersey  
Electricity Company that the cover had been absent from its proper  
position for some time and the result of that was to cause a  
considerable danger to any employee who placed his hand in the  
vicinity of the live terminals. It is fortunate that the employee  
concerned in this case did not suffer more serious injury than in  
fact was the case.

15 We take into account in mitigation, as Mr. Gollop has  
properly said, that this is a company with an otherwise good  
safety record and in respect of which there is no known failure  
under these Regulations, but even taking account of those  
mitigating factors, we think that the conclusions moved for by the  
20 Crown Advocate are right and proper. We therefore impose a fine  
of £2,000 and we order the company to pay costs of £250.

Authorities

R. -v- Sanyo (UK) Ltd (1992) 13 Cr.App.R.(S.) 657.

A.G. -v- Tilbury Douglas Ltd (14th August, 1992) Jersey  
Unreported.