

6th September, 1985.

A.G. -v- Arningdon (C.I.) Limited

BAILIFF: "The Court accepts that there is a very high responsibility on employers to see that safety is observed in every building operation, but that high degree of responsibility required by the regulations is essential to prevent accidents which can so often be, if not fatal, at least certain to cause lasting physical disability and therefore the Court has always taken the serious view whilst appreciating that it does impose a very heavy responsibility on employers however conscientious they are and we have no reason to think that the company in this case is not a conscientious employer. When we looked at the individual charges - so far as charge 1 is concerned, we grant the conclusions of £100. So far as charge 2 is concerned, which is the lack of guard rails and toe-boards, we do take into account the fact that on this occasion this particular part of the scaffolding at first floor level was not being worked upon and we accept had not been worked upon during the previous two days and the fact that the victim went on to this particular scaffold at all - was certainly, we accept as a result of a curious series of accidents, but at the same time of course, as long as scaffolding is up and as long as there is a possibility of anybody going on scaffolding for any time, they must be properly guarded, therefore, there must be a fine imposed but in view of the rather unusual circumstances we have decided that we can properly reduce the fine asked for from £300 to £200. As regards charge 3 of the ladder, I have no hesitation in granting the conclusions and as regards charge 4 we have considered the position carefully particularly as this is the first charge of this type but we are going to grant the conclusions because we think it is in no way difficult to provide enough crawling boards or whatever on the roof and there are a number of accidents where

people fall through roofs and we think it very important, by our decision to make it quite clear that there must be enough crawling boards and other safeguards on the roof for people to be able to use and we think it highly likely - although one cannot be certain - highly likely that if there had been enough boards on this occasion as there should have been that the accident probably would not have happened - we cannot be certain that that is so but we think it very likely indeed and as the Solicitor General said we think really it is fortunate that the victim was not killed on this occasion. So we think that the fine asked for on charge 4 is not in any way excessive and therefore we impose fines totalling £900 and we think that costs of £200 is reasonable.