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ROYAL COURT

98.

5th June, 1992

**Before: The Hon. J.A.G Coutanche, Lieutenant Bailiff,  
and Jurats Blampied and Rumfitt**

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**The Attorney General**

- v -

**Mark Amy Limited**

**and**

**SGB (Channel Islands) Limited**

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**1 charge each of an Infraction of Article 21(1)(A) of the Health and  
Safety at Work (Jersey) Law, 1984.**

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**PLEA:**

Facts admitted.

**DETAILS OF OFFENCE:**

Benford paddle mixer used without safety lock device. Man injured hand. SGB failed to pass on improved safety device or, as a result, to notice that the machine which they had hired out did not have safety device. Mark Amy used machine without checking that safety device was effective.

**DETAILS OF MITIGATION:**

SGB was a good company - Benford put out misleading handbook - fine too high - prosecution case as outlined is not consistent with charge.

Mark Amy assumed machine not defective and had hired machine from a reputable hire firm.

**PREVIOUS CONVICTIONS:**

SGB had several offences including major offence re scaffolding.

**CONCLUSIONS:**

SGB: fine £3,000 plus £250 costs.  
Mark Amy: fine £2,000 plus £250 costs.

**REMARKS:**

Appeal subsequently lodged.

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M.C. St. Birt, Esq., Crown Advocate.  
Advocate R.J. Michel for Mark Amy Limited.  
Advocate P. de C. Mourant for SGB  
(Channel Islands) Limited.

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**JUDGMENT**

**LIEUTENANT BAILIFF:** The Court is unanimous. The standard of law is very strict and there was a very serious accident, which luckily was not fatal. SGB (Channel Islands) Limited received, by recorded delivery, a service information bulletin (No. 5141) and marked "Priority A" for essential action, with a request that it be supplied to the customers. This was a recorded delivery in April, 1991. SGB hired the machine to Mark Amy Limited without informing them of this information. The Court also noted that the machine was in a defective condition.

Regarding Mark Amy Limited we note that there was a failure of supervision; they have a high responsibility to ensure the safety of their employees. We have, however, noted the excellent safety record of Mark Amy Limited over the past 25 years.

The Court grants the conclusions and SGB (Channel Islands) Limited are fined £3,000 with £250 costs, and Mark Amy Limited are fined £2,000 with £250 costs.

No authorities.