

**ROYAL COURT**

10th July, 1992

124

**Before: The Bailiff, and  
Jurats Vint and Rumfitt**

---

**H.M. Attorney General**

**- v -**

**George Joseph Tindall**

**and**

**Unicorn Plasterers Limited**

---

**1 charge each of contravening Article 21(1) (a) of the  
Health and Safety at Work (Jersey) Law, 1989.**

---

**Tindall**

**AGE: 32.**

**PLEA: Guilty.**

**DETAILS OF OFFENCE:**

As managing Director of Unicorn Plastering Limited made available a Benford concrete mixer which did not have a key exchange safety interlock system. Notice of the defect had been drawn to Mr. Tindall's attention by public a warning in the Jersey Gazette, by a message left with an employee on site and by letter sent to him by the Security Department, all prior to the incident in which a worker on site had his hand trapped for twenty minute machine in question.

**DETAILS OF MITIGATION:**

Severe financial circumstances. Company facing bankruptcy in recession. Following Social Security warning it had been taken out of service and was put back in service as an unexpected emergency.

**PREVIOUS CONVICTIONS:**

None relevant.

**CONCLUSIONS:**

£4,000 fine and £250 costs.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

£2,500 fine or four months' imprisonment plus £250 costs.

**Unicorn Plasterers Limited**

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

See Tindall.

**DETAILS OF MITIGATION:**

Company was essentially bankrupt.

**PREVIOUS CONVICTIONS:**

None.

**CONCLUSIONS:**

£50 fine and £250 costs joint and severally.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions granted.

---

**W.J. Bailhache, Esq., Crown Advocate.**  
**Advocate N.F Journeaux for both accused.**

---

**JUDGMENT**

**THE BAILIFF:** The Court has accepted, first that Mr. Tindall - and for the purposes of this action the company is Mr. Tindall - took the

defective machinery out of operation the moment he was alerted by the Department that it was dangerous.

The Court has also accepted that he foolishly succumbed to a temptation, under pressure, to bring that dangerous machine back into operation for a short time and equally foolishly, allowed an inexperienced man to work it.

However, the Court is mindful of the level of fines imposed in March on SGB, who had a bad record, we are told. Mr. Tindall, for the purposes of this prosecution, does not have any relevant previous convictions.

It is wrong for employers to disregard the obligations which they have towards their employees to provide, as far as reasonably possible, safe machinery and method of working. The fact that we are going to reduce the conclusions somewhat from those asked for by the Crown Advocate should not be taken as an indication that this Court regards breaches of the law in respect of safety of machinery and the workers who use it as a light matter.

Having regard to Mr. Journeaux's submissions and taking into account all the circumstances, the Court is of the opinion that the company should be fined £50 and Mr. Tindall £2,500, or in default, four months' imprisonment, and an order of £250 jointly and severally for costs.

**Authorities**

AG -v- Mark Amy Limited and SGB (Channel Islands) Limited (5th  
June, 1992) Jersey Unreported.