

HSE – AGRICULTURE PROSECUTIONS

The following prosecutions were taken successfully by HSE during the period 1 April 2004 and 31 March 2005.

1. *Wales:* A farmer was prosecuted under HSW for failing to comply with a Court Order and enforcement notice requiring him to erect a fence around his farm/bordering land to prevent animals from straying. Fined £3,500. Farmer currently serving 12 months imprisonment for failure to pay fines from previous cases.
2. *Wales:* The director of a farming partnership was prosecuted under HSW following an accident to an eight years old child who suffered serious injuries when he was crushed under the wheels of a reversing forklift truck (FLT). The boy fell from the moving machine and was run over. Fined £17,500.
3. *Wales:* A contractor was prosecuted under COPR for failing to notify relevant authorities and members of the public of his intention to aerial spray bracken. Fined £5,000.
4. *South West:* A contractor was prosecuted under LOLER and PUWER when a Mobile Elevated Work Platform (MEWP) overturned with two workers inside while being used to access a row of trees. The investigation revealed that one of the outriggers was not extended causing it to be unstable. The contractor had not carried out an examination of the equipment. Fined £1,000.
5. *East & South East:* A farmer and employee were both prosecuted under HSW for failing to ensure a safe system of work. An employee was seen lifting another farm worker in the grain bucket of a telescopic materials handler without suitable edge protection. The employee, a trained forklift truck operator, was aware a cage was available for this purpose. Fined £600.
6. *East & South East:* A farming company were prosecuted under PUWER and MHSW following an accident to an employee whose arm was caught and pulled into the moving part of a conveyor belt. The company failed to guard the conveyor and had not carried out a risk assessment. Fined £4,000.
7. *East & South East:* A farming company were prosecuted under MHSW for failing to carry out a risk assessment for workers using quad bikes. Several farm employees used quad bike without training or helmets. Fined £2,000.
8. *East & South East:* A horse sanctuary were prosecuted under HSW following an accident to an employee who was trapped underneath a large bale of straw which fell from an unstable, incorrectly built stack. If a nearby pallet of feed had not stopped the bale landing directly on her head, the accident could easily have been fatal. The employer had failed to train, instruct and monitor employees in the stacking of bales. Fined £6,000.
9. *East & South East:* A farming company were prosecuted under HSW and MHSW following an accident to a young person who was run over by a forklift truck that was being driven by an untrained and unauthorised person. He was riding on the side of the truck when he fell off and the FLT ran over his leg. Fined £7,000.
10. *East & South East:* A Director of a farming business was prosecuted under HSW following two accidents to employees. One employee suffered an eye injury when struck in the face by a nail from a pneumatic nail gun. The other employee lost a finger on a cross cut saw. The Director had failed to prevent access to dangerous parts of machines and had failed to ensure proper training, supervision and instructions had been provided to employees. Fined £7,500.

11. *East & South East:* A farming company were prosecuted under HSW following a fatal accident to an employee who was crushed when a forklift truck overturned. She was standing to the side of the FLT, which was being driven by an untrained, unauthorised employee – both employees were young students. The vehicle fell onto its side crushing her between the vehicle and floor. Fined £20,000.
12. *East & South East:* Two farming partners were prosecuted under COPR for failing to store pesticides. During an inspector's visit, a number of pesticide containers were found around the farm. Fined £1,800 in total.
13. *East & South East:* A farming company were prosecuted under PUWER for failing to maintain a power take-off (PTO) shaft guard, allowing easy access to the rotating shaft. An inspector saw two unguarded PTO-driven machines in use as well as a trailed appliance which had defective brakes. Fined £3,500.
14. *East & South East:* A contracting company were prosecuted under HSW and MHSW following a fatal accident to an employee who was crushed when a ride-on lawn mower overturned. The mower overturned while he was driving up a steep slope, landing on top of him. The company had failed to ensure the safety of their employee and had failed to carry out a suitable risk assessment. Fined £17,500.
15. *Midlands:* A farming company were prosecuted under MHSW and PUWER following an accident to an employee who was injured by a tractor driven circular saw. The company had failed to assess the risks of the work and prevent access to dangerous parts of the saw. Fined £1,500.
16. *Midlands:* A horticulture company were prosecuted under HSW and MHSW when employees and gang workers, involved in labelling broccoli, were exposed to carbon monoxide produced by a gas powered forklift truck operating in an enclosed cold store. The workers health was put at risk by the exposures, three of whom were admitted to hospital. Fined £13,000.
17. *Midlands:* A partner in a farming business was prosecuted under PUWER following an accident to a retired casual worker whose arm was drawn into a potato harvester. As he reached across an unguarded part of the machine to retrieve a potato his arm was drawn-in up to the elbow, breaking his fingers and forearm and removing a section of muscle from the top of his forearm. Fined £5,000.
18. *Midlands:* A machinery supplier and farmer were prosecuted under PUWER following an accident to an employee who was entangled on a potato machine whilst clearing a blockage. The machine was unguarded at the time of the accident and was put back into use the following day. The farm had a history of accidents on similar machines and the supplier had failed to provide a guard to dangerous parts of the machine. Total fine £9,000.
19. *Midlands:* A poultry company were prosecuted under MHSW and WHSW following an accident to an employee who fell through a roof after walking on plywood sheets, which had been used to replace roof vents. The sheets, which could be seen from below but not above due to roof covering, had deteriorated due to damp. The employee suffered fractured ribs when he fell to the concrete floor below. Fined £2,700.
20. *Yorkshire & North East:* A contracting company were prosecuted under PUWER following an accident to an employee who trapped his hand in a belt and pulley drive system on a mobile feed mixer. The company failed to guard access to dangerous parts of the machine. Fined £2,500.

21. *Yorkshire & North East:* A farmer was prosecuted following an accident to an employee who suffered multiple fractures and chest injuries when a vintage tractor overturned on top of him. While moving the tractor between two farm buildings, he could not stop and drove over a raised part of the farmyard. Fined £1,000.
22. *Yorkshire & North East:* A farmer was prosecuted following an accident to an employee who was seriously injured when a trench collapsed while he was working inside excavating a field drain. Reasonable and practical precautions to prevent the collapse had not been taken. Fined £2,000.
23. *Yorkshire & North East:* A farming company were prosecuted under HSW following an accident to an employee who fell from a potato box which was being used as a work platform on the forks of a raised FLT. The box toppled from the forks landing on the employee fracturing his legs and pelvis. The unsafe practice had been used over a long period, despite a safety cage being available on site. Fined £1,500.
24. *Scotland:* A farming company were prosecuted under PUWER following an accident to an employee who was injured when the wall of a loading bay collapsed, striking him on the leg. Fined £1,000.
25. *Scotland:* A farm contracting company were prosecuted under HSW following an accident to an employee who was injured when struck by the access steps of an airseeder. The machine, which had been subject to modifications, was dropped from its raised to operating position by the release of a hydraulic valve. As it dropped, the employee was struck by the access ladders and suffered severe facial trauma, including the loss of an eye. Fined £4,000.
26. *Scotland:* A fish farming company were prosecuted under HSW for; failing to provide a safe system of work for employees working on a floating fish cage at sea, failing to ensure that life jackets were maintained in good working order and for failing to provide employees with information, instruction and training in maintaining their life jackets. Fined £8,000.
27. *Scotland:* A farming company were prosecuted under CHSW following an accident to an employee who he fell through a fragile roof onto a concrete floor while removing fixings on damaged roof sheets. The employer knew the dangers but ignored their own risk assessment which stated crawling boards should be used. Fined £1,500

KEY:

CHSW = Construction Health Safety at Work Regulations 1996

COPR = The Control of Pesticides Regulations 1986

HSW = Health and Safety at Work etc. Act 1974

LOLER = Lifting Operations and Lifting Equipment Regulations 1998

MHSW = Management of Health and Safety at Work Regulations 1992

PUWER = Provision and Use of Work Equipment Regulations 1998