



# Health and safety offences and penalties

a report by the Health and Safety Executive

including a list of all health and safety offenders convicted between 1 April 1999 and 31 March 2000, following investigations by HSE

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## FOREWORD

It is our job in HSE to help ensure that businesses fulfill their duties to employees, other workers, and members of the public. Prosecuting under health and safety law is an essential part of that process, though by no means the only method of improving health and safety standards.

The price of employers and other duty holders failing to comply with health and safety requirements may be serious injury or chronic ill health and sometimes death. In 1999/2000, 216 employees and self-employed people and 163 members of the public were killed in work-related accidents ( these figures exclude 277 deaths of suicides and trespassers.) Many of these deaths were preventable. This toll of pain and suffering is completely unacceptable, and the total economic cost of up to £18 billion a year of failing to manage health and safety in Great Britain is a quite absurd waste. Successful prosecution, coupled with penalties that properly reflect the gravity of health and safety offences, is an important lever in helping to achieve the Government's and the Health and Safety Commission's targets for reducing the toll of work-related injury and ill health, set out in the Strategy Statement on Revitalising Health and Safety.

As the Lord Chancellor has said, sentencing has six traditionally recognised objectives: punishment and retribution; reparation; protection of the public; a deterrent; response to proper public concern; and rehabilitation. At the end of the chain of regulation, guidance, advice and enforcement, the sentences imposed by the courts send important messages to people in this country. Sentences show what should not and cannot be tolerated in society.

I welcome the Government's intention to legislate, when there is an opportunity, to raise maximum penalties for health and safety offences, including making imprisonment available for most offences. This will better recognise the potential seriousness of health and safety offences and make it easier for the courts to reflect this in sentencing.

I recognise that a conviction is for many duty holders a devastating experience, especially if it stains a previously conviction free record. In naming publicly the employers and others, and individuals who have failed in their duty to protect people's health and safety, we must not lose sight of the huge number of duty holders who strive for good practice. Duty holders generally may look to those recognised in the Health and Safety Week Awards, and award schemes offered by other organisations such as RoSPA, the British Safety Council, and some trade associations, for examples of firms who are striving to protect health and safety as part of their success.

This is the first separate HSE report on health and safety offences and penalties, and it supplements the Health and Safety Commission's 1999/2000 Annual Report. Our report names all those duty holders and individuals who have been convicted in the last twelve months of health and safety offences in Great Britain following investigation by HSE inspectors.

Together with HSE and Local Authorities Enforcement Liaison Committee (HELA), we plan to publish similar information about convictions in local authority health and safety cases from 2000/2001.

Our report is designed to help would-be customers of companies, and contractors, investors, employees, or insurers, to find out about convictions and create pressure for health and safety improvements. All are stakeholders who should take a close interest in the health and safety record of those with whom they deal. Our report may also help duty holders generally to reflect on areas of their own work where they risk failing to comply with the law.

Also included here is information about the numbers of improvement and prohibition notices, and overall figures on prosecution activity. We also give our analysis of the patterns which emerge.

We see no reason why society should tolerate any general approach to managing or regulating health and safety at work which assumes that 'accidents will happen', or that a big business will inevitably fail in its health and safety safeguards once every so often. Directors - including, as a matter of good practice, directors with specific responsibility for health and safety - should set the companies they run ambitious targets for nil dangerous incidents, nil injuries or harm, and for continuous health and safety improvement as a means to ensure that they comply with the law. Such targets *can* be achieved, and have much wider benefits to business when they are.

Inspectors may use a wide range of means to secure necessary changes to make sure businesses comply with the law. They may give information and advice, or give warnings or cautions. They may take formal enforcement action - issue improvement and prohibition notices - and they may prosecute. The Commission's published enforcement policy statement requires enforcement action to be proportionate to the seriousness of the breach. All cases which come before the courts therefore involve particularly serious failures to safeguard health and safety. In some cases, businesses who are convicted will have compounded their offence by failure to take notice of earlier advice and warnings. The Lord Chancellor has said that someone injured by a breach of the Health and Safety at Work Act 1974 is no less a victim than someone who is assaulted. HSE has that firmly in mind: we hope business will too.

**Jenny Bacon**

## **INTRODUCTION**

### **This report**

There are several reasons why people may wish to know about a duty holder's health and safety record, in particular where a court has found them guilty of an offence. For example, main contractors who are properly concerned to comply with the law and to provide a quality service overall will want to know about the health and safety management record of businesses who submit tenders. Insurers should be able to consider the health and safety record of a business before setting premiums for compulsory employers liability insurance. Investors may want to consider all aspects of a businesses management competence before putting money into it. In particular, investors who take account of ethical criteria may well want to know about a business's compliance with health and safety law. People seeking work may also want to be aware of a possible employer's health and safety convictions.

That is why we think it particularly important to publish in this report a list of convicted duty holders. The list includes individual duty holders.

HSE is committed to giving easy access to publicly available information about reportable accidents and cases of ill health, and about enforcement, in particular the issuing of improvement and prohibition notices, and convictions. We make information available publicly in line with the Code of Practice on Access to Government Information, the Environmental Information Regulations 1992, and within the restrictions on disclosure and for the purposes set out in the Health and Safety at Work etc Act 1974, and the Data Protection Act 1998.

This report provides information about health and safety convictions which is included in the HSE public registers of convictions. These may be consulted at HSE local offices. Starting in late October 2000, the public register is being maintained in the form of a database on HSE's website, including information from 1 April 1999 onwards.

This first report on offences and penalties represents work in progress. It may not yet be perfect and we are very happy to consider suggestions for further improvements.

This report should be considered in the light of the database which contains more information about convictions than we could hope to issue in a published form. Enquirers will be able to use this facility to interrogate the data on proceedings against particular defendants, and the individual charges against them in a variety of ways. For example, the database may be searched by geographical area, industry, and level of fine. Those who use the database will be able to produce lists of convictions tailored to their needs.

Certain information about each improvement or prohibition notice issued by HSE is available at HSE local offices. A database on improvement and prohibition notices is

being developed as a further step in making enforcement information readily available on the HSE website.

## **Sentencing**

It is the job of the prosecutor to present to the court evidence to prove that an offence has been committed and to point to the circumstances which show the seriousness of the alleged offence, including any aggravating factors. The decision about any penalties imposed is, within the limits laid down by Parliament, entirely at the discretion of the court.

In England and Wales, some of the offences listed have been tried or sentenced in a Crown Court. The Court of Appeal has said that magistrates should always think carefully before accepting jurisdiction in health and safety at work cases, where it is arguable that the appropriate fine may be greater than they have the power to impose, or where death or serious injury has resulted from the offence. HSE inspectors or lawyers representing HSE make representations to magistrates in cases where the circumstances point to an alleged offence serious enough to warrant a Crown Court trial, or following a guilty plea heard in the Magistrates' Court, Crown Court sentencing. In Scotland it would fall to the Procurator Fiscal to draw the court's attention to the seriousness of any offence and the need for appropriate penalties.

Only the courts may give guidance on matters of sentencing. In England and Wales, the Court of Appeal guidance given in November 1998 (*R v F. Howe and Son (Engineers) Ltd*) was an important step forward. The Court said straightforwardly that health and safety fines being imposed by the courts were too low. We consider below what progress has been made since *R v Howe* towards fines which truly reflect the seriousness of health and safety offences. We also welcome the Magistrates' Association decision to include in its latest Sentencing Guidelines information relevant to sentencing in health and safety cases. Such information seems all the more valuable as magistrates will inevitably hear many fewer health and safety cases than general criminal cases.

This report lists all individual charges laid against duty holders which led to a conviction, and the fines imposed.

The level of a fine will reflect a number of factors, including the seriousness of the offence, any aggravating or mitigating factors, and the offender's ability to pay, which the courts must take into account. We therefore offer a straightforward alphabetical listing.

## ENFORCEMENT ACTIVITY 1999/2000

During 1999/2000 HSE continued to devote as much of inspectors' time as possible to front-line work in promoting improved health and safety through contacts with employers, manufacturers, suppliers and other duty-holders, trade associations, and with employee safety representatives.

The purpose of enforcement is threefold. The first is to deal with immediate risk. The second is to achieve compliance with relevant statutory provisions. The final purpose is to ensure sustained compliance with the law.

Inspectors continue to find that giving information, advice and guidance is often enough to ensure compliance with health and safety law. However, formal enforcement action has an important place in making sure priority is given to putting right serious problems. This is reflected in the further increase to 6954 in the number of improvement notices issued during 1999/2000 (**Table 1**). This was 9% up on the previous year which in turn was a 44% increase on the year before.

When inspectors find serious breaches, prosecution is often the only proportionate response. HSE decisions whether to prosecute are taken in accordance with the Health and Safety Commission (HSC) enforcement policy statement and have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors.

In Scotland the Procurator Fiscal decides whether to bring a prosecution. This may be on the basis of a recommendation by an enforcing authority, although the Procurator Fiscal may investigate the circumstances and institute proceedings independently of an enforcing authority. The overall figures for prosecutions for Great Britain (GB) given in this report include proceedings by the Procurator Fiscal.

### Prosecutions and convictions

**Tables 2, 3 and 4** show separately for England, Wales, and Scotland the numbers of improvement and prohibition notices issued over the last few years, and the number and outcome of prosecutions.

In 1999/2000, HSE prosecuted in 1133 cases against duty-holders (**Table 1**). These cases involved a total of 2253 individual charges. The figures for 1999/2000 are provisional. Up-to-date information for convictions will be available on the HSE website from late October 2000. The number of cases was 9% higher than the previous year, and the number of individual charges 28% higher.

The increases in use of improvement and prohibition notices, and in prosecutions, stem in part from HSE's continuing work to ensure that decisions on enforcement are fully in accordance with the HSC's published enforcement policy statement.

The HSC policy stresses that action by enforcing authorities to achieve compliance should be:



- proportionate to any risks to health and safety and to the seriousness of any breach;
- targeted primarily on those whose activities give rise to the most serious risks or where hazards are least well controlled;
- consistent; and
- transparent.

As part of HSE's developing quality assurance policy and arrangements, HSE has introduced an Enforcement Statement setting out how HSE manages enforcement in line with the Commission's Policy Statement and how it meets its continuing aim to secure compliance with the law. As a further step in this process, an Enforcement Management Model (EMM) is in the late stages of being developed. The EMM establishes a framework to assist inspectors make informed enforcement decisions proportionate to the risks or seriousness of any breach. These measures will also help ensure consistency in HSE enforcement decisions. The EMM has been applied systematically by inspectors since February 2000 to ensure that the framework is fit for purpose. After 14 months of trial use, the EMM will be fully implemented from April 2001.

All the cases which HSE brings to court involve serious breaches of the law which have the potential to cause injury, ill-health or death, or have caused actual harm. The decision about what penalty, if any, to impose on conviction is of course a matter for the courts to decide, but the following examples may help to illustrate the seriousness of the offences we are talking about and the level of fines the courts have considered appropriate.

- A farmer was prosecuted under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992 following a fatal accident to an employee who was struck by the rotating tine bars of a hay tedder. The deceased had disengaged the power take-off shaft (PTO) control mechanism to carry out adjustments. The drive was inadvertently re-engaged due to defective controls, causing fatal injuries to the employee. In addition to the defective controls, investigation revealed that no stand-off guards were provided at the rotating tines and that the PTO shaft was not properly guarded. The Magistrates' Court fined the farmer £1250.
- An employer breached asbestos regulations by failing to adequately suppress asbestos fibres during removal, and by failing to prevent the spread of asbestos. This was found leaking in a dangerous way from the controlled stripping enclosure, due to power washing of residue from dry stripping. Inspectors had given specific instructions on correct working methods several times previously. The Crown Court judge said the company fell below the standards required of it. The company was fined a total of £120 000 plus £7000 in costs.
- Two former directors and their former company were convicted of offences which involved illegally employing children in a factory and breaching asbestos regulations by exposing them to asbestos while they worked

stripping ceiling tiles. The judge was severely critical of individuals who purported to have knowledge of asbestos removal, had been asbestos licence holders previously, and yet were prepared to by-pass the regulations to support a lifestyle that was beyond their normal means. The directors were sentenced to 240 hours and 120 hours of community service respectively and ordered to pay £4 000 and £2000 in costs.

- An employer was found guilty of breaching health and safety law by failing to maintain a hot water boiler which exploded, fatally injuring two people, an employee and a contractor. An engineer employed by an insurance company was also convicted, of failing to carry out an examination of a boiler pressure relief valve. The Crown Court fined the employer a total of £150 000 and ordered payment of £125 000 in costs. The engineer was fined £1 000 plus costs of £250.
- A farmer was convicted on eleven counts involving widespread misuse of pesticides. Work was carried out which was liable to expose employees, including crop pickers, to a substance hazardous to health. An insecticide was applied to sweetcorn for human consumption although it was not approved for that use. Pesticide sprayers were not given adequate information to protect their own health and safety. The Crown Court imposed a total fine of £220 000 plus £16 862 costs.

In 1999/2000, 71% of individual charges resulted in a conviction. This was lower than the 86% conviction rate last year. However, the 1999/2000 figure is distorted by unusually large numbers of individual charges adjourned for hearing or sentence after the end of the period, or adjourned without a date being set (*sine die*), which the courts may do where the prosecution have laid several charges in order to fully state their case against the accused. When these factors are taken into account, HSE's conviction rate for 1999/2000 is around 80%.

In fact the great majority of charges prompt guilty pleas on the part of the accused. Where the accused pleads not guilty, in defended cases, HSE is concerned to ensure that the prosecution case is fully and effectively presented. HSE's Field Operations Directorate is looking at how complex and defended cases will be handled in the future. This study had yet to be completed at the time of writing this report. However, information will be included in next year's Enforcement Report.

## **Penalties**

Looking at the outcome of prosecutions in 1999/2000 gives us the opportunity to consider how far we have come towards a general level of criminal fines for health and safety offences since the Court of Appeal said (*R v Howe*, November 1998) that the health and safety fines being imposed by the courts were too low. For the first time, the courts have had authoritative guidance on sentencing in health and safety cases, on the seriousness of these offences, on aggravating and mitigating factors

which would affect the sentence imposed, and on when it would be appropriate to refer cases to the higher courts for trial or for sentencing.

It must be said that the level of fine in particular cases is often a crude indicator of the seriousness of the offence. This is because the courts must take account of ability to pay in deciding penalties, and it must be said that most businesses in Great Britain, and thus most of those prosecuted for health and safety offences, are smaller businesses, often of limited means. Nevertheless, average fines allow us to comment on trends in levels of fine.

We have seen sentences in some cases which are encouraging, but the overall average fine (GB, per individual offence), though increased by 39% from the previous year, is still relatively low at £6 744 (or £4597 if 12 fines of £100 000 or more are taken out).

Convictions in the higher courts in GB as a whole more than doubled in 1999/2000, but the average fine (per duty-holder) in the higher courts went down from £47 277 to £38 782.

It is HSE policy to investigate all work-related deaths which must be reported to us. HSE brought prosecutions in a little over 20% of cases following a work-related death. In 1998/99 the resulting average fine per individual charge following a death was £6 062 in the lower courts and £32 632 in the higher courts. It is too early to offer any useful figure for 1999/2000: in many cases the thorough investigation which is needed is still under way, and decisions on whether to prosecute in those cases have still to be made.

We recognise that the decision whether and how much to punish a convicted offender rests with the courts, and we would not wish ever to comment on particular cases or judgments. However, we cannot avoid a sense of disappointment that the general level of health and safety fines imposed by the courts does not yet seem to reflect the Court of Appeal's view that they were too low.

We welcome the Magistrates' Association's decision to include in their recently revised sentencing guidelines, information on health and safety sentencing, drawing attention to the Court of Appeal guidance in *R v Howe*.

As well as fines, the courts also have the power to imprison individuals convicted of certain health and safety offences, in particular failure to comply with improvement and prohibition notices, and in the higher courts failure to comply with licensing requirements or explosives provisions. To date the courts have sentenced five people to imprisonment for health and safety offences, including one prison sentence imposed this year.

Most HSE prosecutions are against companies or other organisations. In an organisation, inspectors may not find sufficient evidence of culpability to support prosecution of individuals. However, HSE prosecutes individuals where this is justified. In 1999/2000, HSE prosecuted individuals on 48 separate charges, of which 34 led to conviction. This included 31 charges against directors and

managers, of which 21 led to conviction. The overall average fine for separate offences by individuals was £1236.

Under the Company Director Disqualification Act 1986, the courts may also disqualify directors who have been found guilty of health and safety offences. A total of eight directors have been disqualified for health and safety offences, though again none in 1999/2000.

### **Offenders from other EU Member States**

We also wish to express our dismay that, at the time this report is being completed, the two Swedish companies convicted of very serious health and safety offences following the Port Ramsgate case in 1994 have still not paid the fines imposed on them by the courts of this country.

Two Swedish and two British companies were convicted of breaching the Health and Safety at Work etc Act 1974 section 3 following the collapse of an elevated pedestrian walkway used by ferry passengers. Six members of the public were killed and seven more seriously injured. The case catalogued a series of errors from design through to certification, all of which could have been prevented with reasonable care. The two Swedish firms had designed and built the structure.

The fines and costs imposed by the court on the two British companies amounted to £500 000 and £200 000 respectively, plus costs of £252 000 and £219 500. These penalties have been paid. One Swedish company was fined £750 000, and the other £250 000, plus joint costs of £251 500, but these penalties are still outstanding.

The courts have no way at present to enforce criminal fines imposed for health and safety offences committed in GB against an offender located in another EU Member State. The non-payment of fines following the Port Ramsgate case illustrates graphically the importance of securing such a mechanism.

We welcome the present initiative launched by the Home Office and being taken forward by the EU to secure mutual recognition by EU Member States of judicial decisions in other Member States, including mutual enforcement of criminal fines. The Health and Safety Commission has also strongly supported the efforts being made to achieve a position where there is a level playing field for enforcement of fines against EU companies in whichever country they are based.

We hope that progress will be as swift as possible, though we recognise that these vital measures may take some time to develop and put in place. In the meantime we hope that the Swedish companies concerned will pay the fines imposed on them in the same way as the others who were convicted.

### **Important legal judgment**

We welcome the Court of Appeal judgment in R v Friskies Petcare UK Ltd (unreported decision of 10 March 2000). This recommended that when HSE commences a prosecution, it should list in writing, for the assistance of the court not merely the facts of the case, but also the aggravating features (as set out in R v F

Howe & Son (Engineers) Ltd), which we consider exist in the particular case. The submission could then be served on the defence and the court. Where the defendant pleads guilty, the defence should make a similar submission, giving mitigating factors. In many cases, this may result in the defendant's plea being on an agreed basis, which would be put in writing so the court would be in no doubt about the basis for sentencing. HSE inspectors will be taking the opportunity presented by this judgment to set out the aggravating factors in every case.

## **Manslaughter**

As well as enforcing health and safety law, HSE also plays, in England and Wales, an important part in supporting police investigations into possible work-related manslaughter offences. Under a protocol for liaison on work-related deaths jointly published in April 1998 by the CPS, HSE and ACPO, the police have responsibility for investigating possible manslaughter offences, and HSE contributes its expertise in questions of organisation and health and safety management. HSE inspectors also pass to the police any evidence which they may find in the course of their health and safety investigation which may point to possible manslaughter offences.

So far, 21 cases which HSE investigated during 1999/2000 have been referred by the police to the CPS. Of these, the CPS have so far started prosecutions in four cases, leading to manslaughter convictions in two. One of these successful cases concerned a fatal incident during demolition work; the other the death of an employee who had been lifted on the forks of a fork-lift truck.

In general the procedures set out in the protocol on liaison on work-related deaths have worked well.

Shortly before this report was completed, HSC responded to the Home Office consultation paper on reforming the law on involuntary manslaughter (published in May 2000). HSC gave its full support to introducing a new offence of corporate killing and hoped the Government would legislate as soon as possible. HSC said it would judge the success of the measure not by how many companies are convicted, but how few. Its main function should be as a powerful deterrent, to prevent needless injuries and deaths while at the same time punishing the negligent and reckless. HSC also said that a corporate killing offence should apply to both private and public sectors and be the same in Scotland as well as in England and Wales, to which the consultation paper related.

Commenting on Government proposals for HSE to be able to investigate and prosecute work-related manslaughter cases, HSC considered that HSE potentially has the expertise and experience through its existing work to play a valuable role in this sphere. However, manslaughter is a serious offence and HSC recognised that whoever is made responsible would need the necessary additional resources to carry out their duties effectively.

HSE also welcomes the proposed new offence and the prospect of making it easier to secure manslaughter convictions against undertakings when this is justified. A Government decision that the health and safety enforcing authorities should be able

to investigate and prosecute work-related manslaughter offences would have implications for HSE organisation and procedures, inspector training, and legal support; we are actively considering what changes would need to be put in place and what additional resources would be required to take on that additional role effectively.

### **Enforcement activity by industry**

**Tables 5 and 6** set out the numbers of improvement and prohibition notices issued and prosecutions taken in the various industries (standard industrial classification) in which HSE enforces. These do not include sectors enforced by local authorities (including shops, most offices, hotels and catering, therapeutic and beauty services.)

In the following pages, we illustrate briefly how inspectors have been working to achieve immediate and sustained compliance with health and safety requirements in the sectors for which they are responsible. For each sector we have focused on key aims and initiatives targeted at issues of specific relevance to that industry. We have not attempted to give a comprehensive account of all enforcement activity.

## **Agriculture, forestry, and associated industries**

Agriculture has one of the highest fatal injury rates of any industrial sector in the UK and is the only high-risk industry that is carried out in the constant presence of children, because farms are homes as well as workplaces.

The health and safety priorities for the industry reflect accident patterns over the years. Thus in 1999/2000 particular attention was paid to the safety of children, workplace transport, safety in the construction and more particularly, maintenance of roofs and management failures in forestry. As a result, we see the industry becoming more aware of the need to manage health and safety and HSE was pleased by the commitment parts of industry made to the recent child safety road shows. The continuing level of fatal and major injury accidents in these areas, resulting in 301 enforcement notices and 18 prosecutions, demonstrates only too clearly that further improvements must be made.

Inspectors will focus on these themes again next year, while still paying attention to other significant risk areas, including occupational health issues, such as manual handling, respiratory disease and the use of chemicals (pesticides and veterinary medicines), machinery safety, livestock handling and the provision of health and safety training. HSE will continue to foster existing and new partnerships with industry to improve standards.

In total, in agriculture and forestry, inspectors issued 1644 enforcement notices and secured convictions for 103 separate offences. The average fine for all offences in this sector rose to £3780, more than double the previous year's average. Of particular note was HSE's conviction of a farmer on the Isle of Wight on eleven charges relating to the misuse of pesticides; seven under the Food and Environment Protection Act 1985, and four under the Control of Substances Hazardous to Health Regulations 1994 (as amended). Committed to the Crown court for sentence, the defendant was fined a record £220 000.

## **Biological agents**

Risks from biological agents may arise in a number of sectors. During 1999/2000, enforcement activity included two censures of Crown bodies for what HSE considered failures to meet the requirements of the Control of Substances Hazardous to Health Regulations 1999, and where - but for Crown immunity - HSE would have prosecuted.

Enforcement activity targeted on risks achieved vitally important improvements in hardware and immediate safety provisions. It also served to highlight more serious, fundamental deficiencies in safety management systems, arrangements and culture. In the longer term, enforcement has galvanised the organisations concerned to examine the lessons, review standards and arrangements and to push these out to associated research establishments and undertakings.

We are seeing progress towards improved safety management and more proficient risk assessment in workplaces. This is encouraging, as ultimately intelligent and effective local health and safety management is essential to provide the necessary

safeguards in a rapidly evolving and complex area of scientific and technological innovation. We expect further rapid steps forward to assured compliance.

## **Construction**

Construction has one of the worst accident and health records of any UK industry and the 1999/2000 figures offer no comfort at all. Eight people were killed by falls through fragile material in the period 1999/2000 alone, whilst there are an estimated 30 000 musculo-skeletal injuries each year.

The construction sector commenced a major initiative last year, known as the Working Well Together campaign (WWTC). In response to the campaign, 170 action plans were produced by duty holders to improve co-operation, competence and communication within the industry. Designers were encouraged to specify non-fragile roof lights in new industrial buildings; evidence suggests that this initiative has had a 75 % success rate.

Adequate welfare is a vital tool in controlling occupational health problems such as cement dermatitis. Following 2955 inspector contacts, 381 notices were served and 21 prosecutions are pending for inadequate provision of welfare facilities.

Whilst these campaigns have been successful, the industry cannot be complacent. Levels of ill health and injury in the construction industry mean inspectors will continue to seek further improvements through rigorous inspection and enforcement.

## **Diving**

Whilst maintaining a planned preventative inspection of 'industrial' commercial diving onshore, there has been an increased effort to inspect other sectors of the inshore diving industry, including media scientific and archaeological operations. Efforts continue to ensure that clients employing diving contractors are aware of their responsibilities under the diving regulations. This has been achieved by giving presentations to groups of managers and safety officers of major utilities, construction groups and port authorities. There has been positive feedback from both clients and contractors that there is a better understanding of their mutual responsibilities under the diving regulations.

Particular attention has been paid to those who train recreational divers. The aim is that an increased activity in this sector of diving will raise the awareness of the general recreational diving market to the importance of risk assessment and planning and so reduce the number of diving incidents in the 'not at work' sector as well as in the 'at work' activity. There are strong indications - from the requests for publications and information from inspectors attending HSE stands at recreational Dive Shows - that this awareness is increasing but it will be some time before the effect on diving incidents can be evaluated.

There are concerns about the suitability of some of the diving equipment involved in inshore diving incidents. A special project has been created for testing such equipment at the Health and Safety Laboratory (HSL). Coroners, police forces and



local authority officers have been made aware of this project and there has been a good take-up on providing test reports on this equipment.

Offshore there has been gradual shift from the traditional oil-field duty holders to management groups without a track record in the contracting of offshore diving projects. To guard against any reduction in client expertise in managing these projects, there has been a positive effort to maintain the level of inspections as of previous years; the level has been maintained.

## **Engineering and utilities**

Noise is recognised by industry, trade unions and HSE to be a significant health problem in engineering. Part of HSE's long-term strategy has been to progressively target particular processes and machines, and publish health and safety advice in consultation with industry.

In 1999/2000 we focused on noise at premises where mechanical power presses and metal cutting saws were being used: 139 workplaces were visited. Inspectors determined whether adequate noise assessments had been carried out and a programme of noise reduction measures in line with published HSE advice put in place. A total of 21 improvement notices were served for a variety of breaches, sometimes even to meet basic requirements to carry out adequate noise assessments.

Noise and vibration is a particular problem in shipbuilding. We are concerned that no single shipyard yet appears to have fully adopted the whole range of alternative ways of working developed within the industry and made widely known through the Shipbuilding and Ship-repairing Association. However, all these approaches are in use in at least one yard, showing that they can be done.

## **Food and entertainment**

'Food and entertainment' includes a variety of industries, ranging from production of food and drink to safety at fairgrounds. In these two industries for example, inspectors have needed to adopt differing approaches to ensuring sustained compliance with health and safety law.

The priorities for the food and drink industry in 1999/2000 were to ensure prevention and control of risks from slips, and workplace transport, and to ensure effective equipment purchasing procedures. These risks significantly contribute to the industry's overall high rate of reported health and safety incidents, and have been a continuing focus. These priorities are embodied in the Recipe for Safety campaign which was set up in conjunction with trade associations and the trade unions. As a result of the campaign there was a 5% drop in slip accidents coupled with a 22% fall in reported accident numbers across the industry.

In order to secure better standards of fairground ride safety, inspectors specially made 2000 contacts with fairground industry duty holders, and ran a series of

seminars. Inspectors served 38 enforcement notices in 1999/2000 and brought five prosecutions.

### **Gas (domestic)**

HSE pursues all reports or complaints received that suggest that gas consumers' lives may be being put at risk, particularly by the activities of irresponsible landlords or gas installers. The public and duty holders were made aware of the dangers of unsafe gas installations through national advertising campaigns during 1999/2000. During this period, 134 reported gas incidents have been investigated, and there have been 857 reports of suggested unsafe installations. These investigations have led to inspectors serving 331 improvement notices, 270 of those directly upon landlords. Landlords have explicit duties under the gas safety legislation. Inspectors also served 68 prohibition notices, the majority on gas installers. In total, 215 separate charges were laid in court against landlords and installers, attracting on conviction fines of up to £75 000.

HSC has been conducting a fundamental review of gas safety. This has included publishing on 4 November 1999 a discussion document, *Gas Safety Review: options for change*. Proposals based on responses to the discussion document are being discussed with industry, local authorities, consumers and those representing bereaved families and victims of carbon monoxide poisoning, with a view to putting recommendations to Ministers later this year.

### **Metals and minerals**

This sector of HSE work covers a number of industries, including iron and steel, foundries, glass, ceramics, waste disposal, quarries, and stone masonry. Each industry has a wide range of incident and ill health problems. The common concern across these industries is poor management of health and safety risks. There are also a number of significant specific problems, relating to use of explosives or molten metal splash. The key to improvement is raising awareness of the value of risk assessment, supported by competent and robust management, and the involvement of the workforce in the formulation and review of control measures.

In 1999/2000, inspectors took strong enforcement action to ensure that continued vigilance of the well-known risks in these industries was maintained, including beginning 34 prosecutions. Inspectors continue their dialogue with the industries, producing targeted guidance through Industry Association Committees and the Quarries National Joint Advisory Committee. With industry support, HSE has recently launched an initiative to reduce all incidents at quarries by 50% over five years.

### **Mining (underground)**

The Mines Inspectorate continued the policy of targeted inspection during the year, with enforcement activity concentrated at high hazard underground coal mines. One third of the notices issued related to the management of the enterprise. The introduction of new Control of Ground Movement Regulations in December 1999 gave fresh emphasis to the design and monitoring of roof control systems and five

prohibition notices were issued stopping further work until improvements had been made.

A prosecution in March 2000 against a major coal producer and five current and ex-members of the management structure at a coal mine followed a long and complex investigation into the operating of storage battery locomotives below ground in areas where the concentration of firedamp in the mine air exceeded the statutory limit, often by a significant margin.

The investigation uncovered a number of serious shortcomings in the management systems at the mine and in the mine owner's corporate management arrangements. The case was unusual because the Inspectorate prosecuted both the mine owning company and a vertical slice of the senior and middle management structure at the mine. The charges, all brought under The Management and Administration of Safety and Health at Mines Regulations 1993, arose because of breaches committed under duress, by locomotive drivers and junior management. As a result the Mines Inspectorate has increased the proportion of multi-discipline, audit-type inspections it carries out into management systems at mines.

During 2000/2001 inspection activity will be targeted at improving workers' health in line with the occupational health strategy.

## **Nuclear**

During 1999/2000, HSE's Nuclear Safety Directorate (NSD) continued to regulate the safety of the UK's nuclear industry through the conditions attached to each 'site licence' which provides a flexible yet rigorous tool for ensuring safety throughout the life cycle of an installation. NSD regulates 15 nuclear licensees, operating a total of 40 nuclear licensed sites. In addition to its routine monitoring of licensees' arrangements under these licences, NSD considered it appropriate during the period to take enforcement action through ten improvement notices, eight prohibition notices, one Crown improvement notice, and five prosecutions.

Mergers, downsizing and increased contractorisation are all features of the modern nuclear industry. In response to this, NSD introduced a new licence condition on all sites which applies to the management of organisational changes which could potentially impact upon safety. Under this condition, NSD requires licensees to have arrangements in place for assessing the safety implications of organisational changes.

## **Offshore - oil and gas production**

Assessment of safety cases drawn up by operators or owners of offshore installations continued to be the priority of Hazardous Installations Directorate, Offshore Division (OSD). Each safety case has the potential to secure important changes to safety management systems or to hardware in much the same way as formal enforcement offshore. During 1999/2000, OSD assessed 171 safety cases.

Formal enforcement offshore has continued at previous levels and included a well publicised conviction in February 2000 following two major gas releases from an offshore installation. This resulted in the highest fine to date for an offshore operator: a total of £300 000, plus almost £200 000 in costs.

Priority enforcement objectives included targeting safety in lifting and handling operations, monitoring the arrangements whereby independent and competent persons ensure the initial and continuing suitability of the safety-critical parts of offshore installations, and securing improvements in key areas of occupational health.

Key achievements were more effective planning and control of lifting operations, improved performance standards for safety-critical equipment and increased awareness of health risks associated with drilling.

The need to improve the integrity of hydrocarbon containment was an example of OSD's concerns about safety-critical equipment, exemplified by the conviction referred to above. The level of RIDDOR reportable hydrocarbon releases continued to cause concern. This is a key area where the industry must improve and resulted in OSD launching a major new initiative to examine the management of offshore process integrity, starting in 2000/01 to secure a 50% reduction in major hydrocarbon releases over three years.

## **Onshore chemicals**

Hazardous Industries Directorate, Land Division has maintained a consistent rate of enforcement activity, issuing improvement and prohibition notices to ensure that good standards of health and safety are achieved and maintained. Enforcement action has included initiatives to seek improved safety in chemical warehouses; in the transport of goods by road; and the assessment and control of occupational health risks. The Division has taken a firm line in prosecuting duty holders when the investigation of incidents has identified serious health and safety offences.

The Division's main regulatory work has centred around the introduction of the Control of Major Accident Hazards Regulations 1999. These aim to achieve risk reduction by the structured identification of hazards and the compilation of safety reports showing how the activities are carried on in a safe way. Achieving compliance has required a major effort to provide advice and guidance to industry supported by enforcement to improve the delivery and quality of operators' safety reports.

Within the major hazards sector, good progress has been maintained in a five-year compliance programme to ensure the safe location of control rooms and other occupied buildings at chemical plants. The aim is to reduce the risks to personnel from explosion, fire or toxic hazards, whilst enabling them to maintain control in the event of an incident.

Good progress was also made through an enforcement initiative to reduce the risk of runaway exothermic reactions. This was to ensure the risks were understood and controlled and whilst this was mainly achieved by inspection and follow-up letters, in

10% of cases enforcement notices were issued. The initiative has generated significant interest within the sector and successful seminars have been held to support the demand for further advice on the required control measures.

## **Polymers and fibres**

This heading covers a wide range of industries in textiles, paper, printing, plastics, rubber and related processes. Whilst these industries use processes which can present serious health or accident risks, health and safety precautions are largely well-established and many standards have been set by HSE in conjunction with the HSC's Industry Advisory Committees (IACS). Much of inspectors' enforcement activity is therefore targeted at securing compliance with these standards.

Research in the paper and board industry by the Health and Safety Laboratory, which is an agency of HSE, has shown the clear link between top-level commitment to health and safety, a good safety 'culture' and sound management of risks on the one hand, and health and safety improvement on the other.

Specific priorities for 1999/2000 included the continuation of a three-year initiative targeted on reducing accidents in the paper making industry, and the development of a similar targeted initiative in the rubber industry. Both industries have accident rates significantly higher than the average for manufacturing industries. As the initiative in the paper industry has gathered momentum, contacts by inspectors with paper mills have nearly doubled, from 387 in 1997/98 to 651 in 1999/2000. The number of enforcement notices served on paper mills has increased. Other initiatives include work to ensure reduction of noise exposure in the textile industry, where noise has long been recognised as a significant health hazard.

## **Railways**

HM Railway Inspectorate's (HMRI) main inspection objectives for 1999/2000 included continued work on the high-risk issues of trespass and vandalism. Although the sector has responded positively to industry guidance, it was still necessary to serve a significant number of enforcement notices for inadequate lineside fencing. Enforcement was also taken to require the removal of trackside scrap and debris, which may encourage vandalism by providing ammunition.

Another main inspection objective was to review industry procedures for assessing drivers who had been involved in SPADS (signals passed at danger), an issue which was brought sharply to public attention by the terrible injuries and loss of life at Ladbroke Grove on 5 October 1999. The railway industry was already taking action, but it was clear that more effort was required to reduce the high number of SPADS occurring each year. As a consequence, enforcement notices were served which required improvements to be made at hundreds of signals across the country, including those at Ladbroke Grove.

In total, HMRI served more enforcement notices and undertook more prosecutions in 1999/2000 than in previous years - the high levels of fines imposed reflecting the seriousness of railway industry risks. There was a record fine, £1.5m, for the prosecution which followed the Southall train crash. The railway industry must ensure that railway safety - and in particular, preventing SPADs - remains a top priority.

## **Services**

Inspectors aimed to secure improvements in health and safety management in this very broad sector, which embraces central and local government as employers, plus education, the health services, docks and airports. Inspectors also targeted particular risks from asbestos in buildings; stress, for example in education jobs; patient handling in the health services, and other manual handling; violence to staff; risks from pathogens; risks from moving vehicles; and the control of contractors in docks.

Poor management of health and safety is an all too common problem across the services sector. However, the sector is also characterised in part by large organisations which are amenable to central approaches.

Risks were targeted by inspections of management systems, for example in NHS trusts, police and fire services, and by visits on particular issues, such as asbestos in local government buildings, and stress in education.

HSE's prosecution of a NHS trust following a malaria outbreak, and its conviction, was HSE's first prosecution for failure to control risks of infection to patients during treatment. This case drew wide attention to the need for the healthcare sector to have systems in place to ensure such risks are properly controlled. This is of course a separate matter from exercise of clinical judgment which is not a matter for HSE.

## **LIST OF CROWN BODIES CENSURED DURING 1999/2000**

- 1** Central Science Laboratory, Sand Hutton, York  
Date of incident: between 1 February and 15 July 1998  
Alleged breaches: Control of Substances Hazardous to Health Regulations 1994 (COSHH), Regulations 6, 7, and 12.
  
- 2** Defence Evaluation Research Agency (DERA) Porton Down, Salisbury, Wilts.  
Date of incident: between 1 September 1993 and 21 April 1998  
Alleged breaches: COSHH Regulations, Regulations 7 and 12.
  
- 3** Ministry of Defence (MOD) Longtown, Cumbria  
Date of incident: 15 February 1999  
Alleged breach: Health and Safety at Work etc Act 1974 (HSWA), Section 2.

TABLE 1

**ENFORCEMENT ACTION FOLLOWING HSE INVESTIGATIONS - PROSECUTIONS  
AND NOTICES, GREAT BRITAIN, 1990/91-1999/00p**

**Prosecutions**

	<b>Duty-holders prosecuted (a)</b>	<b>Total offences prosecuted (b)(c)</b>	<b>Of which, offences leading to conviction</b>	<b>Average penalty per conviction (d)</b>
1990/91	1397	2312	1991	903 (e)
1991/92	1425	2424	2126	1181 (f)
1992/93	1324	2157	1865	1390
1993/94	1156	1793	1507	3103 (g)
1994/95	1111	1803	1499	2873 (h)
1995/96	1087	1767	1451	2572
1996/97	861	1490	1195	5274 (i)
1997/98	935	1627	1284	4694 (j)
1998/99	1038	1759	1512	4861 (k)
1999/00p	1133	2253	1602	6744 (l)

**Notices issued by type**

	<b>Improvement</b>	<b>Deferred prohibition</b>	<b>Immediate prohibition</b>	<b>Total notices</b>
1990/91	8489	227	4022	12738
1991/92	8395	222	3802	12419
1992/93	7462	201	4251	11914
1993/94	6484	144	3961	10589
1994/95	6512	124	4172	10808
1995/96	5219	82	3385	8686
1996/97	3770	165	3509	7444
1997/98	4411	181	4319	8911
1998/99	6353	199	4348	10900
1999/00p	6954	195	4155	11304

The types of enforcement action referred to in the tables are defined as follows:

**Improvement notices** require employers to take remedial action on specific breaches of the law within a specified time limit;

**Prohibition notices** are issued in cases where the inspector believes that a work activity involves or will involve a risk of serious personal injury. Prohibition notices can take two forms:

**immediate prohibition notices** which stop a work activity immediately until a risk is dealt with; and

**deferred prohibition notices** which stop a work activity within a specified time limit, for example, because the risk of injury does not require immediate action to control it, or where it would be unwise to interrupt a process in mid-cycle.



## ENFORCEMENT ACTION AGAINST CROWN BODIES, NOTICES AND CENSURES, 1998/99 AND 1999/2000

	Crown censures	Improvement notices	Deferred prohibition notices	Immediate prohibition notices	Total notices
1998/99	4	13	-	1	14
1999/00	3	21	-	5	26

Crown bodies are bound by the requirements of health and safety legislation, but are not subject to statutory enforcement notices or prosecution. Non-statutory procedures are in place for the issue of Crown improvement and prohibition notices, and for the censure of Crown bodies in circumstances in which a prosecution would otherwise have been brought.

**Crown improvement notices** and **Crown prohibition notices [Notices that work should be stopped (risk of serious injury) for Crown employers]** require the same action from Crown employers as do improvement and prohibition notices from other employers.

**Crown censures** are formal recordings of a decision by HSE that, but for Crown immunity, the evidence of a Crown body's failure to comply with health and safety law would have been sufficient to provide a realistic prospect of conviction in the courts (in line with the Code of Crown Prosecutors).

### **Other notes:**

- (a) *This figure may include certain employers or other duty-holders who have been prosecuted on more than one occasion. Each prosecution may concern more than one offence.*
- (b) *Each offence prosecuted represents one information laid or, in Scotland, charge preferred.*
- (c) *Includes, for Scotland, charges preferred.*
- (d) *Figures for average penalty are actuals.*
- (e) *Includes two separate fines of £250,000 and £100,000 (reduced from £250,000 on appeal in November 1990). If these convictions are excluded the average fine for 1990/91 was £728.*
- (f) *Includes three separate fines of £250,000 and £100,000 against individual corporations. If these convictions are excluded the average fine for 1991/92 was £970.*
- (g) *Includes three individual fines of £250,000 and single fines of £150,000 and £100,000. The average fine for 1993/94 without these convictions was £2447.*
- (h) *Includes two individual fines of £200,000 and £100,000. If these convictions are excluded the average fine for 1994/95 was £2677.*
- (i) *Includes four separate fines of £750,000, £500,000, £250,000 and £125,000, fines totalling £400,000 against one company and six individual fines of £100,000. If these convictions are excluded the average fine for 1996/97 was £3113*
- (j) *Includes four separate fines of £150,000, one for £175,000 and four of £100,000. If these convictions are excluded the average fine for 1997/98 was £3805*
- (k) *Includes one fine of £1,200,000, two for £500,000 and two of £100,000. If these convictions are excluded the average fine for 1998/99 was £3349.*
- (l) *Includes one fine of £1,500,000, two fines of £300,000, one fine of £250,000, two fines of £200,000, one fine of £175,000, one fine of £150,000, two fines of £110,000, two fines of £100,000. If these convictions are excluded the average fine for 1999/00p was £4597.*

p Provisional

**TABLE 2****PROSECUTIONS FOLLOWING INVESTIGATION BY HSE, ENGLAND,  
1996/7-1999/00p**

	<b>Duty-holders prosecuted</b>	<b>Total offences prosecuted</b>	<b>Of which, offences leading to conviction</b>	<b>Average penalty per conviction (£)</b>
1996/97	-	1,230	997	5,211
1997/98	-	1,319	1,044	4,362
1998/99	844	1,440	1,256	5,158
1999/00p	893	1,846	1,270	6,699

(a) Figures for duty-holders prosecuted for years 1996/7 and 1997/8 not available at time of going to print.

(b) Offshore prosecutions are included in the GB table. They also appear in the separate Scottish and English tables, depending on where the prosecution was conducted. If the offence occurs in Scottish waters (as defined), the case goes to a Scottish court, and if in English waters, to an English court.

p Provisional

**TABLE 3****PROSECUTIONS FOLLOWING INVESTIGATION BY HSE, WALES,  
1996/7-1999/00p**

	<b>Duty-holders prosecuted</b>	<b>Total offences prosecuted</b>	<b>Of which, offences leading to conviction</b>	<b>Average penalty per conviction (£)</b>
1996/97	-	86	76	8,011
1997/98	-	149	134	4,591
1998/99	97	170	153	3,559
1999/00p	136	221	197	8,136

(a) Figures for duty-holders prosecuted for years 1996/7 and 1997/8 not available at time of going to print.

p Provisional

**TABLE 4****PROSECUTIONS BY THE PROCURATOR FISCAL SERVICE FOLLOWING  
INVESTIGATION BY HSE, SCOTLAND, 1996/7-1999/00p**

	<b>Duty-holders prosecuted</b>	<b>Total offences prosecuted</b>	<b>Of which, offences leading to conviction</b>	<b>Average penalty per conviction (£)</b>
1996/97	-	174	122	4,083
1997/98	-	159	106	8,096
1998/99	105	149	103	3,183
1999/00p	104	186	135	5,139

(a) Figures for duty-holders prosecuted for years 1996/7 and 1997/8 not available at time of going to print.

(b) Offshore prosecutions are included in the GB table. They also appear in the separate Scottish and English tables, depending on where the prosecution was conducted. If the offence occurs in Scottish waters (as defined), the case goes to a Scottish court, and if in English waters, to an English court.

p Provisional

**Table 5**

**Proceedings instituted following investigation by HSE by result and by industrial sector 1990/91 - 1999/2000p**

	Year	Agriculture, hunting, forestry & fishing	Extractive & Utility supply industries	Manufacturing industries	Construction	Service industries	Unclassified	All industries
<b>Informations Laid</b>	1990/91	334	11	876	746	308	3	2278
	1991/92	274	27	1056	746	289	15	2407
	1992/93	284	22	851	701	253	7	2118
	1993/94	276	30	676	526	243	19	1770
	1994/95	227	48	663	630	222	13	1803
	1995/96	162	24	645	598	287	51	1767
	1996/97	103	48	563	508	268	0	1490
	1997/98	80	32	518	719	278	0	1627
	1998/99	117	49	601	631	311	0	1759
	1999/00p	262	90	716	796	389	0	2253
<b>Convictions</b>	1990/91	281	11	806	600	268	3	1969
	1991/92	254	22	958	604	257	14	2109
	1992/93	239	18	781	572	212	7	1829
	1993/94	227	24	597	412	207	18	1485
	1994/95	173	42	589	494	188	13	1499
	1995/96	114	21	558	476	241	41	1451
	1996/97	87	37	477	385	209	0	1195
	1997/98	69	26	438	544	207	0	1284
	1998/99	102	34	551	565	260	0	1512
	1999/00p	103	62	603	537	297	0	1602
<b>Average penalty per conviction (£)</b>	1990/91	297	1500	884(a)	857	736	1217	776(b)
	1991/92	327	14289(c)	885	1035	1359	425	1042(d)
	1992/93	357	8489	1397	1279	1490	397	1308
	1993/94	604	3326	2927(e)	3403(f)	3530(g)	922	2783(h)
	1994/95	794	9420	3042(i)	2697(j)	3322	1962	2873(k)
	1995/96	1095	5595	2678	2232	3389	2820	2572
	1996/97	1101	1780	7372(l)	3934(m)	5305(n)	0	5274(o)
	1997/98	1316	19192(p)	5760(q)	3123	5872(r)	0	4694(s)
	1998/99	1391	8916	4077(t)	5516(u)	5932(v)	0	4861(w)
	1999/00p	3780(x)	6409	7397(y)	4123(z)	11255(aa)	0	6744(bb)

(a)Includes a fine of £100 000 against Tate & Lyle. The average fine without this conviction would be £761.

(b)Includes a fine of £100 000 against Tate & Lyle. The average fine without this conviction would be £726.

(c)Includes a fine of £100 000 against both Shell UK Ltd. and British Gas plc. The average fine without these convictions would be £5718.

(d)Includes a fine of £100 000 against both Shell UK Ltd. and British Gas plc. The average fine without these convictions would be £948.

(e)Includes fines of £250 000 against Hickson & Welch and the fine of £100 000 against GEC Alstom Engineering Systems Ltd. The average fine without these convictions would be £2379.

(f)Includes fines of £150 000 against J Murphy & Sons Ltd. The average fine without this conviction would be £3047.

(g)Includes fines of 250 000 against Mersey Docks and Harbour Company. The average fine without this conviction would be £2334.

(h)Includes fines of £250 000 against Hickson & Welch and Mersey Docks Company the fine of £150 000 against J Murphy & Sons Ltd and the fine of £100 000 against GEC Alstom Engineering Systems Ltd. The average fine without these convictions would be £2284.

(i)Includes the fine of £100 000 against The Balmoral Group. The average fine without this conviction would be £2877.

(j)Includes the fine of £200 000 against BP Chemicals. The average fine without these convictions would be £2677.

(k)Includes the fines of £200 000 against BP Chemicals and the fine of £100 000 against The Balmoral Group. The average fines without these convictions would be £2677.

(l)Includes the fine of £500 000 against Lloyds Register of Shipping the fine of £750 000 against Fartygsentreprenader AB (part of the Mattson Group) the fine of £250 000 against Fartygskonstruktioner (part of the Mattson Group) the four fines of £100 000 against Pembroke Cracking Co Ltd and the £100 000 fine against Firth Vickers Centrispinning Ltd. The average fine without these convictions would be £3234.

(m)Includes the fine of £100 000 against Cheetam Hill Construction Ltd and the fine of £125 000 against TE Scudder Ltd. The average fine without these convictions would be £3367.

(n)Includes the two fines of £100 000 against Port Ramsgate Ltd and the two fines of £100 000 against British Railways Board. The average fine without these convictions would be £3457.

(o) Includes the fine of £500 000 against Lloyds Register of Shipping the fine of £750 000 against Fartygsentreprenader AB (part of the Mattson Group) the fine of £250 000 against Fartygskonstruktioner (part of the Mattson Group) the four fines of £100 000 against Pembroke Cracking Co Ltd and the £100 000 fine against Firth Vickers Centrispinning Ltd the fine of £100 000 against Cheetam Hill Construction Ltd and the fine of £125 000 against TE Scudder Ltd. the fines of £200 000 against Port Ramsgate Ltd and the two fines of £100 000 against British Railways Board. The average fine without these convictions would be £3113.

(p) Includes the two fines of £100 000 against Coflexit Stena Offshore and the fine of £175 000 against Mobil North Sea Ltd. The average fine without these convictions would be £5391.

(q) Includes the two fines of £150 000 against BJ Process and Pipeline Services Ltd and the fine of £100 000 against BL Pegson. The average fine without these convictions would be £4880.

(r) Includes the two fines of £150 000 against Neath & Port Talbot County Borough Council and Trentham Leisure Ltd and the fine of £100 000 against Associated British Ports Ltd. The average fine without these convictions would be £3998.

(s) Includes the two fines of £100 000 against Coflexit Stenna Offshore the fine of £175 000 against Mobil North Sea Ltd the two fines of £150 000 against BJ Process and Pipelines Services Ltd the fine of £100 000 against BL Pegson the fine of £150 000 against Neath and Port Talbot County Borough Council and Trentam Leisure Ltd and the fine of £100 000 against Associated British Ports Ltd. The average fines without these convictions would be £3805.

(t) Includes the fines of £100 000 against Dunlop Tyres UK Ltd. The average fine without this conviction would be £3903.

(u) Includes a £1 200 000 fine against Balfour Beatty Civil Eng Ltd the fines of £500 000 against Rivenhall and Geoconsult 2T GES MBH. The average fine without these convictions would be £2516.

(v) Includes the fine of £500 000 against Rivenhall and Geoconsult 2T GES MBH. The average fine without these convictions would be £4024.

(w) Includes a £1 200 000 fine against Balfour Beatty Civil Eng Ltd the fines of £500 000 against Rivenhall and Geoconsult 2T GES MBH the fines of £100 000 against Dunlop Tyres UK Ltd. The average fine without these convictions would be £3349.

(x) Includes a fine of £220 000 against Mr Colin Boswell.

(y) Includes a fine of £300 000 against BOC Gases Ltd and the fine of £250 000 against Friskie's Petcare UK Ltd and the fines of £200 000 and £175 000 against British Steel Plc and the fine of £110 000 against Nippon Electric Glass (UK) Ltd the fine £100 000 against Brintons Ltd. The average fine without these convictions would be £5570.

(z) Includes the fine of £200 000 against Keltbray Ltd the fine of £110 000 against Tarmac Construction Ltd and the fine of £100 000 against Tarmac Heavy Building Materials (UK) Ltd. The average fine without these convictions would be £3378.

(aa) Includes the fine of £1 500 000 against Great Western Trains Ltd the fine of £300 000 against London Underground Ltd and the £150 000 fine against Railtrack Plc. The average fine without these convictions would be £4708.

(bb) Includes the £1 500 000 fine against Great Western Trains Ltd the fines of £300 000 against London Underground Ltd and BOC Gases Ltd the £250 000 against Friskies Petcare (UK) Ltd the £200 000 fine against Keltbray Ltd and British Steel Plc the £175 000 fine against British Steel Plc the £150 000 fine against Railtrack Plc the two fines of £110 000 against Nippon Electric Glass (UK) Ltd and Tarmac Construction Ltd and the two fines of £100 000 against Tarmac Heavy Building Materials (UK) Ltd and Brintons Ltd. The average fine without these convictions would be £4597.

p Provisional

**Table 6**

**Enforcement notices issued by HSE by industrial sector and type of notice 1990/91 - 1999/2000p**

Type of Notice	Year	Agriculture, hunting, forestry & fishing	Extractive & Utility supply industries	Manufacturing industries	Construction	Service industries	Unclassified	All industries
<b>Improvement</b>	1990/91	3157	15	4157	298	830	5	8462
	1991/92	2824	18	4095	360	1027	16	8340
	1992/93	2285	23	3710	230	1145	13	7406
	1993/94	1944	16	3343	216	896	17	6431
	1994/95	1805	139	3257	349	933	29	6512
	1995/96	1236	79	2741	215	868	80	5219
	1996/97(a)	600	41	2111	179	839	0	3770
	1997/98(b)	810	49	2435	153	964	0	4411
	1998/99	933	156	3087	582	1595	0	6353
	1999/00p	979	150	3490	678	1657	0	6954
<b>Deferred prohibition</b>	1990/91	76	1	104	11	33	1	226
	1991/92	95	1	74	13	37	2	222
	1992/93	85	0	75	7	30	2	199
	1993/94	29	0	70	9	32	2	142
	1994/95	28	4	43	24	25	0	124
	1995/96	16	1	43	10	10	2	82
	1996/97	19	3	55	50	38	0	165
	1997/98	35	0	61	47	38	0	181
	1998/99	33	0	67	55	44	0	199
	1999/00p	21	5	30	111	28	0	195
<b>Immediate prohibition</b>	1990/91	793	16	916	2027	206	7	3965
	1991/92	703	11	944	1795	294	21	3768
	1992/93	721	23	962	2172	291	51	4220
	1993/94	734	23	937	1935	256	52	3937
	1994/95	515	119	896	2226	318	98	4172
	1995/96	456	123	783	1639	277	107	3385
	1996/97	419	139	861	1747	343	0	3509
	1997/98	974	120	1030	1828	367	0	4319
	1998/99	799	117	1055	2017	360	0	4348
	1999/00p	644	84	1090	1959	378	0	4155
<b>Total notices</b>	1990/91	4026	32	5177	2336	1069	13	12653
	1991/92	3622	30	5113	2168	1358	39	12330
	1992/93	3091	46	4747	2409	1466	66	11825
	1993/94	2712	39	4350	2160	1184	71	10516
	1994/95	2348	262	4196	2599	1276	127	10808
	1995/96	1708	203	3567	1864	1155	189	8686
	1996/97	1038	183	3027	1976	1220	0	7444
	1997/98	1819	169	3526	2028	1369	0	8911
	1998/99	1765	273	4209	2654	1999	0	10900
	1999/00p	1644	239	4610	2748	2063	0	11304

(a) In 1996/97, approximately 540 Notices of Intent led to work being completed within 2 weeks. Therefore, Improvement Notices were not issued. In the absence of the Notice of Intent procedure 1996/97 enforcement notice numbers would have been about 540 higher.

(b) In 1997/98, approximately 630 Notices of Intent led to work being completed within 2 weeks. Therefore, Improvement Notices were not issued. In the absence of the Notice of Intent procedure 1997/98 enforcement notice numbers would have been about 630 higher.

p Provisional