

Health and Safety Offences and Penalties
2004/2005

A Report by the Health and Safety
Executive

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About the Offences and penalties report

The Offences and penalties report is an annual report on the enforcement action taken by HSE in the last year. It presents key statistics and links to the full enforcement database which shows the names of all those who have been served with an enforcement notice, or convicted of a health and safety offence. We know that businesses, insurers, the legal profession, trade unions, journalists and others make use of this information; we also know that by making these details public, we help to keep up the pressure for improvement in health and safety standards. However, as the information contained in this report only covers HSE's formal enforcement activities, we are considering how best to change the format and coverage of the report so that next year we can include local authorities' enforcement data too.

HSE's approach to enforcement

Our approach ensures we are:

- **proportionate**, so that enforcement action is proportionate to the risk and/or the seriousness of the breach;
- **transparent** in the way we operate, about what people can expect from us, and about what we expect from other people;
- **accountable** for our actions. HSE, like all regulators, is accountable to the public. We have policies and standards against which we can be judged as well as an effective system for handling complaints;
- **targeted**, so that action is focused on the most serious risks and on those best placed to control them;

- **consistent**, so that people know they can expect a similar approach in similar circumstances.

The Health and Safety Commission's (HSC's) [Enforcement policy statement \[PDF 175 kb\]](#) explains the general principles and approach which HSC expects enforcing authorities (mainly HSE and local authorities) to follow.

This report covers all the workplaces and activities where HSE is the enforcing authority, for example factories, farms, offshore gas and oil installations, nuclear installations, mines, schools and hospitals. The report does not cover workplaces where local authorities have enforcement responsibility – for example most offices, warehouses, shops and consumer services.

- [More information on local authority enforcement](#)

Our evidence confirms that enforcement is an effective motivator and deterrent. It plays an important role in securing compliance as well as promoting self-compliance.

- [For more information see The Health and Safety Commission's Strategy for workplace health and safety in Great Britain to 2010 and beyond](#)

Definition of a dutyholder

The generic term for a person or organisation with responsibilities under health and safety law is dutyholder. Dutyholders include employers, self-employed people, contractors and employees.

Advice and enforcement

There are a wide range of tools and techniques available to our inspectors to ensure that dutyholders comply with health and safety law. These tools and techniques include advice, improvement notices, prohibition notices and prosecution.

Advice

We don't take enforcement action lightly. Visits from our inspectors give dutyholders the opportunity to get expert advice face to face. A proportionate approach is taken to any breaches, so in less serious cases, the inspector will explain how the dutyholder is not complying with the law and advise them how to put the problem right. The inspector will explain legal requirements and good practice, as well as

- there is sufficient evidence to provide a realistic prospect of conviction; and
- the prosecution is in the public interest.

More information on prosecutions in England, Scotland and Wales can be found in the [Enforcement policy statement \[PDF 175kb\]](#)

In Scotland, the Procurator Fiscal decides whether to bring a prosecution.

Penalties

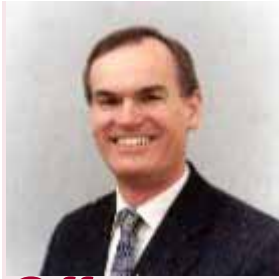
Following a successful prosecution, the courts will decide what penalty to impose. HSE believes that the current general level of fines does not properly reflect the seriousness of health and safety offences. However, it is up to the courts to decide appropriate fines. In England and Wales (though not in Scotland), the courts may also order the defendant to pay the prosecution costs.

As well as imposing fines, the courts can imprison offenders. Five people have been sent to prison for health and safety offences since January 1996. Of course, if convicted of manslaughter or culpable homicide, offenders are likely to receive a prison sentence.

More detail on the maximum penalties for health and safety offences can be found at the back of the HSC [Enforcement policy statement \[PDF 175kb\]](#).

We also believe that many of the maximum penalties available for health and safety offences are too low – as the courts have themselves said on occasion. The Government supports our view and is committed to increasing many of the maximum fines available to the lower courts as well as making imprisonment more widely available for both lower and higher courts.

The proposed Corporate Manslaughter Bill, which may be introduced into Parliament in early 2006, offers the prospect of a new statutory offence which would be available in the event of particularly serious safety management failures resulting in death. We welcome this proposal, which would be an important addition to the range of enforcement options in such cases and add to their overall deterrent effect.



Offences and penalties report - Statement by Justin McCracken

Each year too many people are killed, injured or made ill by work. This is unacceptable and it is the Health and Safety Commission and Executive's mission to lead the way in reducing such injury and ill health. In doing so, we recognise the crucial contribution that formal enforcement makes.

Our emphasis is on prevention but, where appropriate, we will come down hard on those that put others at risk, particularly where we find deliberate flouting of the law. In doing this we are guided by the HSC's [Enforcement policy statement \[PDF 175 kb\]](#), which reflects the principles of the Enforcement Concordat, and the Code for Crown Prosecutors. Society in general, law-abiding businesses and workers expect this of us. We have included examples of prosecutions where dutyholders have flouted the law and shown reckless disregard for health and safety requirements. Firm, properly targeted and proportionate enforcement underpins the action we need to take to deliver the [HSC's Strategy](#). Our powers to take enforcement action amplify all that we do to deliver a sustainable, long-term reduction in occupational injury and ill health. However, to achieve our goals we use a range of interventions, in this we are directed by the guiding points set out in the HSC's [Sensible health and safety at work: The regulatory methods used in Great Britain \[PDF 72kb\]](#). Our approach recognises that a risk-free society is neither desirable nor possible, and that sensible health and safety is about managing risks, not eliminating them.

The report includes some examples of people who have paid the human price of poor health and safety management. They have agreed to share their experiences to help protect others from similar traumas. These remind us why taking action against those that fail to protect others from at-work risks is so important. And why, no one should be in any doubt that, where appropriate, we will use our enforcement powers.

This report provides data on the prosecutions taken and enforcement notices served by HSE during 2004/05. These figures show a fall.

HSE prosecutions

Overall figures

In 2004/5, HSE brought 712 prosecutions - 78% of that in 2002/03 (908 prosecutions), and 74% of that in 2003/04 (963 prosecutions). We continued to have a high success rate, this year securing convictions in 95% of the cases we brought. The average penalty for our cases was £18,765, this was 31% up on the level of penalty for our cases in 2003/4.

Reported incidents

In view of this fall, we have analysed our figures, confirming that most of our prosecutions (around 90 to 95%) are taken as a result of investigation into incidents, mainly those reported to us under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. We refer to such reports as 'RIDDORs'. Since 1997/98 there has been a steady decline in the number of RIDDORs received by HSE. In the two years between 2002/3 and 2004/5 the number of RIDDORs reported to us fell by around 15%. We have therefore concluded that the drop in the number of prosecutions we took between 2002/3 and 2004/5 is, in part, due to the fall in the number of RIDDORs reported to us. However, this decline does not explain fully the fall in prosecution numbers between 2003/4 and 2004/5.

Targeting

Our analysis indicates that a significant factor in the fall was the reduction in the number of RIDDORs we selected for investigation. In 2003 we decided to target more resource to preventative work and to balance our reactive and proactive work to give a 40:60 split. We recognised that to achieve this division and to resource fully and target our investigative work (given the significant resource demands upon us to deliver high quality joint investigations with the police and to work within the Criminal Justice System) that we needed to investigate fewer incidents. We therefore actively

managed the processes by which we selected incidents for investigation by strict application of the HSC's Incident Selection Criteria. The result was that in 2004/5 we investigated 24% fewer incidents than we had done in 2003/4 and 45% fewer than in 2002/3, but the proportion of investigations now leading to prosecutions has increased. Indeed, the percentage of selected incidents leading to prosecution has gradually increased from a low of around 7.5% in 2000/1 to just over 12% in 2004/5. Providing further evidence that we have improved the targeting of our investigation work.

Maintaining resource to investigation and enforcement activities

We know that we are devoting about the same amount of resource, year-on-year, to investigation and enforcement activities but producing fewer prosecutions. There are two main factors at play here: joint working with the police under the Work-related Deaths Protocol [[link](#)]; and working within the Criminal Justice System and to legal processes that, for very good reasons, are increasingly more time consuming.

Work-related Deaths Protocol

We are working increasingly with the police on manslaughter investigations, and estimate that this is taking up about 10% of our total investigation and enforcement resource. However, it is worth noting that our recording system prevents us from recognising this high quality contribution, a situation we intend to rectify.

Devoting resource to high profile joint investigations with the police has resulted in fewer HSE prosecutions. However, such investigations are likely to lead to serious criminal charges being brought by the Crown Prosecution Service (CPS). We believe that this is the right and appropriate use of resource, to ensure justice for those killed by work, and that the most serious risks are properly investigated. We also believe that these cases provide a stronger deterrent effect and through publicity lead to improved standards in many workplaces. To illustrate this we have included an example of a recent [joint HSE/police investigation](#) leading to a custodial sentence for manslaughter.

Fines

For the criminal offences set out in health and safety legislation, we are pleased to see that the courts are prepared to impose larger fines, a welcome development in making the case that compliance with health and safety law must continue to be taken seriously, and an indication that we are targeting the right incidents for investigation. The very recent high fines against Transco and Balfour Beatty are examples that show the continuing quality of our investigative work and the seriousness with which health and safety offences are rightly treated.

Notices

Overall figures

During 2004/5, HSE inspectors served 8445 enforcement notices. This was about 25% fewer than the average level between 1998 and 2004 (over 10,000 a year, with a peak of over 13,000 in 2003/04). The level of notice activity in 2004/5 was at a similar level to that of 1997/98.

There are a number of reasons behind the recent decline in notice activity.

Using a range of interventions

We are using a range of interventions to deliver HSC's Strategy. For example, within the construction industry (an area where we had traditionally served many notices) we are intervening in the design and concept stages of projects, working with others to manage down risks before the construction processes begin. During a period in which the sector has been experiencing growth, fewer injuries have been reported and with less enforcement needing to be taken.

Dealing with health and longer visits

We know that our inspectors are dealing increasingly with health hazards, and working with dutyholders to problem-solve and benchmark standards, an approach which does not automatically lead to service of notices. Such visits are taking longer

but produce sustainable improvements in a dutyholder's management of risks. But fewer of these visits are possible and since there is a link between inspection contacts and notices, fewer notices are being served.

Campaigns and targeting

However, within our approach, we continue to reserve the right to serve notices where circumstances and risks dictate such action appropriate. Indeed, we are increasing working with local authorities in fully resourced and targeted campaigns designed to ensure that dutyholders are managing risks in priority areas.

Offences and penalties report - Examples of HSE's formal enforcement work

Campaign work - targeting enforcement to improve standards – workplace transport

A two-week initiative in Autumn 2004 aimed at improving workplace transport practices ran across Kent and Medway and illustrates the benefits of regulators working together. The initiative comprised a major inspection and awareness raising programme between HSE, Kent Police and Local Authorities. The inspection phase targeted food transport from producer and importer to consumer. Company size ranged from owner-drivers to sites with 650 employees. Over 80 inspectors/officers were involved, 475 inspections completed, 108 notices issued and over 50 dangerous vehicles taken off the road. Media coverage reached an estimated 1.5 million people. As a result, many companies reduced transport risks by, for example, segregating vehicles and pedestrians, reducing reversing and increasing driver training. The effect of the campaign spread beyond Kent with one supermarket chain rolling out risk reduction measures to 265 stores, 122 000 employees and their contractors.

Prosecution of company director who showed reckless disregard for the safety of an employee

A female farm worker received two substantial electrical shocks when the motorised lifting equipment she was using to move pig huts touched overhead power lines. She had been employed at the farm for less than one month and had only received a few minutes training in the use of the equipment. The training was provided by a 16 year old boy who was also untrained in its use. She had also received no information or guidance about the dangers of overhead power lines. She received life threatening injuries resulting in permanent disability.

The director who employed her was aware she was untrained and had personally instructed her to use the equipment. The director was prosecuted in the Crown Court. The director pleaded guilty to five charges and received fines totalling £40,000 with costs of £22,000 awarded to HSE.

Prosecution of a contractor who put others at risk for financial gain

Most of HSE's prosecutions result from an investigation into an accident. However, we are increasingly trying to target our enforcement activity where there is a risk of somebody being harmed at work, particularly when it is done for financial gain.

In a recent case a court decided that a contractor had placed three of his employees at risk of a fatal fall from height. He had not provided suitable scaffolding or ladders for them to use while they were salvaging slate tiles from a building which was due to be demolished, nor had he trained them in safe work at height. The cost of erecting a scaffold would have only been £550, but it exceeded the reclaim value of the slates by up to 50%.

Two of the men were spotted sitting on the ridge of a building by an HSE inspector driving past. He issued a prohibition notice and began an investigation.

Approximately five months from this date, the individual attended court, pleaded guilty and was fined £3000 and ordered to pay full costs.

Working with police – manslaughter charge

Recently, a company director was convicted of manslaughter and received a 12 month custodial sentence with his company being fined £30,000.

The case arose following the death of an employee who was fatally injured when clearing a blockage from inside a piece of large machinery, which had not been

securely electrically isolated. There followed an investigation conducted according to the Work Related Death Protocol by HSE staff and police officers.

The case attracted some national and significant local media coverage including television, radio, press and online news services. HSE believes that this sort of press coverage provides a multiplier effect for our enforcement activities and gets the sensible health and safety message to a wide audience.

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Offences and penalties report - Mitchell Shaw



Mitchell with his mother Julie

The summary

In July 2003 HSE investigated an incident in Cobridge, Staffordshire. A 3 year old boy was seriously hurt whilst playing in his own back yard, when a fork lift truck operating on adjacent land knocked a brick wall on to him. He suffered severe cuts to the face, head and body and post-accident trauma. The fork lift truck was found to be in very poor repair and was being operated by a 17 year old untrained driver. The investigation revealed serious underlying management failures.

The personal cost

Julie Shaw, Mitchell's mother was in the family home when the accident happened. She recalls: "It was a fine day. My older son Ben was at school and Mitchell was playing happily in the backyard of our house with his rocking horse and other toys. My partner, Alun, heard a noise from the back. We did not think it was anything alarming but he went to check. He was horrified to see that the back yard wall had been completely pushed down by a fork lift truck, Mitchell had disappeared apart

from a bit of his T-shirt sticking out from under the stone. When I saw what had happened I froze with panic. I thought Mitchell was dead. Alun shouted for help and some of the workmen and a passerby came. It took three men to lift a huge piece of stone from my little boy.

“Mitchell was just lying there. His face and head were covered with blood and dirt. The ambulance took him to the North Staffordshire hospital. He was treated and checked for brain damage and broken bones. Both his eyes were blackened and closed from the impact and he was also unable to walk for a few days. The scars to his face and head were deep – he actually lost some of his hair and he had to have specialist care to help the scars heal. All I could think was, is he going to die? Mitchell is a typical little boy, fun loving and boisterous. But for a long time afterward he had terrible nightmares about the accident.”

“When I look back this was an accident waiting to happen. A housing development company was using a narrow alleyway to get to a building site behind the backyard of our house. There was hardly room for any big vehicle to get down. My little boy happened to be in the wrong place at the wrong time. I thank God he was not killed.”

The penalty

The director of the company involved was personally prosecuted for offences under section 3 of the Health and Safety at Work etc. Act 1974 and regulations 5 and 9 of the Provision and Use of Work Equipment Regulations 1998. In the Crown Court he was fined a total of £14,000 and ordered to pay costs of £6,000.

Offences and penalties report - Paul Robinson



Paul Robinson and his family

The summary

HSE investigated an incident in May 2003 at a road tanker depot in Stourbridge, West Midlands. Four employees suffered burns to their hands, heads and faces after gas vapours from a tanker barrel used to transport liquid petroleum gas ignited in the area in which they were working. The barrel was being fitted to another vehicle and no check had been made to ensure that no gas vapours were present. It was brought into a workshop where welding work was going on. Gas vapours leaked from the tanker barrel and were ignited by the welding equipment, injuring four men.

The personal cost

Paul Robinson aged 31, of Redditch, was one of the fitters injured in the workshop that day. He was never able to go back to his place of work as he was so traumatised by the incident. He recalls: "That afternoon we were preparing to start work on a liquid petroleum gas tank which needed to be fitted to a new chassis. The tank had been standing in the yard for several weeks. Its vents should have been open to let any residue of gas escape but they had been closed in transit while it was brought down from Scotland and they had not been re-opened. We believed the tank had been purged (cleansed) and the three of us, myself, a workmate Rob Seeney and a 17 year old apprentice were preparing to check the vessel's safety valves

before we started work on securing it to the chassis. The three of us were at the rear of the vehicle and I was lifting off the manhole cover at the rear. Part of the check on the vehicle would have involved me climbing into the tank through the manhole to examine the interior. At that point we were completely unaware that there was any leakage of gas. We could not see or smell it. There was a workman several yards behind us who was doing some welding work.”

“Suddenly there was an arc from the welding apparatus and I turned to see what looked like a wave of flame, a ball of flame rolling toward us. It was so bright, so hot and we could not breathe. I simply closed my eyes and ran as far as I could down the workshop. My hair was on fire. A workmate used a fire extinguisher on me and I was badly burned on the face and head. My workmate Rob Seeney had lifted the apprentice and thrown him clear but then bent down to the ground using his hands to shield his face. Unfortunately there was a gas pocket still there which re-ignited and burned him badly. The welder was also badly burned. My injuries have healed but I am still having counselling for post-accident trauma and flashbacks and I am now working for another employer. The lesson to be learned from all this is that is vital that safety checks are made. I want other people in this line of work to know about what happened so they are made aware. We were so lucky to escape with our lives. It could have been so much worse.”

The penalty

The company involved was prosecuted under the Dangerous Substances and Explosive Atmospheres Regulations 2002. At the Magistrates’ Court, the company was fined £4,000 and ordered to pay £2,498 in costs.

Offences and penalties report - Joseph McEvoy



Photograph of Mr McEvoy held by his daughters

The summary

In July 2003 HSE investigated a fatal fall through a fragile roof in Liverpool. The deceased, Joseph McEvoy, a 52 year old general labourer, died in hospital after he fell through the roof onto the floor of the premises below. Mr McEvoy was working for a company that had been contracted to clean and repair skylights in the roof of the building. The company occupying the premises had failed to inform the contractor of the fragile nature of the roof, failed to operate their own contractor control procedures, and allowed their own staff to work whilst roof work was going on directly above. The contractor was not equipped to carry out roof work and was unfamiliar with basic precautions.

The personal cost

Mr McEvoy's daughter Joanne, who was with him when he died, spoke of the terrible shock of her father's death and the devastating effect on family life. "We were a close-knit family and I was the eldest of six sisters. Mum and Dad lived for us and my twin and youngest sister were only 14 and 12 years old when died. He was the rock of the family and always had time for his children and grandchildren. My Dad walked out of the house to go to work on a lovely sunny day and never came home. He had told my youngest sister to give a message to Mum that he would not be working late

that night. But we were never to see him again and now two years later one of my sisters still has a lock of his hair under her pillow when she goes to bed at night. When we got the call about the accident that morning I was the first to arrive at the hospital. I waited for the ambulance to bring Dad in as they were trying to help him medically at the accident scene. He underwent an initial emergency operation to remove his spleen and then a further seven hours of surgery as the doctors battled to deal with massive trauma injury to the chest and head. They did everything in their power but he died the following night. My father had no training for roof work and died in such a terrible way. How do you ever come to terms with something like this? Our hearts were broken. ...Such a lovely husband and dad lost to us for ever.”

The penalty

Both of the companies involved were prosecuted under the Health and Safety at Work etc. Act 1974. The company occupying the premises was fined £130,000 and ordered to pay £39,000 costs. The company contracted to carry out the work was fined £3,000.

Offences and penalties report - Jason Lesaux



Jason's Lesaux's father Lewis

The summary

In February 2004 HSE investigated an incident in which a builder suffered a fatal fall. The deceased was working at a house in London, which was being renovated. A central hole had been created through the storeys of the house to enable materials to be lifted up through the floors. No edge protection had been provided round the hole and the deceased fell from the fourth to the first floor. He suffered multiple injuries and died later in hospital.

The personal Cost

Jason Lesaux, aged 37, died in hospital after a terrible fall through several floors. His father, Lewis, a London cab driver, recalls the accident, which devastated his family. "On the morning of the accident I had called in at my son's flat in Paddington for the usual cup of tea before we started the day's work. My son was working for a firm on various development sites in the area. He was an expert bricklayer and had

completed three college courses in his craft. He was so good that he could have become a lecturer himself in that field if he had wanted to. He was a lovely lad, a gentle giant of a man and very friendly. My son and I were close and I usually saw him on most mornings when I was up working in town. On the day of the accident I called in on him as usual and we both left for work. At midday I was with my brother having lunch on the taxi rank. I received a telephone call from his girl friend to say what had happened. Jason had suffered massive internal injuries due to the fall. He was given massive blood transfusions and although the hospital did their best to save him he died in the early hours of the morning.”

“We were shattered by the loss. His mother, Maureen, has never been able to revisit the grave since we buried him. She usually rang him in the mornings and because she had not spoken to him on that day felt that the accident would never have happened if only she had done. I have panic attacks...I may glimpse people in the street who look like him and I have a flashback to the day of the accident and feel a wave of panic. His younger sister, Julia, misses him so much as do the whole family circle. It is something, which is always with you. My son and we as a family always knew there were elements of danger in the work he did. Our only comfort now is in the grandchildren. Jason had an 11 year old daughter, Rebecca, who comes to stay with us. We can see so much of him in her. I am frustrated by the feeling that I have not been able to do enough to right this wrong for him. I wanted to tell the court how we feel about his loss. How wrong it was. How there should have been safety measures in place on the day to save him. Things can never be the same.”

The penalty

The company that employed Jason was prosecuted under section 2 Of the Health and Safety at Work etc. Act 1974 and under Construction Regulations. Three partners in a property development partnership, which had engaged the company to undertake the work, were prosecuted under Construction Regulations and in one case also under section 3 of the Health and Safety at Work etc. Act 1974. At the Crown Court, the contractor was fined a total of £15,000 and ordered to pay costs of £15,000. Three partners were fined a total of £85,000 and ordered to pay costs of £35,000.

Offences and penalties report - John Gilroy



John Gilroy's brother Michael

The summary

The Health and Safety Executive investigated an incident on 20 February 2003 in which a 56 year old worker, John Gilroy, received fatal burns while working at a road tanker repair depot in Grantham. The deceased was carrying out the annual cleaning of a bitumen tanker by spraying the vehicle with kerosene and diesel. He was engulfed by fire when the tanker burst into flames.

The personal cost

Michael Gilroy of Moortown, Leeds, recalled the horror of his brother's death and the fact that more than two years on the family are still only just coming to terms with his loss. "John had worked for the company for more than 30 years in all parts of Britain and Ireland on road construction. He was very experienced in road construction work, a strong, reliable man and appreciated the need for safe work methods". On the morning of the accident John was involved in work that he had not done before and which was simply not his job. He had been instructed to clean down the bitumen spray tankers using a flammable kerosene spray. This was something employees regularly undertook, although none of them appeared to have been given any formal training for this particular job. As far as his family are concerned he was caught up that day in something that he should never have been doing. John was using the

spray to hose down the vehicle and was standing on a work platform. Suddenly a fierce fire broke out and he engulfed by the flames and badly burned on his legs and the lower half of his back. He was wearing basic work protective equipment but nothing that would have protected him against fire. John was taken to Grantham Hospital, and later transferred to Selly Oak hospital, Birmingham, where he was treated for 60 per cent burns to his body.”

“John was unconscious and heavily sedated when he arrived at Selly Oak, but had managed to tell the staff at Grantham Hospital that he thought there had been a blow torch in the vicinity of the tanker which could have started the fire. I never got the chance to speak to him properly again because of the severity of his injuries. He lived on for 12 days and we hoped at first that he might pull through because he was such a strong man. All the family came and waited at the hospital during those days. Then there was the long wait for the court case, which was unbearable. Even then it was not made completely clear what had happened on that morning. But it was obvious that sufficient care had not been taken regarding my brother’s safety. We were very close and my wife and I saw John every week. He was well liked; anywhere John went he had presence. I would not want this kind of thing to happen to any family. We are still missing him.”

The penalty

The company was prosecuted under section 2 of the Health and Safety at Work etc. Act 1974 and regulation 3 of the Management of Health and Safety at Work Regulations 1999. In the Crown Court, the company was fined £75,000 and order to pay costs of £22,000.

Offences and penalties report - Lawrence Atkinson



Mr. Atkinson's widow and two children

The summary

In February 2003 the Health and Safety Executive investigated a fatal fall from a scaffold at a steel works in North-East England. The deceased, 44-year-old Lawrence Atkinson, a scaffolder employed by a contractor, fell ten metres from a cantilevered scaffold into a hot metal pit. A second scaffolder was injured in the incident. The men were erecting access scaffold to provide a working platform from which to make repairs to a large iron transfer ladle. The team decided to erect cantilevered scaffolding that overhung the pit, even though this could have been avoided. The contractor had previously been prosecuted following a non-fatal fall from scaffolding. Despite previous HSE advice there were no site-specific risk assessments and this failure to follow advice was taken into account by the court as an aggravating factor in this case.

The personal cost

It was a normal day in the lives of Lawrence Atkinson, his wife Janet and their two children Laura, 18 and Jordan 12. Lawrence had left for work as usual that morning. He had taken the family car so that he could pick up his younger daughter, Jordan, from school and take her to the orthodontist. Janet Atkinson went off to her job as a legal secretary.

At 3 30 p.m. that afternoon Mrs. Atkinson received a telephone call from her husband's workplace to tell her that he had had an accident. She arranged for Laura to meet Jordan from school and made her way home. "I kept ringing my husband's workplace to try and find out what had happened but could not get any information. By half past five I was hysterical. My worst fears were confirmed when a police officer came to the door. My family came round and we went to the hospital. My husband was dead. He was only 44 years old."

"I was numb with shock. I tried not to think about the terrible way in which he died. He simply did not stand a chance. He had worked for the company for eight years and he often came home with stories of near accidents. He knew the job was dangerous. Because of the nature of the work the company should have ensured that every safeguard had been taken. On that day it can't have been. My husband was a kind, loving, well-liked family man. A man's man. He had many friends, a good sense of humour and always had a funny story to tell. We were soul mates and had been for nearly 20 years. One of the worst things to face was my own personal loneliness as the children involved themselves with friends and lots of activity as a buffer against the grief. It was difficult to find a reason to get up in the morning. The first year after his death was a blur. I had to go on to part time work so that Jordan did not have to come to an empty house. She had been very traumatised because her dad had been due to meet her from school on the day that he died. My elder daughter, Laura, now 21, is still having counselling to help her get over her dad's death. "

The penalty

The company that employed Lawrence was prosecuted under section 2 of the Health and Safety at Work etc. Act 1974 at Guisborough Magistrates' Court. The company was fined £18,000 and ordered to pay costs of £4,436.

Offences and penalties report - Graham Walton



Graham Walton

The summary

This was an incident investigated by the Health and Safety Executive in April 2004. Graham Walton, a long term casual worker, fell about 2.5 metres from a potato box balanced on the forks of a fork lift truck, breaking his leg, pelvis and ankle. The incident happened in the potato store on a farm in North Yorkshire where Mr. Walton was lifted up in the potato box to unhook the tarpaulin covering the store entrance. The box toppled sideways and he fell to the stone floor. A safety cage should have been used at this height and an instruction had been issued to do so. The staff did not consider it necessary for this brief task.

The personal cost

Graham Walton, aged 50 years, became an agricultural worker on leaving school. His father had been a farmer and he loved the outdoor, physical work. Until his accident Mr Walton, who lived in Driffield, had been employed as a casual worker for

three years working with a potato merchant. “Although I was a casual worker I was employed for about ten months of each year and we were always extremely busy. I liked the job. I was used to working long hours and anything outdoors in agriculture really suited me. I went off to work as usual that morning. We made a start at 7.30 a.m. and the accident happened only five minutes later. The last thing I remembered was the potato box I was standing in on the fork lift began to wobble. When I came to I was lying on the floor. It was very cold and I felt numb.”

Because of complications arising from his injuries, Mr Walton was in hospital in Scarborough for nearly three months. On his return home he only made slow progress in regaining his health. Any effort left him breathless and perspiring. “Eventually I was referred back to the hospital for further tests. They revealed that I had suffered embolisms due the fact that I had been unable to move for so long, which had damaged my lungs. I had to accept the fact that I was finished and would never work again. I had always enjoyed work, the outdoor life and the company of my workmates. That was all gone and I became very depressed. I am making the best of it and potter about at home doing what I can. I can only move about for about ten minutes at a time and then have to rest. My partner, Kathleen, suffers severe arthritis and osteoporosis so we are both very limited in what we can do. I think back with regret. We had a safety cage at work but were always so rushed at work that it was the norm to ignore it. It is too late for me now but my advice to anyone working would be to think before you act and always use the safety equipment however pushed you are for time.”

The penalty

The company operating the potato farm was prosecuted under section 2 of the Health and Safety at Work etc. Act 1974. At the Magistrates’ Court, the company was fined £1,500 and ordered to pay costs of £2,358.

Offences and penalties 2004/05 - key statistics

Key enforcement statistics 2004-5

- 712 cases were prosecuted following investigation by HSE
- 95% of all prosecutions resulted in conviction
- The average penalty for HSE cases was £18,765
- **The largest penalty imposed was £2 million, on a railway company**

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Figure 1 - Number of cases prosecuted following HSE investigations, 2001/01 - 2004/05p

Figure 1 - Number of cases prosecuted following HSE investigation, 2000/01 - 2004/05p

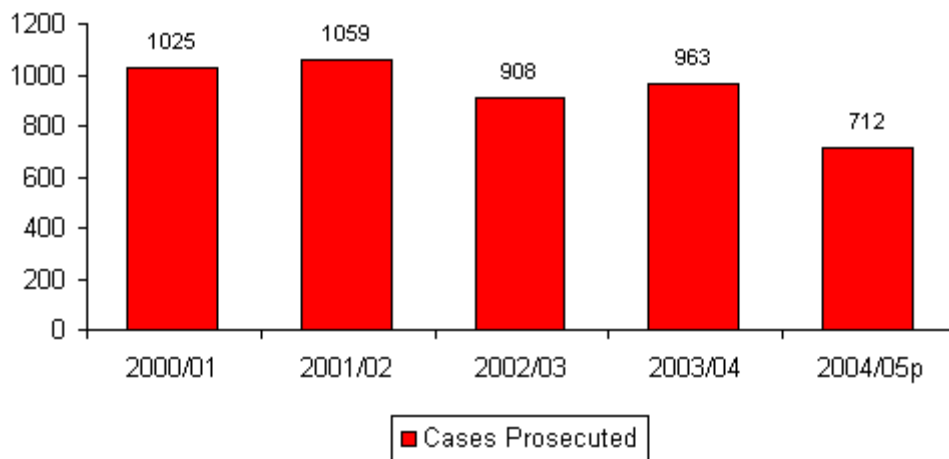


Figure 2 - Number of notices served by HSE, 2000/01 - 2004/05p

Figure 2 - Number of notices served by HSE, 2000/01 - 2004/05p

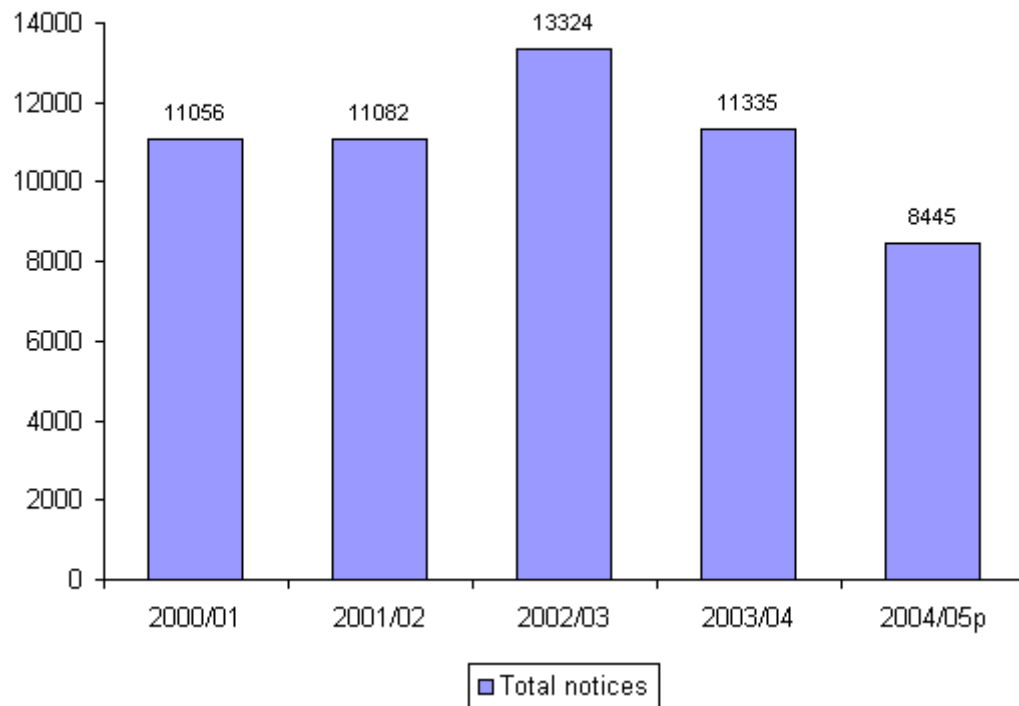


Figure 3 - Average penalty per case prosecuted following investigation by HSE's Field Operations Directorate, 2000/01 - 2004/05p

Figure 3 - Average penalty per case prosecuted following investigation by HSE's Field Operations Directorate, 2000/01 - 2004/05p



Figure 4 - Average penalty per case prosecuted following HSE investigation, Great Britain and separately for England, Scotland and Wales, 2003/04 - 2004/05p

Figure 4 - Average penalty per case prosecuted following HSE investigation, Great Britain and separately for England, Scotland and Wales, 2003/04 - 2004/05p



Figure 5 - Average penalty per offence, 2003/04 - 2004/05p

Figure 5 - Average penalty per offence, 2003/04 - 2004/05p

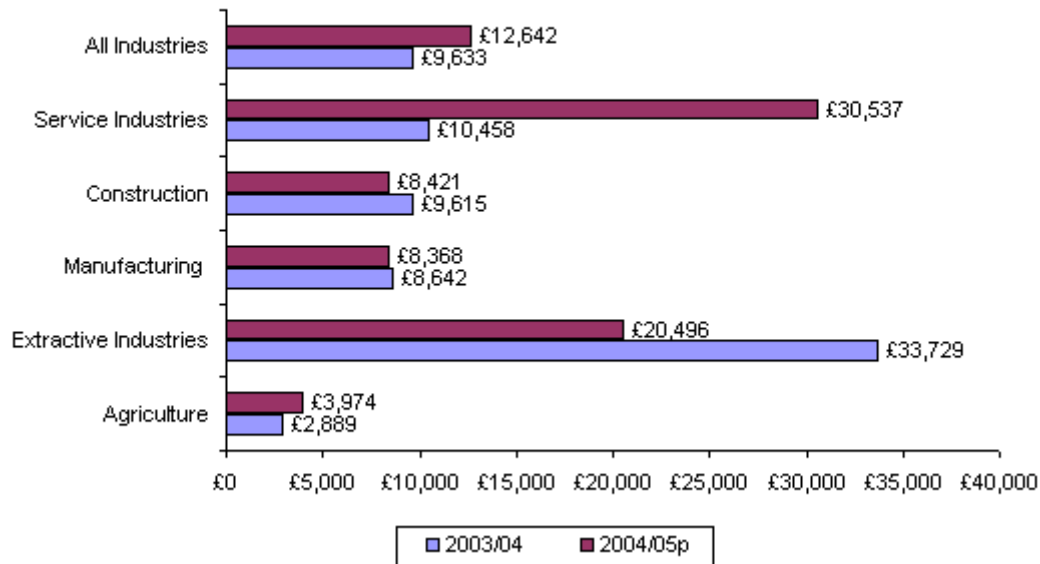


Figure 6 - Number of offences prosecuted and those resulting in conviction, 2000/01 - 2004/05p

Figure 6 - Number of offences prosecuted and those resulting in conviction, 2000/01 - 2004/05p

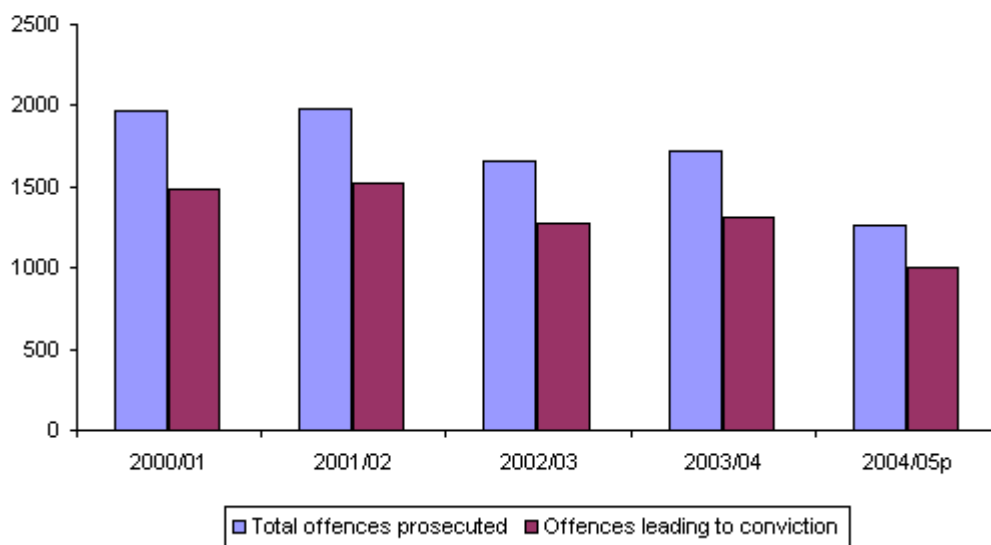


Figure 7 - Number of Improvement notices served by HSE, by Industry, 2003/04 - 2004/05p

Figure 7- Number of Improvement notices served by HSE, by Industry, 2003/04 - 2004/05p

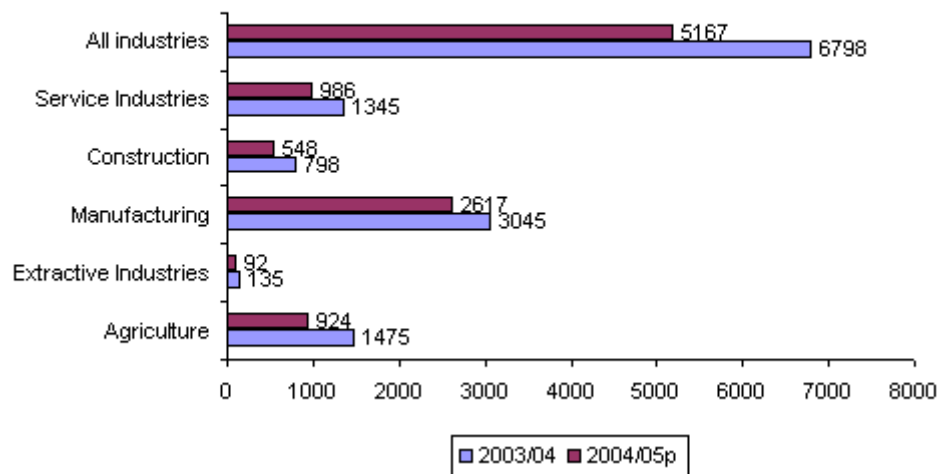


Figure 7.1 - Improvement notices served by HSE, percentage of notices, by industry 2004/05p

Figure 7.1 - Improvement notices served by HSE, percentage of notices, by Industry 2004/05p

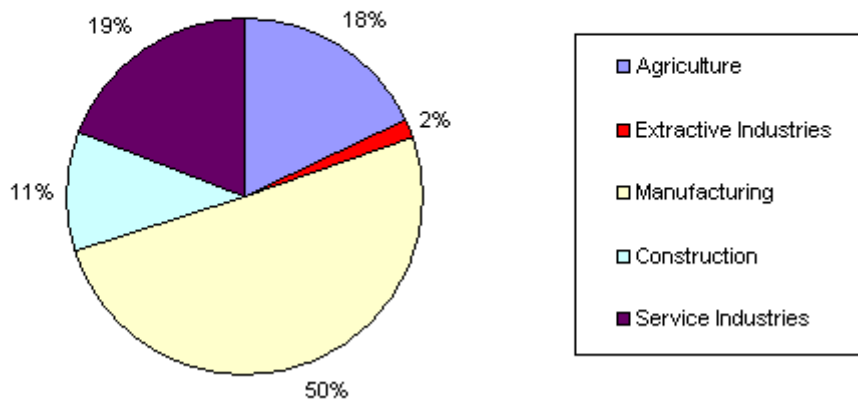


Figure 8 - Number of prohibition notices served by HSE, by Industry, 2003/04 - 2004/05p

Figure 8 - Number of Prohibition notices served by HSE, by Industry, 2003/04 - 2004/05p

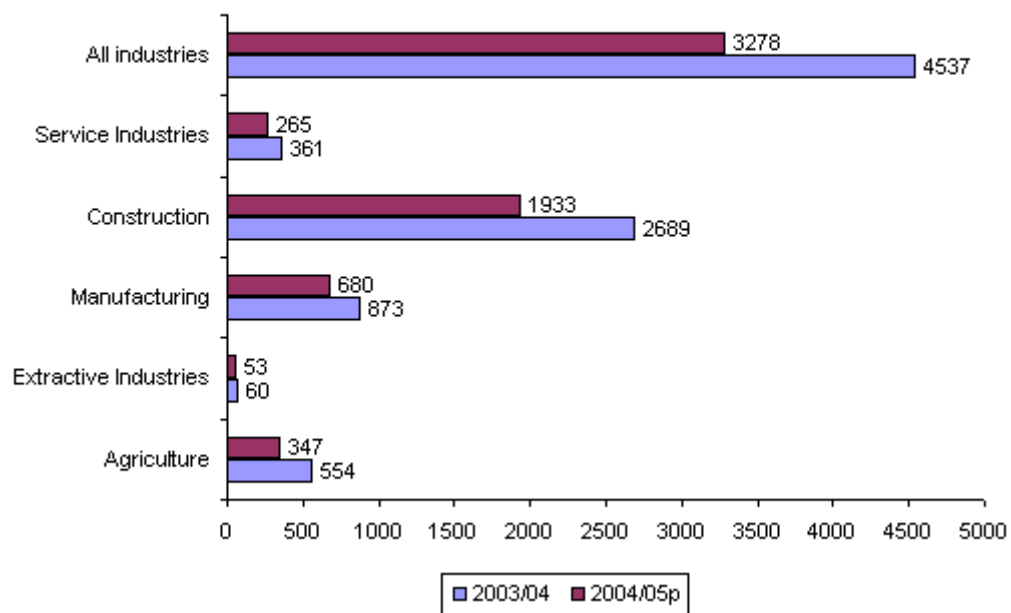
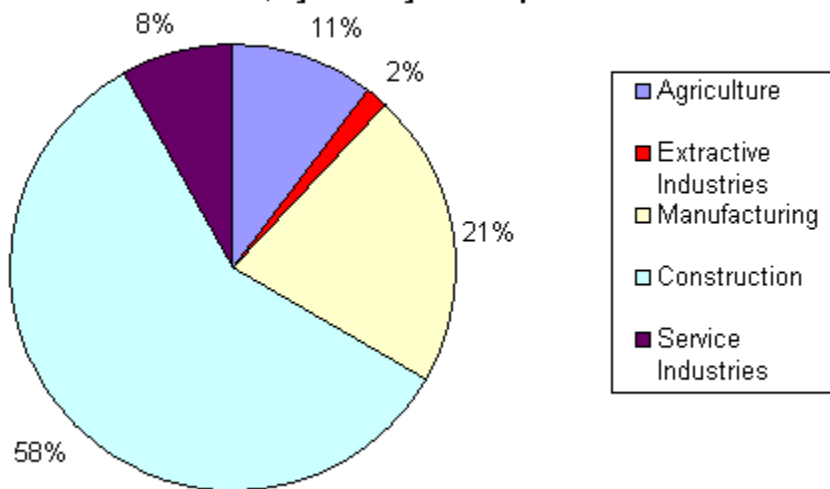


Figure 8.1 - Prohibition notices served by HSE, percentage of notices, by industry 2004/05p

Figure 8.1 - Prohibition notices served by HSE, percentage of notices, by Industry 2004/05p



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Number of individuals prosecuted and convicted for breaches of HSWA sections 7, 36 and 37 (see table 11 above)

Table 1 - Numbers of prosecutions, convictions and average penalty

Great Britain

	Number of duty holders prosecuted	Number of duty holders convicted	Total penalties	Average penalty per duty holder convicted
2002/03	908	847	£7,957,872	£9,395
2003/04	963	887	£12,686,787	£14,303
2004/05p	712	673	£12,628,940	£18,765

England

	Number of duty holders prosecuted	Number of duty holders convicted	Total penalties	Average penalty per duty holder convicted
2002/03	721	689	£6,137,072	£8,907
2003/04	793	746	£10,548,895	£14,141
2004/05p	573	551	£11,376,240	£20,647

Scotland

	Number of duty holders prosecuted	Number of duty holders convicted	Total penalties	Average penalty per duty holder convicted
2002/03	115	90	£642,850	£7,143
2003/04	128	101	£1,347,800	£13,345
2004/05p	87	71	£835,050	£11,761

Whereas in England and Wales prosecutions are brought by HSE, in Scotland the Procurator Fiscal prosecutes on the basis of HSE reports. He may decide not to prosecute all charges and this affects the number of convictions in Scotland.

Wales

	Number of duty holders prosecuted	Number of duty holders convicted	Total penalties	Average penalty per duty holder convicted
2002/03	72	68	£1,177,950	£17,323
2003/04	42	40	£790,092	£19,752

p=provisional

Table 1(a) - Numbers of prosecutions, convictions and average penalty

HSE's Field Operations Directorate only

	Number of duty holders prosecuted	Number of duty holders convicted	Total penalties	Average penalty per duty holder convicted
1997/98	876	800	£4,904,350	£6,130 (a)
1998/99	981	901	£6,126,102	£6,799 (b)
1999/00	1042	908	£7,529,402	£8,292 (c)
2000/01	968	883	£7,697,682	£8,718 (d)
2001/02	986	899	£10,015,346	£11,141 (e)
2002/03	860	801	£7,085,922	£8,846 (f)
2003/04	896	829	£11,193,737	£13,503 (g)
2004/05p	661	623	£8,442,340	£13,551(h)

p=provisional

N.B. Data in table 1a excludes certain industries namely chemicals, mining, railways and offshore work and therefore will not match data in table 1.

Notes:

- Includes one fine of £300,000; two fines of £150,000 and two fines of £100,000. If these convictions are excluded the average for 1997/98 was £5,163.
- Includes one fine of £1,200,000; one fine of £500,000 and one fine of £100,000. If these convictions are excluded the average for 1998/99 was £4,817.
- Includes one fine of £249,999; two fines of £200,000; one fine of £175,000; two fines of £110,000 and two fines of £100,000. If these convictions are excluded the average for 1999/2000 was £6,983.
- Includes one fine of £400,000; one fine of £350,000; two fines of £125,000 and two fines of £100,000. If these convictions are excluded the average for 2000/01 was £7,409.
- Includes two fines of £350,000; one fine of £340,000; one fine of £300,000; one fine of £250,000; five fines of £200,000 and two fines of £100,000. If these convictions are excluded the average for 2001/02 was £8,146.
- Includes one fine of £200,000; one fine of £150,000; one fine of £125,000 and two fines of £100,000. If these convictions are excluded the average for 2002/03 was £8,054.
- Includes one fine of £700,000; one fine of £300,000; one fine of £250,000; one fine of £220,000; two fines of £200,000; one fine of £175,000; eight fines of £150,000 and four fines of £100,000. If these convictions are excluded the average for 2003/04 was £9,319.
- Includes one fine of £325,000; one fine of £300,000; two fines of £250,000; two fines of £200,000; one fine of £175,000; three fines of £150,000 and two fines of £100,000. If these convictions are excluded the average for 2004/05p was £9,971.

Table 2 - Numbers of offences prosecuted, those resulting in conviction and average penalty

	Total offences prosecuted	Offences resulting in conviction	Average penalty per conviction
2002/03	1,659	1,273	£6,251 (n)
2003/04	1,720	1,317	£9,633 (o)
2004/05p	1,267	999	£12,642 (p)

p=provisional

- Includes one fine of £200,000; two fines of £150,000; 1 fine of £125,000; and three fines of £100,000. If these convictions are excluded the average for 2002/03 would be £5,555.
- Includes one fine of £700,000; one fine of £300,000; one fine of £250,000; one fine of £220,000; three fines of £200,000; one fine of £175,000; ten fines of £150,000 and five fines of £100,000. If these convictions are excluded the average for 2003/04 would be £6,524.
- Includes one fine of £2,000,000; one fine of £400,000; one fine of £325,000; one fine of £300,000; three fines of £250,000; four fines of £200,000; two fines of £175,000; four fines of £150,000 and three fines of £100,000. If these convictions are excluded the average for 2004/05p was £6,855.

Table 3 - Number of notices served by HSE

	Improvement	Deferred prohibition	Immediate prohibition	Total notices
1997/98	4,411	181	4,319	8,911
1998/99	6,353	199	4,348	10,900
1999/00	6,972	196	4,172	11,340
2000/01	6,671	147	4,238	11,056
2001/02	6,712	116	4,254	11,082
2002/03	8,140	113	5,071	13,324
2003/04	6,798	81	4,456	11,335
2004/05p	5,167	49	3,229	8,445

Table 4 - HSE enforcement action against crown bodies: crown notices and censures

	Improvement Notices	Prohibition Notices	Total Notices	Censures
1998/99	13	1	14	4
1999/00	21	5	26	3
2000/01	11	0	11	2
2001/02	5	0	5	2
2002/03	14	2	16	2
2003/04	14	2	16	1
2004/05p	6	0	6	5

p = provisional

Crown bodies are bound by the requirements of health and safety legislation, but are not subject to statutory enforcement notices or prosecution (Crown immunity). 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 employees*) require the same action from Crown employers as do improvement and prohibition notices issued to other employers.

A Crown censure is the formal recording 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, and prosecution would have been in the public interest.

A list of Crown bodies censured can be found on our Enforcement database.

Table 5 - Number of offences prosecuted and convictions, by industry

Standard Industrial classification	Year	Agriculture, hunting, forestry & fishing	Extractive & utility supply industries	Manufacturing industries	Construction	Service industries	All industries
Offences prosecuted	02/03	82	50	619	597	311	1659
	03/04	106	51	578	617	368	1720
	04/05p	67	35	391	550	224	1267
Convictions	02/03	68	28	522	434	221	1273
	03/04	81	34	502	418	282	1317
	04/05p	59	28	328	396	188	999
Average penalty per conviction	02/03	£2,606	£13,721	£5,020 (ab)	£5,745	£10,330 (ac)	£6,251 (ad)
	03/04	£2,889	£33,729 (ae)	£8,642 (af)	£9,615 (ag)	£10,458 (ah)	£9,633 (ai)
	04/05p	£3,974	£20,496 (aj)	£8,368 (ak)	£8,421 (al)	£30,537 (am)	£12,642 (an)

p=provisional

(ab) Includes one fine of £125,000. The average fine without these convictions would be £4,789.

(ac) Includes one fine of £200,000; two fines of £150,000 and three fines of £100,000. The average fine without these convictions would be £6,897.

(ad) Includes one fine of £200,000; two fines of £150,000; one fine of £125,000; three fines of £100,000. The average fine without these convictions would be £5,555.

(ae) Includes four fines of £150,000 and one fine of £100,000. Average fine without these convictions would be £15,407.

(af) Includes one fine of £300,000; one fine of £250,000; one fine of £220,000; one fine of £200,000; one fine of £150,000 and three fines of £100,000. Average fine without these convictions would be £5,907.

(ag) Includes one fine of £700,000; one fine of £175,000 and four fines of £150,000. Average fine without these convictions would be £6,174.

(ah) Includes two fines of £200,000; one fine of £150,000 and one fine of £100,000. Average fine without these convictions would be £8,270.

(ai) Includes one fine of £700,000; one fine of £300,000; one fine of £250,000; one fine of £220,000; three fines of £200,000; one fine of £175,000; ten fines of £150,000 and five fines of £100,000.

Average fine without these convictions would be £6,524.

(aj) Includes three fines of £300,000. Average fine without these convictions would be £6,956

(ak) Includes one fine of £300,000 and one fine of £100,000. Average fine without these convictions would be £7193

(al) Includes one fine of £250,000; one fine of £175,000; three fines of £150,000 and one fine of £100,000. Average fine without these convictions would be £6051.

(am) Includes one fine of £2,000,000; one fine of £400,000; one fine of £325,000; two fines of £250,000; three fines of £200,000; one fine of £175,000 and one fine of £150,000. Average fine without these convictions would be £10,764.

(an) Includes one fine of £2,000,000; one fine of £400,000; one fine of £325,000; one fine of £300,000; three fines of £250,000; four fines of £200,000; two fines of £175,000; four fines of £150,000 and three fines of £100,000. If these convictions are excluded the average for 2004/05p was £6,855.

Table 6 - Number of notices served by HSE, by industry

Standard Industrial Classification	Year	Agriculture, hunting, forestry & fishing	Extractive & utility supply industries	Manufacturing industries	Construction	Service industries	All industries
Improvement notices	02/03	1,508	159	4,104	778	1 591	8,140
	03/04	1,475	135	3,045	798	1 345	6,798
	04/05p	924	92	2,617	548	986	5,167
Deferred prohibition notices	02/03	23	1	35	32	22	113
	03/04	11	1	15	33	21	81
	04/05p	4	0	12	20	13	49
Immediate prohibition notices	02/03	583	56	1,211	2,772	449	5,071
	03/04	543	59	858	2,656	340	4,456
	04/05p	343	53	668	1,913	252	3,229
Total notices	02/03	2,114	216	5 350	3,582	2,062	13,324
	03/04	2,029	195	3 918	3,487	1,706	11,335
	04/05p	1,271	145	3,297	2,481	1,251	8445

p=provisional

Table 7 - Number of work-related fatalities and those resulting in prosecution and conviction

Year of Fatality	Number of fatalities	Number of duty holders prosecuted	Number resulting in conviction	Percentage of fatalities resulting in prosecution	Percentage of prosecutions resulting in conviction
1999/00	280	103	91	37	88
2000/01	350	149	125	43	84
2001/02	278	85	76	31	89
2002/03	256	68	55	27	81
2003/04	255	22	18	*	*
2004/05p	249	-	-	-	-

p= provisional

This table excludes fatalities in certain industries, namely chemicals, mining, railways and offshore work.

Due to the time it takes to bring legal proceedings, 2001/02, 2002/03, and 2003/04 figures may be subject to change.

*Final figures are not available, due to the time it takes to bring legal proceedings.

Of the fatalities that occurred in 1999/2000, there were 103 duty holders prosecuted and 91 resulted in conviction. Of the 91, 7 were convicted in 1999/2000, 34 in 2000/01, 37 in 2001/02, 4 in 2002/03 and 9 in 2003/04.

Of the fatalities that occurred in 2000/01, there were 149 duty holders prosecuted and 125 resulted in conviction. Of the 125, 6 were convicted in 2000/01, 57 in 2001/02, 39 in 2002/03, 17 in 2003/04 and 6 in 2004/05p.

Of the fatalities that occurred in 2001/02, there were 85 duty holders prosecuted and 76 resulted in conviction. Of the 76, 8 were convicted in 2001/02, 25 in 2002/03, 21 in 2003/04 and 22 in 2004/05p.

Of the fatalities that occurred in 2002/03, there were 68 duty holders prosecuted and 55 resulted in conviction. Of the 55, 2 were convicted in 2002/03, 31 in 2003/04 and 22 in 2004/05p.

Of the fatalities that occurred in 2003/04, there were 22 duty holders prosecuted and 18 resulted in conviction. Of the 18, 1 resulted in conviction in 2003/04 and 17 in 2004/05p.

The data relating to the number of prosecutions only relates to those cases that have been completed and not those currently in progress. The year of prosecution is the year the case was completed.

Table 8 - Penalties imposed by the courts following work-related fatalities

Year of verdict *	Total penalty	Average penalty per case	Average penalty per conviction**
1999/00	£1,618,250	£24,896	£16,683
2000/01	£1,577,250	£21,030	£13,597
2001/02	£4,376,300	£37,727	£24,586
2002/03	£2,387,137	£31,410	£23,176
2003/04	£3,540,300	£43,707	£27,876
2004/05p	£2,867,250	£42,795	£29,867

p=provisional

* Data includes fatalities from 1998/99 onwards

** In some cases defendants were convicted of more than one offence

Data in this table exclude certain industries, namely chemicals, mining, railways and offshore work.

Table 9 - Number of separate offences prosecuted, those resulting in conviction, and average penalty

Type of court	Year	Great Britain			England			Scotland			Wales		
		All	Higher	Lower	All	Higher	Lower	All	Higher	Lower	All	Higher	Lower
Offences prosecuted	03/04	1,720	364	1356	1347	314	1033	295	40	255	78	10	68
	04/05P	1,267	237	1030	1021	220	801	163	10	153	83	7	76
Convictions	03/04	1,317	261	1056	1127	236	891	125	18	107	65	7	58
	04/05P	999	189	810	836	179	657	89	6	83	74	4	70
Average penalty per conviction	03/04	£9,633	£32,216	£4,052	£9,360	£29,057	£4,143	£10,782	£53,611	£3,578	12,155	83,714	3,519
	04/05P	£12,642	£46,388	£4,767	£13,608	£47,220	£4,450	£9,383	£35,833	£7,470	5,644	25,000	4,538

p=provisional

Whereas in England and Wales prosecutions are brought by HSE, in Scotland the Procurator Fiscal prosecutes on the basis of HSE reports. He may decide not to prosecute all charges and this affects the number of convictions in Scotland.

Table 10 - Average fine for breaches of HSWA Sections 2 to 6

Year	Act	Section	Charges brought	Convictions	Withdrawn/Not taken	Dismissed /Not guilty	Not proven (Scotland)	Case adjourned	Total fines (£)	Average fine per conviction (£)
2000/01	HSWA	2	335	296	33	3	0	3	2,940,050	9,933
	HSWA	3	243	189	39	13	0	2	2,523,975	13,354
	HSWA	4	3	1	1	1	0	0	7,000	7,000
	HSWA	6	27	9	18	0	0	0	102,500	11,389
2001/02	HSWA	2	349	311	29	8	0	1	4,810,050	15,466
	HSWA	3	251	202	31	8	0	10	3,198,916	15,836
	HSWA	4	5	4	1	0	0	0	59,000	14,750
	HSWA	6	36	13	8	3	0	12	157,500	12,115
2002/03	HSWA	2	312	278	29	3	0	2	2,536,151	9,123
	HSWA	3	215	163	41	10	0	1	2,060,400	12,640
	HSWA	4	2	2	0	0	0	0	10,500	5,250
	HSWA	6	11	8	3	0	0	0	103,000	12,875
2003/04	HSWA	2	351	306	22	19	0	4	4,453,850	14,555
	HSWA	3	253	201	25	22	2	3	4,450,000	22,139
	HSWA	4	1	1	0	0	0	0	4,000	4,000
	HSWA	6	6	4	1	1	0	0	20,750	5,188

2004/05p	HSWA	2	262	239	15	6	0	2	4,345,800	18,183
	HSWA	3	169	152	13	3	0	1	2,479,400	16,312
	HSWA	4	2	0	2	0	0	0	0	0
	HSWA	6	5	5	0	0	0	0	32,000	6,400

p=provisional

This table excludes data in certain industries, namely chemicals, mining, railways and offshore work.

HSWA – The Health and Safety at Work etc. Act 1974

Section 2 HSWA – this places general duties on employers to ensure the health, safety and welfare of their employees at work, so far as is reasonably practicable.

Section 3 HSWA – this places duties on the self-employed to conduct their undertaking (or business) so as not to expose others (who could be affected) to risks to their health and safety, so far as reasonably practicable.

Section 4 HSWA – this places duties on persons in control of work premises to ensure that such premises are safe and without risks to the health of the people using them, so far as is reasonably practicable.

Section 6 HSWA – places general duties on designers, manufacturer, importers and suppliers of articles and substances for use at work to ensure that these are safe and without risks to health when properly used

Table 11 - Average penalty for breaches of HSWA sections 7, 36, and 37

Year	Act	Section	Charges brought	Convictions	Withdrawn/Not taken	Dismissed/Not guilty	Not proven (Scotland)	Adjournment	Adjournment Sine Die	Not known	Total fines (£)	Average fine per conviction (£)
2003/04	HSWA	7	23	18	2	3	0	0	0	0	16000	889
	HSWA	36	3	3	0	0	0	0	0	0	2900	967
	HSWA	37	13	12	1	0	0	0	0	0	38000	3167
2004/05p	HSWA	7	15	12	2	1	0	0	0	0	8,150	679
	HSWA	36	2	1	1	0	0	0	0	0	1,400	1,400
	HSWA	37	13	10	2	1	0	0	0	0	22,200	2,220

Number of individuals prosecuted and convicted for breaches of HSWA Sections 7, 36 & 37

Year	Act	Section	Number of individuals prosecuted	Number of individuals convicted	Withdrawn/Not taken	Dismissed/Not guilty	Not proven (Scotland)	Adjournment	Adjournment Sine Die	Not known	Total fines (£)	Average fine per individual (£)
2003/04	HSWA	7	23	18	2	3	0	0	0	0	16000	889
	HSWA	36	3	3	0	0	0	0	0	0	2900	967

	HSWA	37	10	9	1	0	0	0	0	0	38000	4222
	HSWA	7	14	12	1	1	0	0	0	0	8,150	679
2004/05p	HSWA	36	2	1	1	0	0	0	0	0	1,400	1,400
	HSWA	37	9	6	2	1	0	0	0	0	22,200	3700

p=provisional

These tables exclude certain industries, namely chemicals, mining, railways and offshore work.

HSWA – The Health and Safety at Work etc. Act 1974

Section 7 HSWA – this places a general duty on employees at work to look after themselves and others, and to follow safety rules.

Section 36 HSWA – allows prosecution of individuals whose acts or omissions have lead to offences being committed by others.

Section 37 HSWA – allows prosecution of directors, managers, company secretaries and other company officers whose consent, connivance or neglect has lead to health and safety offences being committed by a company.

Table 12 - Number of offences prosecuted, those resulting in conviction, and average penalty per conviction, by industry and area

HSE Area	Standard Industrial Classification	Year	Agriculture, hunting, forestry and fishing	Extractive and utility supply industries	Manufacturing industries	Construction	Service industries	All industries
South West	Charges brought	03/04	14	8	35	32	23	112
		04/05p	4	3	23	33	14	77
	Convictions	03/04	9	8	33	28	22	100
		04/05p	3	3	19	27	11	63
	Average penalty per conviction (£)	03/04	928	46,875	5,955	8930	7,682	9,989
		04/05p	450	3,333	6,426	2800	35,318	9,485
	Charges brought	03/04	2	0	24	47	10	83
		04/05p	5	0	21	27	4	57
South	Convictions	03/04	2	0	21	31	9	63
		04/05p	5	0	19	13	4	41
	Average penalty per conviction (£)	03/04	2,000	0	17,619	7689	7,150	10,741
		04/05p	1,320	0	6,816	5577	5,500	5,624
South East	Charges brought	03/04	15	0	23	20	14	72

		04/05p	6	0	11	24	10	51
	Convictions	03/04	15	0	21	19	12	67
		04/05p	6	0	11	22	9	48
	Average penalty per	03/04	940	0	9,690	4263	10,875	6,404
	conviction (£)	04/05p	1,550	0	4,523	10786	4,667	7,049
	Charges brought	03/04	0	0	8	5	6	19
		04/05p	0	0	3	34	12	49
Greater London (North)	Convictions	03/04	0	0	8	4	1	13
		04/05p	0	0	3	24	12	39
	Average penalty per	03/04	0	0	2,938	7500	1,500	4,231
	conviction (£)	04/05p	0	0	24,167	14863	16,500	16,082
	Charges brought	03/04	2	3	10	21	13	49
		04/05p	0	0	3	30	6	39
Greater London (South)	Convictions	03/04	1	3	7	17	8	36
		04/05p	0	0	3	26	6	35
	Average penalty per	03/04	3,500	58,333	39,286	54853	15,088	41,853
	conviction (£)	04/05p	0	0	29,500	27798	10,583	24,993
	Standard Industrial							
HSE Area	Classification	Year	Agriculture, hunting, forestry and fishing	Extractive and utility supply industries	Manufacturing industries	Construction	Service industries	All industries
	(SIC92)							

East Anglia	Charges brought	03/04	3	3	19	21	30	76
		04/05p	21	5	22	31	20	99
	Convictions	03/04	3	3	12	19	24	61
		04/05p	20	4	20	27	17	88
	Average penalty per conviction (£)	03/04	3567	10667	9967	2711	12625	8472
		04/05p	6350	225	24403	14976	20338	15523
Northern Home Counties	Charges brought	03/04	3	1	38	57	16	115
		04/05p	1	1	11	84	7	104
	Convictions	03/04	2	1	31	30	14	78
		04/05p	1	1	10	29	3	44
	Average penalty per conviction (£)	03/04	16000	9000	4831	19950	7536	11471
		04/05p	20000	10000	4600	5052	9000	5670
East Midlands	Charges brought	03/04	2	0	24	20	5	51
		04/05p	2	4	7	9	2	24
	Convictions	03/04	2	0	22	14	4	42
		04/05p	2	4	7	6	2	21
	Average penalty per conviction (£)	03/04	750	0	7705	8700	14250	8329
		04/05p	750	50000	3500	7000	2500	13000
West Midlands	Charges brought	03/04	1	0	68	11	25	105
		04/05p	0	0	51	29	31	111
	Convictions	03/04	1	0	68	8	17	94

		04/05p	0	0	45	21	28	94
	Average penalty per conviction (£)	03/04	1000	0	4990	1844	7106	5062
		04/05p	0	0	9593	14690	3007	8770
	Charges brought	03/04	4	0	19	35	17	75
		04/05p	9	6	16	39	6	76
	Convictions	03/04	4	0	18	27	13	62
		04/05p	8	4	16	33	6	67
	Average penalty per conviction (£)	03/04	2875	0	35667	2985	3000	12469
		04/05p	3250	15875	4516	3891	10167	5241

HSE Area	Standard Industrial Classification (SIC92)	Year	Agriculture, hunting, forestry and fishing	Extractive and utility supply industries	Manufacturing industries	Construction	Service industries	All industries
Marches	Charges brought	03/04	17	0	30	24	28	99
		04/05p	2	0	13	46	6	67
	Convictions	03/04	16	0	28	23	25	92
		04/05p	2	0	11	36	4	53
	Average penalty per conviction (£)	03/04	2663	0	11241	6765	3008	6393
04/05p		1350	0	5886	5613	15125	6226	
North Midlands	Charges brought	03/04	17	1	30	15	13	76
		04/05p	4	0	20	5	11	40
	Convictions	03/04	3	1	29	11	11	55

		04/05p	4	0	19	5	11	39
	Average penalty per conviction (£)	03/04	1417	4800	3998	16777	1732	5975
		04/05p	4750	0	3816	5200	8045	5282
	Charges brought	03/04	3	0	43	25	16	87
		04/05p	1	0	23	7	9	40
South Yorkshire and Humberside	Convictions	03/04	3	0	36	17	13	69
		04/05p	1	0	16	7	6	30
	Average penalty per conviction (£)	03/04	4167	0	8328	7103	4231	7073
		04/05p	2500	0	5906	2236	5167	4788
	Charges brought	03/04	5	3	39	36	8	91
		04/05p	2	1	28	27	11	69
West and North Yorkshire	Convictions	03/04	5	2	37	32	7	83
		04/05p	2	1	26	27	11	67
	Average penalty per conviction (£)	03/04	2550	15000	5189	5161	5429	5276
		04/05p	1750	25000	3729	4815	10177	5484
Greater Manchester	Charges brought	03/04	1	0	12	13	22	48
		04/05p	0	0	15	11	9	35
	Convictions	03/04	1	0	12	10	19	42
		04/05p	0	0	13	10	7	30
		03/04	0	0	5583	1750	13868	8286

HSE Area	Standard Industrial Classification (SIC92)	Year	Agriculture, hunting, forestry and fishing	Extractive and utility supply industries	Manufacturing industries	Construction	Service industries	All industries	Average penalty per conviction (£)
									04/05p
Merseyside	Charges brought	03/04	4	0	18	38	15	75	
		04/05p	0	0	12	21	3	36	
	Convictions	03/04	4	0	16	35	12	67	
		04/05p	0	0	12	20	3	35	
	Average penalty per conviction (£)	03/04	1625	0	17781	9671	3308	9988	
		04/05p	0	0	3542	9075	76667	12971	
North West	Charges brought	03/04	1	0	18	14	8	41	
		04/05p	0	1	12	7	2	22	
	Convictions	03/04	1	0	18	14	7	40	
		04/05p	0	1	12	5	2	20	
	Average penalty per conviction (£)	03/04	500	0	4167	2764	8536	4349	
		04/05p	0	3000	6833	4100	28750	8150	
North East	Charges brought	03/04	1	2	26	34	13	76	
		04/05p	0	0	17	32	7	56	
	Convictions	03/04	1	1	23	33	11	69	
		04/05p	0	0	15	24	7	46	

	Average penalty per conviction (£)	03/04	7500	30000	5996	10327	6000	8438
		04/05p	0	0	8213	3467	12000	6313
	Charges brought	03/04	7	4	46	54	33	144
		04/05p	6	0	39	33	18	96
Scotland East	Convictions	03/04	4	1	31	28	20	84
		04/05p	3	0	22	24	10	59
	Average penalty per conviction (£)	03/04	1438	5000	4605	1852	22185	7727
		04/05p	4333	0	4811	3400	5400	4313
	Charges brought	03/04	0	2	19	93	10	124
		04/05p	4	0	18	18	4	44
Scotland West	Convictions	03/04	0	1	5	17	3	26
		04/05p	2	0	6	7	1	16
	Average penalty per conviction (£)	03/04	0	4000	6600	11703	5333	9690
		04/05p	1000	0	8667	7143	5000	6813

FOOTNOTE - The average fine for separate offences prosecuted by HSE Area and Industry excluding railways and some chemical Industries. The average fine may vary substantially by HSE Area and Industry due to one or two high fines in that year