

ROYAL COURT
(Poursuites Criminelles)

208A.

15th December, 1989

Before: The Bailiff, and
Jurats Lucas and Hamon

Her Majesty's Attorney General

- v -

Flaherty and Company Limited

Failing to comply with the requirements of
paragraph (1) of Regulation 6 of the
Construction (Safety Provisions)
(Jersey) Regulations, 1970.

Advocate S.C. Nicolle for the Crown
Advocate M.M.G. Voisin for the Company.

JUDGMENT

THE BAILIFF: The company has a previous conviction but it is quite a long time ago and they have been carrying out work in the Island for a very long time with a good record, as I say, apart from that one infraction. Although, Mr. Voisin, you have said that the material was on the site the fact is it was not used on time. The wording of the summons makes it clear that it could have been reasonably practical to do it the night before, or make sure the next morning that the trench was properly shored up. The fact that the man was

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not seriously injured is, to put it this way round, no credit to your client; it was just luck, but under the circumstances we think the fine asked for was too high. The company is fined £1,500 and ordered to pay £300 costs.

n.b. no authorities.