

**ROYAL COURT**  
**(Samedi Division)**

8th October, 1993

132.

**Before: The Bailiff, and**  
**Jurats Orchard and Herbert**

---

**The Attorney General**

- v -

**Farm Pak, Limited**

---

**Infraction of the Health and Safety at Work (Jersey) Law, 1989:**  
**Article 21(1)(a).**

**PLEA: Facts admitted.**

**CONCLUSIONS: Fine of £1,800; £200 costs.**

**SENTENCE OF THE COURT: Conclusions granted.**

---

**M.C. St. J. Birt, Esq., Crown Advocate.**  
**Advocate C.M.B. Thacker, for the Defendant Company.**

---

**JUDGMENT**

**THE BAILIFF:** The circumstances under which employees were required to climb an unsecured ladder in a cold store, wearing clothing which could encumber their movements, with no guard rail at the top in the cake bay, and with the possibility of ice forming are in no way mitigated by the fact that, fortunately, no other accidents had occurred. It is not an excuse that the employees had not complained; employees very often do not complain in case they annoy their employers.

2 -

The purpose of the law and the regulations is to safeguard employees and we think the description of an accident waiting to happen was absolutely accurate. The fact that, following the prohibition order, the ladder itself was not even secured is, in our view, an aggravating factor. We can find no reasons for reducing the conclusions and the company is fined £1,800 with £200 costs.

No authorities.