

9th February, 1987

Her Majesty's Attorney General

-v-

The Resources Recovery Board,  
Christopher Ronald Fritot and Richard John Luce

COMMISSIONER DOREY: The Court finds that where conductors are placed in a cubicle, the back, or top of which may be removed from time to time, air is not a suitable insulating material for them to be covered with, and that either the conductors should have been shrouded by some suitable, tangible, insulating material or in the alternative, other precautions should have been taken, such as the affixing of warning notices on the rear panel of the cubicle.

The Court has given deep consideration to the arguments put forward about British Standards, but feels that it cannot adopt the view that compliance with British Standards must imply compliance with the Jersey Statutory Regulations, especially where, as here, the language of the statute is plain and unambiguous.

The Court considered that the authority of Lord Chief Justice Hewitt, in Long -v- Kirk, which clearly indicated that the words "covered with insulating material", must mean covered with some tangible form of material, was one which it was reluctant to ignore. We therefore find the Board guilty as charged.

As regards the second defendant, Mr. Fritot is not charged with permitting, he is charged with failing to conduct his work in accordance with the Regulations, in that he failed to give Mr. Watts the necessary degree of supervision, with the result that Mr. Watts was unable to avoid danger of personal injury. It was Mr. Fritot's duty on being asked by Mr. Watts if he should open the panel, to have got down from the ladder and stood by Mr. Watts, and when the panel had been removed, to have himself tested the terminals before allowing Mr. Watts to look for the missing bolt in the cubicle, or preferably to have done so himself. We therefore find Mr. Fritot also guilty as charged. We would however, like to compliment Mr. Fritot for his prompt action, which undoubtedly saved Mr. Watts' life.

✓