

ROYAL COURT

19th January, 1989

Before: Commissioner Le Cras and  
Jurats Blampied and Bonn

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Her Majesty's Attorney General

- v -

Cosgrove (1969) Limited

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Sentence in respect of infractions of  
Regulations 82(5)(c) and 82(4) of the  
Construction (Safety Provisions) (Jersey)  
Regulations, 1970, as amended.

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Advocate C.E. Whelan the Crown Advocate  
Advocate R.J. Michel for the Defendant Company.

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**JUDGMENT**

THE COMMISSIONER: The defendant company has pleaded guilty to count 1 of the indictment. Although the meaning of the extensive works may well come before the Court in the future, nonetheless in the present prosecution the offence has been admitted. Although perhaps not the most serious breach under this Regulation, nonetheless we bear in mind the object of that legislation in these circumstances and bearing in mind the observations of both counsel we are of the opinion that the conclusions asked for on the part of the Attorney General are correct. Therefore on Count 1 we impose

a fine of £750. On the second Count the offence occurred because the ladder in question was left on the building site so that it was obviously and easily available for use by the workmen and was so used. We accept that the company has a good record, but we must emphasise the necessity for care in these circumstances. On this Count also, we grant the conclusions asked for on behalf of the Attorney General. So far as costs are concerned, the Court has noted the delay in bringing this prosecution and we are not of the opinion that extra costs should be imposed pending prosecution. In the circumstances we award the usual Order for costs, in the sum of £250.