

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

5th November, 1993

148.

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

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The Attorney General

- v -

Longueville Manor Hotel, Ltd.

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1 infraction of Article 21(1)(g) of the Health and Safety at Work (Jersey) Law, 1989: there was served on the company on the 10th May, 1993, an improvement notice within the meaning of the Law requiring it by 31st July, 1993, to fit interlocking gates to the passenger lift at its premises; in contravention of the requirement no such gates were fitted to the lift within the prescribed time.

PLEA: Facts admitted.

CONCLUSIONS: £1,000 fine, with £200 costs.

SENTENCE: £250 fine, with £100 costs.

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C.E. Whelan, Esq., Crown Advocate.  
Advocate A.D. Robinson for the Defendant Company.

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**JUDGMENT**

**THE BAILIFF:** The company is being prosecuted for failing to comply with a notice served on it to carry out certain work to a lift.

We notice from the report of the insurance company that the work to be done is not placed under paragraph 5(a) which requires immediate attention, but under paragraph 5(b). We therefore infer that there was no immediate danger or urgency for that work to be carried out.

The gravamen of the charge is that the company did not carry out what it should have done within the specified time after the notice to do the work had been served upon it. It is of course relevant that the Company knew earlier that they ought to do the work, but after looking at the insurance report, they could not be expected to know, or even to guess that it ought to be done as a matter of urgency because the insurance company, as I have said, did not ask for it to be done in that way.

As regards the period of time during which they should have carried it out, they placed an order fairly soon, perhaps halfway through the time. They did not ask for an extension - that was perhaps careless of them, but the Crown admitted that had they asked for an extension they would have got it. The work has been carried out satisfactorily and under all the circumstances the Court has come to the conclusion that the appropriate fine is one of £250 with £100 costs.

No authorities.