

## £37,000 fine following death of pedestrian near construction site

Two construction companies,XXXXXXXXXXXXXXXXXXXX Limited were yesterday fined a total of £37,500 at the Old Bailey. The case, brought by the Health and Safety Executive followed an incident when a member of the public was run-over by a reversing works lorry.

Mrs XXXXXXXXX attempted to cross the busy Eastern Avenue (A12) at Gants Hill, north-east London, near an out of use pedestrian crossing. She walked into the works area where a lorry operated by the project subcontractor, was parked. As she waited to cross the road, the lorry was started and slowly reversed a few metres. The driver did not see Mrs XXXXX behind the lorry and she was run-over and killed.

HSE inspector, Alec Ferguson, who investigated the incident, said:

"Mrs XXXX's death could have been avoided. Where drivers of vehicles have a restricted field of view, and particularly when reversing, employers must take effective measures to ensure that persons are not at risk of injury."

XXXXXXXXXXXXXXXXXXXX Limited each pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act (HSWA) 1974. XXXXXXXXX was fined £25,000 and ordered to pay costs of £12,700 to HSE, whilst XXXXXXXXX was fined £12,500 and ordered to pay £10,000 costs to HSE.

### Notes to editors :

1. Section 3 (1) of HSWA states: "It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety."
2. The maximum penalty for a breach of Section 3(1) of the HSWA in a Crown Court is an unlimited fine.