



SUBJECT: £2.7m Bright Spark

RECIPIENTS: All Council Directorates

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£2.7million fine after boy was electrocuted

A Rail freight company has been fined £2.7 million, with £188,873.89 costs, following an incident in which a 13-year-old boy suffered life-changing injuries after receiving an electric shock from 25,000-volt overhead line equipment.

Two boys, aged 11 and 13, and two 13-year-old girls entered the yard. The two boys climbed on top of a stationary wagon, part of a 22-wagon train due to leave the yard later that day. While on the wagon one of the boys made contact with the live current and suffered serious life changing injuries as a result, the other boy received minor burns. The Office of Rail and Road (ORR) investigation found that trespassers often visited a disused signal box at the yard, known as the 'haunted house', as the company failed to ensure that non-employees were not exposed to risks to their health and safety through its activities. Sentence was passed at Crown Court where the company was found guilty following the ORR prosecution.



**Danger
High
voltage**

The company also pleaded guilty at the conclusion of the trial to a single count of contravention of a requirement to produce information under s.20 of the Health and Safety at Work etc Act 1974. A request was made for documentation from the defendant by one of ORR's Inspectors and that request was refused, they were fined £33,500 for that offence. HM Chief Inspector of Railways, said: "*Our thoughts remain with the victim who suffered such awful injuries, the other children injured and traumatised, and also their families and friends who will have been deeply affected by this harrowing incident. We welcome the sentence which clearly indicates the seriousness with which this offence is viewed and we expect DB Cargo and the rail industry as a whole to look very hard at their sites and make sure they are doing everything possible to ensure they are secure. This incident is a reminder to adults and children that railway sites can have many dangers, often not obvious, and that trespass on railway premises can lead to serious injuries.*"

The company was found guilty of failing to discharge its duty under Section 3(1) of the Health and Safety at Work etc Act 1974 and was therefore guilty of an offence contrary to Section 33(1)(a) of the Act.

If you require further assistance or clarification on the subject please contact: Corporate Health & Safety Advisers (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)