

Farm manager convicted of manslaughter

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Bertie Hoskyns-Abrahall

PARTNER | UK

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The manager of a fruit farm in Hampshire has been convicted of gross negligence manslaughter after the deaths in February 2013 of two workers sent into a nitrogen gas-filled container to retrieve apples whilst holding their breath. Although on holiday at the time, Andrew Stocker had allowed and encouraged the practice of 'scuba diving' over several years, despite it being in breach of the company's safety policy, as a way of gathering the best fruit samples for an agricultural competition. The men suffocated after entering the sealed container through a hatch without breathing apparatus while the atmosphere still contained only 1% oxygen, rather than waiting for the container to be fully vented or following accepted industry practice by using a net to hook out the fruit. The farm company, Blackmoor Estate Ltd, pleaded guilty in January to health and safety breaches in connection with the same incident, and will be sentenced together with Mr Stocker on 1 July.

What this means for you

This case represents yet another prosecution in the agricultural sector, following on from the corporate manslaughter conviction for J Murray & Sons in 2013 over the death of a worker who fell or was dragged by his clothing into an animal feed mixing machine which had been operated for 3 years without any safety guards. In that case the company was fined £100,000 plus £10,000 costs after pleading guilty, a sentence intended to 'mark the court's strong disapproval' of the company's gross negligence.

Earlier this year, a dairy farm was fined £133,333 with costs of £19,421 and its director given a 4 month suspended prison sentence, after a worker was crushed to death by a bull in 2012. Betholt Ltd admitted failing to carry out a suitable and sufficient risk assessment and not putting safety measures in place. Other recent convictions in the agricultural sector have involved workers injured whilst felling a tree, being hit by reversing vehicles and falling from a roof.

Although agriculture remains one of the most dangerous industry sectors, the incidents giving rise to the above convictions were held to be completely avoidable. Agriculture as a sector has been slower than others to realise the need for safety management systems, but given the wealth of information provided by the Health and Safety Executive on its website lack of knowledge will not amount to an excuse or a defence.

The fact that no previous incidents have occurred is no guarantee that a system of work is safe. Farms and individual managers have a duty to carry out risk assessments and put reasonable safety measures in place – those allowing or encouraging unsafe practices face hefty fines, reputational damage and prison sentences.

Authors

Bertie Hoskyns-Abrahall

PARTNER | LONDON

Real estate

 +44 20 7597 6307

 bertie.hoskyns-abrahall@withersworldwide.com