

# Illegal gas work left a Devon home in dangerous state

A self-employed property maintenance contractor has been sentenced after arranging and being in control of gas work that his contractors were not registered or competent to do, leaving it in a dangerous condition.

Exeter Crown Court heard how Nigel Borrough, the sole director of Collier Property Management Ltd, quoted for a kitchen re-fit which included the removal of an old gas boiler and the installation of a new gas boiler and hob. The work was undertaken during August 2017 with Mr Borrough using a number of different contractors to assist with the work. The person he got to undertake the gas work was not a member of Gas Safe Register.

When the homeowners requested the commissioning documents for the new gas boiler, Mr Borrough failed to provide these documents. Only after nine requests and 46 days after the boiler was left working but not commissioned, did Mr Borrough reply to the homeowners and arrange for a landlord's gas safety check to take place. However, a landlord's gas safety check is a visual check and is not the same as commissioning a gas boiler. A landlord's gas safety check does not include any of the necessary commissioning gas safety tests, such as combustion analysis and operating gas pressure.

The homeowners subsequently experienced issues with the boiler and again tried to contact Mr Borrough but without a satisfactory response. The homeowners then arranged for a properly registered gas engineer to inspect the work and found it to be of poor standard and classed it as 'immediately dangerous'. It was found that there was no access panel to allow a flue inspection. There were also a number of 'at risk' defects on the boiler and hob.

An investigation by the Health and Safety Executive (HSE) found that there was no record for the contractor who did the gas works ever having been registered with Gas Safe Register.

Nigel Borrough of Hockworthy, near Wellington pleaded guilty to breaching Regulation 4 of the Gas Safety (Installation and Use) Regulations 1998 and Regulation 3(1) of the Health and Safety at Work (etc) Act 1974. He has been sentenced to 200 hours of unpaid community work and ordered to pay costs of £4,500.

Speaking after the hearing, HSE inspector Simon Jones, said: "Mr Borrough was in control of unregistered gas work.

"As a property professional he knew full well that the gas work must be undertaken by a member of Gas Safe Register but despite this he put the homeowners at serious risk by using a completely unqualified person to undertake his gas work.

“All gas work must be done by a registered Gas Safe engineer to ensure the highest standards are met to prevent injury and loss of life. If a gas boiler is not properly commissioned it should never be left operating as no one can be sure that it is working safely.”

#### Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about gas safety can be found at <http://www.hse.gov.uk/gas/>

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## [HSE safety alert issued against KN95 facemask](#)

The Health and Safety Executive (HSE) is warning against the use of KN95 facemasks as Personal Protective Equipment (PPE).

A safety alert has been issued today, Thursday 11 June 2020, urging all employers and suppliers not to purchase or use KN95 facemasks as PPE.

KN95 is a performance rating that is broadly equivalent to the EU standard for FFP2 facemasks. Products manufactured to KN95 requirements rely on a self-declaration of compliance by the manufacturer. There is no independent certification or assurance of their quality.

This respirator has been identified as suspect by HSE experts and locally arranged testing has confirmed they would not meet requirements, including to protect against the ongoing coronavirus pandemic. About 90% of the PPE concerns and queries currently being received by HSE involve KN95 masks which

are often accompanied by fake or fraudulent paperwork.

HSE has quarantined around 1.5 million KN95 masks, prevented 25 million items claiming to be FFP3 respirators entering the supply chain and prevented a further four lines consisting of many millions of items entering the supply chain.

Rick Brunt, HSE's director of operational strategy said: "The KN95 facemask should not be purchased or used.

"KN95 has not been a principal source of PPE for the NHS, who has already made the decision not to supply this respirator to frontline clinicians fighting the coronavirus pandemic.

"We have found that the lack of independent testing has contributed to there being a substantial quantity of inadequate and poor-quality masks on the market, claiming to comply with the KN95 standard.

"We understand a lot of people, mainly in sectors outside of healthcare, have bought these facemasks without realising they are non-compliant. We are concerned that people wearing them are not being protected from breathing in harmful substances in the way they expect. Protective equipment must protect."

Domestic, European and international organisations continue to raise concerns regarding KN95 masks, including details of counterfeit and illegal products. HSE is working to remove them from the supply chain with colleagues in the Office for Product Safety and Standards (OPSS), Border Force, the Medicines and Healthcare products Regulatory Agency (MHRA) and Trading Standards to identify manufacturers and suppliers of these masks and prevent them entering the UK.

The safety alert does not relate to N95 masks which are manufactured to a US Standard and have been given permission for use specifically in UK healthcare settings.

A copy of the alert can be found [here](#).

## **About HSE**

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## **Manufacturing company fined after worker fatally injured**

IFG Drake Ltd has been fined after a worker suffered fatal crush injuries whilst working on a machine at the site in Huddersfield.

Leeds Crown Court heard how, on 24 March 2017, Mr Javeed Ghaffar, was working on the stretch godet section of a synthetic fibre manufacturing machine at Victoria Mills, Victoria Lane, Huddersfield. He became entangled in the machine when he was performing a task of removing a lap from around the rollers. A lap occurs when fibres stick to the rollers of the machine and begin to wrap around them.

An investigation by the Health and Safety Executive (HSE) found that the machine was not adequately guarded. It had become custom and practice for employees to reach around the inadequate guarding in place to deal with problems of this nature

IFG Drake Ltd of Old Mills, Drighlington, Bradford pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £366,850 and ordered to pay £23,993 in costs.

After the hearing, HSE inspector John Boyle commented: "This was a tragic and wholly avoidable incident, caused by the failure of the company to provide adequate guarding against dangerous parts of the machine.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards"

The post [Manufacturing company fined after worker fatally injured](#) appeared first on [HSE Media Centre](#).

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## **Construction company fined after crush injury to employee**

A construction company has been fined after a worker was seriously injured while erecting a timber frame chalet bungalow.

Chelmsford Crown Court heard that in July 2017, a worker was seriously injured when roof trusses toppled over while being moved by crane at a site in East Mersea, Essex.

An investigation by the Health and Safety Executive (HSE) found that scaffolding was not installed around and within the building to enable workers to have a safe area of work. Lifting the roof trusses in packs created risks which were not sufficiently managed. The company and company owner had failed to plan, manage and monitor the work under their control.

JWB (Mersea) Ltd of Westwood Drive, West Mersea, Colchester, pleaded guilty to breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015. The company was fined £1,000.

Company director and owner, Jason Whiting, of the same address, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974. He received a six-month custodial sentence, suspended for 24 months. He was required to do 240 hours of unpaid work. HSE was awarded full costs of £25,627.32.

Speaking after the hearing, HSE inspector David King, said: "Lifting the roof trusses individually and securing them permanently could have prevented this accident. HSE is keen to increase awareness of the need to plan, manage and monitor construction work and ensure the health and safety of construction workers. HSE will take enforcement action if companies do not manage health and safety on their sites, including directors."

Further information about the duties of contractors can be found at:  
<http://www.hse.gov.uk/construction/cdm/2015/principal-contractors.htm>

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# HSE to prosecute Lightwater Valley Attractions

The Health and Safety Executive (HSE) has informed Lightwater Valley Attractions Ltd that it will be prosecuted after a seven-year-old boy was ejected from a Twister ride at its theme park in North Stainley, Ripon on 30 May 2019.

Following the investigation by HSE, Lightwater Valley Attractions Ltd, of Sherborne, Dorset, will face a charge under Section 3(1) of the Health and Safety at Work etc. Act 1974.

HSE is currently liaising with Leeds Magistrates' Court to fix a first hearing date.

**ENDS**

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