

# HSE authorises Crown Censure of MoD and prosecution of defence contractor over fatal tank explosion

The Health and Safety Executive (HSE) has authorised a Crown Censure of the Ministry of Defence, and the prosecution of defence contractor Rheinmetall BAE Systems Land Ltd.

This action follows an investigation into a fatal tank explosion in Pembrokeshire in 2017 which killed two soldiers and left a third seriously injured.

Corporal Darren Neilson, 31, and Corporal Matthew Hatfield, 27, died when an L30 gun exploded on a Challenger 2 tank at Castlemartin Range in Pembrokeshire on 14 June 2017 and injured two other soldiers, leaving one with life changing injuries.

Rheinmetall BAE Systems Land Ltd was responsible for producing the Safety Case for the tank and gun, while the Ministry of Defence held ultimate responsibility for the health, safety and welfare of its soldiers, and for the suitability and sufficiency of the Safety Case.

Following an investigation by HSE inspectors, a file was passed to HSE's legal services division for review, which in accordance with the Code for Crown Prosecutors has authorised:

1. A Crown Censure against the Ministry of Defence for failing to ensure the health, safety and welfare of soldiers, under Section 2 of the Health & Safety at Work etc Act (1974)
2. A charge against Rheinmetall BAE Systems Land Ltd (formerly BAE Systems Global Combat Systems Ltd) for failing to ensure the health and safety of persons not in its employment, under Section 3 of the Health & Safety at Work etc Act (1974)

Neither the authorisation of criminal charges nor a Crown Censure represents a finding of guilt. No other organisations or individuals have been charged in connection with this incident.

## **Further information:**

### Crown Censure

A Crown Censure is the maximum sanction available to HSE against a Crown body. A decision to authorise a Crown Censure is not a formal finding of guilt – it is equivalent to a decision to authorise criminal charges, in line with the Code for Crown Prosecutors.

Following the decision to issue a Crown Censure, a formal hearing will take place to confirm the censure.

If a censure is confirmed at a hearing, it acts as an official reprimand and provides a lasting, public record of a Crown body's failure to comply with the law. There is no financial penalty.

A record of Crown Censures issued by HSE is available at: [Crown Censures taken by HSE since 1 April 1999](#)

### Timelines

The Crown Censure of MoD and criminal charges against Rheinmetall BAE Systems Land Ltd are separate proceedings and run on different timelines.

Media are encouraged to seek legal advice before publishing any story which could prejudice any future trial of Rheinmetall BAE Systems Land Ltd.

The Contempt of Court Act 1981 strict liability rule applies.