

£2.7million fine after boy was electrocuted

Rail freight company DB Cargo (UK) Ltd 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 at Tyne Yard in Gateshead.

On 14 June 2014 two boys, aged 11 and 13, and two 13-year-old girls entered Tyne 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 DB Cargo failed to ensure that non-employees were not exposed to risks to their health and safety through its activities.

Sentence was passed at Newcastle Crown Court where DB Cargo was found guilty on 5 October 2018 following the ORR prosecution.

DB Cargo (UK) Ltd 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. DB Cargo was fined £33,500 for that offence.

Ian Prosser, 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."

DB Cargo (UK) Ltd Limited 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.

