OFFICE OF RAIL AND ROAD

Health and Safety at Work etc Act 1974, sections 22, 23 and 24

Prohibition Notice

Serial Number P/ HLB/BBRL/040926

Name	Balfour Beatty Rail Limited, Company Number 09182627
Address	5 Churchill Place, Canary Wharf, London, E14 5HU
Trading as	N/A

I,

Inspector's full name	Hannah Louise Bacon

one of His Majesty's Inspectors of Railways, of

Official address	Office of Rail and Road, 25 Cabot Square, London, E14 4QZ
Telephone Number	[redacted]

give you notice that I am of the opinion that the following activities namely

use of the ladder fixed to the Instant Span Elevated Working Platform ("EWP") serial number ASHFORD2000 located in Ashford Depot maintenance shed, whilst employees are carrying any materials in their hands to access the EWP

which are being carried on by you at

Location of premises or place of activity	Ashford Plant Depot, Balfour Beatty Rail, Old Railway Works, Newtown Road, Ashford, TN24 0XP

involve a risk of serious personal injury, and that matters which give rise to that risk are

persons are liable to fall a distance from the ladder of the EWP serial number ASHFORD2000 whilst carrying materials up the ladder and suffer serious personal injury

and that those matters involve contravention of the following statutory provisions

The Health and Safety at Work etc Act 1974 Section 2(1), The Work at Height Regulations 2005 Regulation 6(3)

because

You have failed to take suitable and sufficient steps (i.e. provide a safe means of accessing and egressing the EWP whilst carrying work materials) so far as reasonably practicable to prevent persons from falling a distance liable to cause personal injury whilst carrying work materials up the ladder

and I direct that the activities specified shall not be carried on by you immediately unless the contraventions and matters have been remedied.

Signature [signature] Date /Time 04.09.26, 14:12

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

This is not a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature [signature] Date 04.09.26.

see notes overleaf

strikethrough as appropriate

7618773

Notes

1.. Failure to comply with this Prohibition Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974. Section 33(2) and Schedule 3A of that Act renders an offender liable, on summary conviction, to imprisonment for a term not exceeding 12 months in England and Wales and 12 months in Scotland, or to a fine unlimited in England and Wales or not exceeding £20 000 in Scotland, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

2. Except for an immediate Prohibition Notice, an Inspector has power to withdraw a notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.

3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.

4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at https://www.gov.uk/employment-tribunals/make-a-claim. An appeal can be submitted either online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 11225, Loughborough, LE11 9PX ; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR. If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance note T420: Making a Claim to an Employment Tribunal.

Time limit for appeal

5. A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.

6. The entering of an appeal does not have the effect of suspending this notice. Application can be made for the suspension of the notice to the Employment Tribunal, but the notice continues in force until a tribunal otherwise directs.

7. An application for suspension of the notice must be in writing and must set out:
(a) the case number of the appeal, if known or particulars sufficient to identify it; and
(b) the grounds on which the application is made (it may accompany the appeal).

8. The rules for the hearing of an appeal are set out in The Employment Tribunal Procedure Rules 2024 which came into force on the 6 January 2025 (Statutory Instrument 2024 No.1155)

Public availability of information on all notices

1. The Office of Rail and Road (ORR) for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on ORR's website (www.orr.gov.uk).

2. Information on a notice will not be placed onto the database until after the right of appeal against the notice has expired. Where a Notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in ORR's belief, its disclosure would cause harm or prejudice, or be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the ORR website.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.