



# THE EMPLOYMENT TRIBUNALS

**Appellant**

Babcock and Wilcox Volund Ltd

**Respondent**

Emma Scott (HSE)

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Without a hearing

MADE AT NORTH SHIELDS  
EMPLOYMENT JUDGE GARNON ( sitting alone)

ON 15<sup>th</sup> August 2018

### CONSENT JUDGMENT

The Judgment of the Tribunal is:

- 1 . Prohibition Notice ( P06/ES/200218/1) is affirmed with the modification that at the section marked “ risk” are added the words “ if work is not adequately planned and executed “ .
- 2 The appellant will, within 28 days of the date this judgment is sent to the parties, pay £5000 plus VAT as a contribution towards the respondent’s costs .
3. Subject to the above, the Appeal is dismissed on withdrawal.

### REASONS

1. Rule 64 of the Employment Tribunal Rules of Procedure 2013 provides  
*If the parties agree in writing or orally at a hearing upon the terms of any order or judgment a Tribunal may, if it thinks fit, make such order or judgment, in which case it shall be identified as having been made by consent.*
- 2 Section 24 of the Health and Safety at work Act 1974 includes
  - (1) In this section “a notice” means an improvement notice or a prohibition notice.
  - (2) A person on whom a notice is served may within such period from the date of its service as may be prescribed appeal to an employment tribunal and on such an appeal the tribunal may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the tribunal may in the circumstances think fit.
3. The parties having consented in writing to this judgment I think it fit to make one in the terms agreed.

4 I also record I have seen, and accept the validity of, the agreements reached between the parties as recorded at numbered points 1 and 2 on the second page of their joint letter dated 26<sup>th</sup> July 2018

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**T M Garnon EMPLOYMENT JUDGE**

**JUDGMENT SIGNED BY EMPLOYMENT JUDGE ON 15<sup>th</sup> AUGUST 2018**