



**Health & Safety Executive**  
South Yorkshire and Humberside Area 14  
Area Director - Mr M S Natrass

Wilford, Smith and Co  
Solicitors  
22 Westgate  
ROTHERHAM  
S60 1AP

Your Ref: TL/AJO

Our Ref: MER/AM

Date: 27 APR 1990

Dear Sirs

**RE: MR DAVID WALKER**

I refer to your letters of 30 January and 22 February and our letter of 15 February 1990.

The accident to Mr Walker has unfortunately not been investigated. In the circumstances we are not able to assist you.

Yours faithfully

**M E RUDD**  
HM Inspector of Factories

Group 14/06



Health & Safety Executive

Head of-Operations: Ms. R Edwards

Mr D A Walker  
29 Cauldon Drive  
Holme Hall  
Chesterfield  
Derbyshire  
S40 4UB

Your reference:

Our reference:

24 March 2004

Dear Mr Walker

### **ACCIDENT 17 JANUARY 1990 INVOLVING A JCB 3CX SITEMASTER**

Thank you for your letter of 29 January 2004. We spoke subsequently on the telephone and my colleague Mr Naylor also wrote to you on 12 February to explain that we were conducting a search of our archives for any material relevant to your accident.

I regret to tell you that the search has yielded no more than a single closest match computer entry on an archived database that may relate to your accident but that provides no information of value. There are no other papers or documents that we are aware of and this means I am unable to establish whether or not your accident was investigated.

This means that I am unable to comment on whether or not a service step should have been fitted as I have no first hand evidence available to me from an investigation by an inspector.

In your final paragraph you ask that one of the inspectors in my team, Mr Dawson, contact you regarding the manufacturers design. This is a matter that is the responsibility of manufacturers and suppliers. You may find it helpful to know that there is a legal duty imposed upon manufacturers under the Health and Safety at Work Act 1974, Section 6 (d) "to take such steps as are necessary to secure, so far as is reasonably practicable, that persons so supplied are provided with all such revisions of information provided to them by virtue of the preceding paragraphs as are necessary by reason of its becoming known that anything gives rise to a serious risk to health and safety".

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I trust that this letter clarifies the position.

Yours sincerely

*S Pa*

**Mrs. S Peace**  
**HM Principal Inspector**