

PROSECUTION

Summary	<p>On the 22 June 2017, a mother and her three-year-old son took a return trip from Buckfastleigh to Totnes on a heritage steam train operated by South Devon Railway Trust. During the return journey, the three year old was able to open the door of a toilet cubicle that was “out of use” in which the floor was completely missing, exposing the wheel and bogie assembly. The child fell through the hole to the point where his head was approximately 10” above the floor at the entrance to the toilet. Fortunately, his mother was immediately behind him and was able to pull him up by grabbing him under his arms and he escaped without serious injury. Despite being aware of the missing floor, there was a failure to adequately manage the risk. In particular, a stronger lock could have secured the door. In addition, a risk assessment could have been carried out and train staff briefed of the issue with the toilet. Moreover, it was not necessary to have the carriage in use, as it was not fit for service.</p>
Company	South Devon Railway Trust
Breaches involved	s.3(1) health and Safety Act 1974
Date(s) of offence	22 June 2017
Plea	Guilty
Result	
Court	Newton Abbot Magistrates’ Court
Sentencing date	14 th May 2018
Penalty	Fine £40,000

Costs

£13,035.06

Location of offence

Address

ORR details

ORR Team

ORR Directorate Railway Safety Directorate