

2001055375

FA01503318

SECTION 76

Diet: 18 January 2002

Sent by E-MAIL
24/12/14

BP OIL GRANGEMOUTH REFINERY LIMITED, BP Grangemouth Complex, Bo'ness Road, Grangemouth, and BP CHEMICALS LIMITED, BP Grangemouth Complex, Bo'ness Road, Grangemouth

you are Indicted at the instance of the Right Honourable COLIN DAVID BOYD Esq. Queens Counsel, Her Majesty's Advocate, and the charges against you are that

(001) between 10 May 1999 and 8 June 2000, both dates inclusive, you BP CHEMICALS LIMITED, did fail to conduct your work undertaking, namely the operation of a medium pressure steam distribution system at the complex, steam being a necessary product for your various refinery and petrochemical manufacturing plants, part of said system being in close proximity to the public road A904 known as Bo'ness Road, Grangemouth in such a way as to ensure, so far as is reasonably practicable, that persons not in your employment who might be affected were not thereby exposed to risks to their health and safety, and in particular having modified said medium pressure steam distribution system by the reinstatement or bringing back into service of a pipeline after a period of disuse you failed to

- (a) ensure that the operation of said pipeline was known to responsible operators and in particular the ~~existence~~^{status} of said pipeline was not identified on the automated control system graphic displays of said system;
- (b) follow relevant change management procedures for the whole of the reinstatement of said pipes;
- (c) adequately investigate a serious steam system upset, following


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flooding of water into a tunnel, through which said pipework passed, including water hammer of the said system pipework and steam condensate ejecting from a pressure relief valve close to the said Bo'ness Road in an area downstream of the South exit of said West tunnel on 30 May 2000;


(d) take action to make the system safe following said system upset including by isolating the said pipework at source from the said steam distribution system and making integrity checks necessary to confirm that said steam system upset had not damaged the said pipework;

(e) fail to ensure that a steam trap on said pipework at the South end of said tunnel which was necessary for removal of condensate from the low section of said pipework passing under said Bo'ness Road was not isolated on 5 June 2000 without adequate consideration of the effect on the safety of said system

and on 7 June 2000 at approximately 11.20pm of a T piece section of said pipeline on the South side of said Bo'ness Road at a point 2 metres from the boundary fence fractured, said fracture being due to overpressurisation of said section of pipework, by a mechanism involving condensate accumulation and thereby pedestrians and motorists using said Bo'ness Road were exposed to risks to their health and safety and Mrs Jean Lapsley-Carbis, c/o Central Scotland Police then a pedestrian walking in the vicinity of the area of said pipework fracture at the time of the fracture was injured.

CONTRARY to Section 3(1) of the Health and Safety at Work Etc Act 1974 and Section 33(1)(c) of the Health and Safety at Work Etc Act 1974.

(002)/


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(002) you BP OIL GRANGEMOUTH REFINERY LIMITED, did between 1 January 1987 and 10 June 2000, both dates inclusive, at the Fluidised Catalytic Cracking Unit at the BP Grangemouth Complex, Bo'ness Road, Grangemouth fail to ensure so far as is reasonably practicable the health, safety and welfare at work of all of your employees and in particular you did fail to provide and maintain so far as was reasonably practicable plant systems at work that were safe in that you failed to

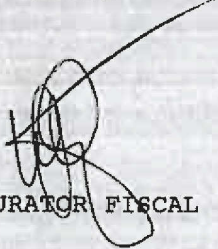
(a) ensure by adequate pipe work support or restraint or other means the mechanical integrity of a 75mm (3 inch) branch to the main transfer pipe work from the debutiniser column bottoms to the re-run column on the light end section of said fluidised catalytic cracking unit;

(b) adequately review the effect and safety implications of numerous plant start ups within said period on the mechanical integrity of said light ends section and to provide such information and instruction training and supervision to employees operating said complex as was necessary to ensure said mechanical integrity was maintained;

and on 10 June 2000 said pipe work failed leading to a discharge of highly flammable liquid/vapour at an elevated temperature which liquid/vapour subsequently ignited resulting in a fire which caused damage to said Fluidised Catalytic Cracking Unit and danger to the health and safety of your employees and in particular to James Kenneth Fairley, Alexander Hugh Kilbride, Alexander Paul Martin, Derek Morrison and Graeme Spiers.

CONTRARY to the Health and Safety at Work Etc Act 1974, Section 2(1), (2) and 33(1)(a)

BY AUTHORITY OF HER MAJESTY'S ADVOCATE


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Diet: 18 January 2002 at 10 am

H M ADVOCATE

AGAINST

BP OIL GRANGEMOUTH REFINERY LIMITED AND
BP CHEMICALS LIMITED,

FALKIRK. 24/12/14
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Falkirk Sheriff Court

Date: 18th January 2002

Sheriff: A. V. Sheehan, Esq.

The Court directed that the whole proceedings in this case be recorded by mechanical means under the supervision of the Clerk of Court.

in writtlaw

Clerk of Court.

Accused: BP Oil Grangemouth Refinery Limited;

BP Chemicals Limited

For the Prosecution: Mr. W. Gallagher,
Procurator Fiscal at Falkirk

For the Accused: Mr N. Scott, solicitor,
Edinburgh - for both accused.

The said BP Oil Grangemouth Refinery Limited and BP Chemicals Limited pled guilty ~~as~~ libelled to the foregoing ~~indictments~~ to the indictment after the amendment by the Prosecutor of charge 1 part (a), by the substitution of the word "status" for the word "existence" in line 2 there.

Ms. Sheehan
SHERIFF

Schedules of previous convictions in respect of each accused produced and attached, and the Prosecutor moved for sentence.

Mr Scott addressed the Court on behalf of the accused in mitigation of sentence in respect of both the accused.

The Court fined the accused BP Oil
Grangemouth Refinery Limited £750,000-00
(seven hundred and fifty thousand pounds)
in respect of charge 2 and fined the
accused BP Chemicals Limited £250,000-00
(two hundred and fifty thousand pounds) and
in each case decreed and ordained
instant execution by arrestment and also
execution to pass hereon by poinding and
sale after a charge of 14 days.

m writelaw

Clerk of Court.

Eodie I certify that three audio
cassette tapes were used in recording
the foregoing proceedings.

m writelaw

Clerk of Court.

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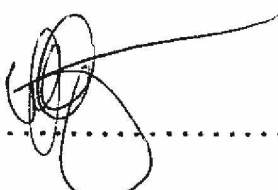

CLERK DEPUTE

BP OIL GRANGEMOUTH REFINERY LTD TAKE NOTICE that in the event of your being convicted under the indictment to which this notice is attached, it is intended to place before the Court the following previous conviction(s) applying to you.

Date	Place of Trial	Court	Offence	Sentence
21 March 1988	Edinburgh	High Court of Justiciary	1. Health and Safety at Work etc Act 1974, Sections 3(1) and 33(1) 2. Health and Safety at Work etc Act 1974, Section 2(1), 3(1) and 33(1)	1. Fined £250,000 2. Fined £500,000
23 May 1996	Falkirk	Sheriff Summary	Health and Safety at Work etc Act 1974, Section 2	Fined £50,000


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Date 9/1/02 Procurator Fiscal 

BP CHEMICALS LIMITED TAKE NOTICE that in the event of your being convicted under the indictment to which this notice is attached, it is intended to place before the Court the following previous conviction(s) applying to you.

Date	Place of Trial	Court	Offence	Sentence
22 July 1999	Falkirk	Sheriff Summary	Health and Safety at Work etc Act 1974, Sections 2(1) and 33(1)	Fined £5,000
25 September 2000	Falkirk <i>d. P. M. 18/1/02</i>	Sheriff Summary	Health and Safety at Work etc Act 1974, Sections 2(1) and (2) and 33(1)	Fined £1,000.

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Date *9/1/02* Procurator Fiscal 