

CROWN NARRATIVE PRESENTED IN
HMA v ICL TECH AND ICL PLASTICS
LIMITED

IN THE HIGH COURT OF JUSTICIARY

FINAL

Angus Stewart QC; Senior
Advocate Depute; John
~~MacPherson~~, Advocate
Maepherson

CROWN NARRATIVE

In causa

HER MAJESTY'S ADVOCATE

against

(1) ICL TECH LIMITED a company having
its registered office at 80 St Vincent Street,
Glasgow, and (2) ICL PLASTICS LIMITED a
company having its registered office at 80
St Vincent Street, Glasgow

GC06001006

CONTENTS

History of the Case	2
Corporate Structures and Key Personnel	4
The Nature of the Businesses	6
Description of the Premises	7
Emergency Response and Rescue Phase	9
The Victims	10
The Investigation Phase	22
Liquefied Petroleum Gas [LPG]	27
History of the LPG Installation	28

DRAFT NARRATIVE D REV 27.08.07

The Explosion	31
Risk Assessment: the Statutory Framework	32
Risk Assessment: Action by the Companies	33
What if the Pipework had been Risk Assessed?	36
Inquiry	42
Group Financial Accounts	42

HISTORY OF THE CASE

Just after 12.00 hrs on Tuesday 11 May 2004 an explosion occurred at Grovepark Mills, Hopehill Road, Maryhill, Glasgow, followed immediately by the collapse of the building with the death and injury of many persons. The premises in question were occupied by the Accused Companies who carried on their undertakings there.

Starting during the rescue phase there was a joint investigation by Strathclyde Police and the Health & Safety Executive, reporting to Area Procurator Fiscal Catherine Dyer. The Area Procurator Fiscal submitted two reports to Crown Office, the first being submitted on 10 May 2005 and the second on 14 October 2005. These reports addressed complex evidential, technical and legal issues and made certain recommendations about criminal proceedings.

Following consideration of the reports by Crown Counsel, on 16 February 2006, petition proceedings were raised against ICL Tech Limited and ICL Plastics Limited.

On 11 November 2006 both accused companies were indicted to a Preliminary Hearing at Glasgow High Court on 12 December 2006.

On 6 December 2006, on joint application by the parties, the Court granted a postponement of the Preliminary Hearing to 30 January 2007 and extended the 11 month time bar to 9 March 2007 and the 12 month time bar to 9 April 2007.

DRAFT NARRATIVE D REV 27.08.07

On 30 January 2007 at Glasgow High Court Lady Dorrian on a defence motion, unopposed, continued the Preliminary Hearing to 13 March 2007 and extended the 12 month time bar to 21 May 2007

On 13 March 2007 at Glasgow High Court Lord Brodie fixed a dedicated floating diet of trial for 13 August 2007 and the four days following, with a further Continued Preliminary Hearing for 17 July at Glasgow to monitor the state of preparation. The 12 month time bar was extended to 17 August 2007. Defence counsel signed Joint Minute No 1 relative to casualties. Defence counsel stated that the accused companies were jointly represented on the instructions of the respective boards of directors.

The Crown made application to the Court to accelerate the Continued Preliminary Hearing fixed for 17 July for the purpose of clarifying the defence attitude to Joint Minute No 2 relative to causation and the Court fixed a hearing on the application for 4 May 2007 at Glasgow. On 3 May 2007 defence counsel signed Joint Minute No 2 relative to causation and the application was superseded.

On 17 July 2007 at the continued Preliminary Hearing Lord Hardie fixed a further Continued Preliminary Hearing for 31 July. Joint Minutes No 1 and No 2 were lodged. The Court was advised that further Joint Minutes of Agreement were under discussion.

On 31 July 2007 at the continued Preliminary Hearing Lord Johnston was advised by defence counsel that there had been ongoing discussions concerning the final resolution of the case but that further time would be required in order to complete the discussions. Lord Johnston continued the case to the trial diet on 13 August. On the same day defence counsel and agents gave unconditional written undertakings that pleas of guilty as libelled would be tendered by both accused on 17 August and that the Crown could rely on these undertakings to cease preparation and countermand witnesses. The undertaking given by counsel was expressly declared to be not conditional on any Crown narrative or the agreement of any Crown narrative or on the Crown agreeing any mitigation.

I should say that the Crown did act on the faith of these undertakings and did countermand witnesses.³

DRAFT NARRATIVE D REV 27.08.07

On the faith of these undertakings the Crown was able to countermand all witnesses and did not call the case for trial on 13 August. It is understood that the defence had already advised the Court administration that the days set down for this trial could be allocated for other cases. The case was called into Court on 17 August, Hon Lord Brodie presiding, when pleas of guilty as libelled were recorded for both Accused Companies, the Crown moved for sentence and his Lordship continued the case to today 27 August for full statements.

The next-of-kin and victims present on 31 July were informed of developments on a confidential basis.

The indictment as supplemented by six section 67 notices allowed by the Court contains 461 documentary productions some running to hundreds of pages, 616 label productions and 321 witnesses.

The Accused Companies are first offenders.

CORPORATE STRUCTURES AND KEY PERSONNEL

The Accused Companies are part of a privately owned group of eight companies of which the Second Accused is the holding company and the First Accused one of the seven operating subsidiaries. The corporate structure at the time of the explosion was established before the start of the indictment period.

The beneficial ownership of the group resides substantially with Mr Campbell Hejherington Downie who owns 66% of the shares in the Second Accused Holding Company and therefore controls the holding company and through the holding company its operating subsidiaries including the First Accused Operating Company. The Second Accused Holding Company owns 83% of the shares in the First Accused Operating Company.

At the time of the explosion minority shareholders in the Second Accused Holding Company were Mr R A Ferguson who had a 28%

DRAFT NARRATIVE D REV 27.08.07

stake and Mr James Stewart McColl who had a 4% stake. The minority shareholder in the First Accused Operating Company was Mr Frank Fraser Duguld Stott who held 17% of the shares. During the indictment period individual shareholders had management roles as follows: Mr Downie had a management role throughout, Mr Ferguson had no management role at any time, Mr McColl had a management role throughout and Mr Stott had a management role until 22 Jan 2004 when he resigned on age and health grounds

During the indictment period the directors and managers of the Second Accused Holding Company were as follows:

Campbell Hetherington Downie	Chairman and Group Chief Executive
James Stewart McColl	Sales Director
Margaret Brownlie	Finance Director
Lorna Grace Downie	Personnel Director and Company Secretary

During the relevant period the directors and managers of the First Accused Operating Company were as follows:

James Stewart McColl	Director then Managing Director from 01 Oct 2001
Frank Fraser Duguld Stott	Managing Director to 31 Oct 1998 then Director to 22 Jan 2004 [resigned]
Peter Hardie Marshall	Managing Director from 31 Oct 1998 to 01 Oct 2001 [resigned] 1998
Lorna Grace Downie	Company Secretary

The group has other manufacturing and distribution locations in Dundee, Edinburgh and Newcastle.

THE NATURE OF THE BUSINESSES

The Second Accused Company was incorporated on 17 November 1961 as ICL Plastics Limited having among its objects:

to carry on the business of processing plastics by all methods including fluid bed plastic dip coating in various finishes, cold plastic spraying, plastic sheet welding, plastic slush moulding, plastic vacuum forming and fibreglass resin bonded moulding

On 26 November 1973 the First Accused Company was incorporated as a subsidiary of the Second Accused Company with the same objects. The original name was ICL Technical Plastics Limited. On 19 August 1999 the company name was changed to ICL Tech Limited.

The intention from and after 1973 was that operations should be separated out and that there should be separate subsidiaries for manufacturing operations and distribution operations with the original company, now the Second Accused, confining its activities to that of a holding company providing group services. From that date in Glasgow the manufacturing part of the business was carried on by the First Accused Subsidiary and the stockholding and distribution part of the business was carried on by another subsidiary Stockline Plastics Limited also incorporated in 1973.

During the indictment period Stockline Plastics Limited carried on business from the same and adjacent premises as a plastics stockist and distributor for all kinds of plastics, cast acrylic, extruded acrylic, polystyrene, structured polycarbonate, nylon, polythene, polypropylene, PVC, etc in sheet, rod and tube form etc. The First Accused Subsidiary carried on business as a plastics manufacturer making all kinds of plastic mouldings and fabrications from retail displays to components for aircraft interiors and riot equipment, and also applying plastic coatings to non-plastic components using processes which will be described below. The Second Accused Holding Company exercised financial

DRAFT NARRATIVE D REV 27.08.07

control over the group and provided management services which will be described below.

Plastic coatings were applied to metal components by either spraying or fluidised bed methods. In the fluidised bed method, metal components were pre-heated in ovens to high temperatures then dipped in beds of plastic particles maintained in a fluid state by compressed air. As at 11 May 2004 there were six ovens in the ground floor of the premises occupied by the First Accused Company. There were four electric ovens, one natural gas oven and one 'Birlec' propane [LPG] oven. The ovens were used for various processes. The LPG oven was one of two ovens used almost daily for pre-heating metal components for plastic coating by the fluidised bed method.

The group management services provided by the Second Accused Holding Company relevant to the indictment included personnel services, health and safety services, insurance services such as the arrangement of employers' liability cover and other insurances, energy services and utilities and property services. At all times the ownership and control of the premises, including the fixed plant and equipment such as the LPG installation on the customers' side, remained with the second accused holding company.

DESCRIPTION OF THE PREMISES

Asht for shot of model on screen

The core of the premises at Grovepark Mills was a four-storey – ground plus three – Victorian mill built in 1878 on an L-shape plan added to and altered over the years. The external walls were brick. The first, second and third floors of the building were made of timber supported internally on a grid of cast iron columns. On each floor the space was divided by non-structural partitions. Access to the upper floors and basement at the west end of the building was obtained via a stair tower which had been added to the building in about 1907. The building also had a 20th century rectangular addition to the north consisting of a single storey portal-framed steel structure with an asbestos sheet roof and external brick wall panels. The addition had a footprint about two-thirds of the area of the original building. On the opposite side of the original building

DRAFT NARRATIVE D REV 27.08.07

from the 20th century addition was the yard with which this narrative is concerned being a triangular-shaped piece of ground extending to the south of the building. The bulk storage tank for LPG was located at the apex of the triangle furthest from the building at a distance of about 15.5 metres from the building. There was a gateway for vehicular traffic in the perimeter wall between the yard and Grovepark Place. The yard had concrete hard standing.

During the indictment period, the third floor of the building was used for storage; the second floor consisted of office accommodation occupied by the first accused company, the second accused company and by Stockline Plastics Limited; the first floor of the original building was used for storage and some manufacturing operations of the First Accused Company; and the ground floor of the original building and the extension were occupied by the First Accused Manufacturing Company for its Fabrication Shop, Coating Shop and Despatch Area.

The Fabrication Shop was housed in the extension. The Despatch Area and the coating shop were housed in the ^{addition} original building. The Despatch Area occupied the west zone of the ground floor, about one third of the space, and the Coating Shop occupied the remaining two thirds of the space towards the east end. There was access between the Despatch Area and the yard via a concrete vehicle ramp suitable for forklift trucks. At the time of the explosion the level of the yard was about 0.60 metres below the level of the ground floor of the original building.

There was a basement beneath the Despatch Area at the west end of the building. This had been a pit accommodating part of the paper-making process carried on in the original mills. In 1982 the Second Accused Holding Company had the pit covered with a structure consisting of steel chequer-plate flooring supported on structural steel beams in turn supported on steel columns footed on concrete plinths. The purpose was to cover over the pit and to create a complete floor at ground level. The effect was to create at basement level a substantial but largely unventilated void. Access to the basement was via the west stair tower and through an opening in the south basement perimeter

DRAFT NARRATIVE D REV 27.08.07

wall. The First Accused Company sometimes stored Jigs and materials in the basement. At the time of the explosion the basement was used by self-employed builder Andrew Galloway and his employee Kenneth Murray for storage of tools and equipment.

Investigation subsequently revealed that though the building was in reasonable condition for its age, the design was vulnerable to an internal explosion because the internal, weight-bearing columns were stacked, with spigots fitting into sockets in the lower end of the columns above. The spigots were part of the intermediate bearing saddles, sitting on the columns beneath through which the transverse beams passed

The premises were the place of work for sixty-six persons though several were out of the building at the time of the explosion. The Group Chairman Campbell Downie was working from home at the time as he often did.

EMERGENCY RESPONSE AND RESCUE PHASE

Just after 12.00 noon on 11 May 2004 off-duty Police Sergeant Neil Orr was making a purchase at Gael Home Interiors, 10 Grovepark Place, when the explosion occurred. He ran outside, immediately registered the scale of the emergency and telephoned 999. Within minutes the Police, Fire and Rescues Service and medical personnel (paramedics, doctors and nursing staff) arrived at the scene. By 12.15 hrs Police Inspector Jill Smith had established a control point at the site. At 12.30 hrs Police Incident Commander at the scene Superintendent John Cattell declared a "Major Incident", co-ordinated the multi-agency response and established security cordons. By 13.00 hrs the Southern General Hospital Mobile Medical Team led by Emergency Medical Consultant Surgeon Peter Davis had established a presence at the site. From 13.17 hrs Fire and Rescue Incident Commander Assistant Firemaster William McDonagh took command of the rescue operation and supervised the rescue of persons trapped beneath the rubble. Five crews were already in attendance. At 13.27 hrs fourteen additional crews were called in. Medical personnel established a triage procedure.

DRAFT NARRATIVE D REV 27.08.07

treating and removing the injured to various hospitals in the Glasgow area. By 15.49 hrs 24 casualties had been removed to hospital, sixteen persons were believed to be still buried in the rubble and the rescuers were in contact with five persons who were trapped. By 23.13 hrs there were 37 known casualties and six fatalities. *on the day of the explosion*

Hundreds of personnel including many volunteers from across the United Kingdom responded. Rescue teams attended from throughout Scotland and the north of England. Specialist volunteers included "Mines Rescue", the "International Rescue Corps", the "Sutherland Rescue Dog Team", the "Trossachs Search and Rescue Dog Team" and the Salvation Army. The site was sectorised and skilled personnel evenly distributed to "tunnel and shore" in areas where employees were believed to be trapped. The rescue phase lasted 4 days. Linda Kinnon was removed from the rubble at 21.00 hrs on Tuesday 11 May. She was the last person rescued to survive. Tim Smith was last fatality to be recovered from the rubble, at 11.25 hrs on Friday 14 May.

At the conclusion of the rescue phase the Fire and Rescue Service relinquished control of the scene to the Police.

THE VICTIMS

As a result of the explosion and consequent collapse of the building fifty-four persons were killed, injured or exposed to risk and otherwise affected. Twenty-eight of the victims were employed by the First Accused Company, one was employed by both the First and Second Accused Companies, five were employed by the Second Accused Company, sixteen were employed by Stockline Plastics Limited ("Stockline"), one was employed by Easter Road Plastics Limited, another subsidiary of the Second Accused Company. A self-employed builder was injured and his employee was killed. Flying debris injured an elderly member of the public who was passing by. The vast majority of those who sustained severe injury had been working on the second floor of the building. The victims, listed alphabetically by employer, with fatalities first, were:

DRAFT NARRATIVE D REV 27.08.07

- 1. Peter Ferguson who was a 52-year-old operation support manager with the First Accused Company sustained fatal injuries including an extensive fracture of the front of his skull with generalised brain injury. He also sustained non-specific microscopic changes to his lungs consistent with either blast effect, crushing asphyxia or the inhalation of blood. He was found dead from said injuries in the rubble of the premises on 12 May 2004.**
- 2. Thomas McAuley who was a 41-year-old storeman with the First Accused Company sustained fatal injuries including crush asphyxia by compression of his chest. He also sustained non-specific microscopic changes to his lungs consistent with either blast effect, crushing asphyxia or the inhalation of blood. He was found dead from said injuries in the rubble of the premises on 12 May 2004.**
- 3. Stewart McColl who was 60 years old and Managing Director of the First Accused Company and a Director of the Second Accused Company sustained fatal injuries including crush asphyxia by compression of his chest and was found dead from said injuries in the rubble of the premises on 11 May 2004.**
- 4. James Aitken who was a 51-year-old plastics fabricator with the First Accused Company was severely injured to his permanent disfigurement and was exposed to the risk of death. He sustained a broken right collarbone, a wound to the right side of his head that was subsequently closed with 7 stitches, a wound to the left side of his head that was subsequently closed with 6 stitches, bruising and abrasions to his back and a fractured rib on the left side.**
- 5. William Aitkenhead who was a 35-year-old plastics fabricator with the First Accused Company was injured and was exposed to the risk of death. He sustained an abrasion with surrounding bruising on his right shin and bruises on his back.**
- 6. Gordon Bell who was a 43-year-old spray painter/ plastics coater with the First Accused Company was severely injured to his permanent impairment and was exposed to the risk of death. He sustained an almost completely severed right thumb, the bone being broken and the tendons detached, crush injuries to**

DRAFT NARRATIVE D REV 27.08.07

- the middle and ring fingers of his right hand resulting in loss of function, a cut above his right eye, wounds to his left hand and ligament damage to his right ankle.
7. Alan Byrne who was a 21-year-old trainee fabricator with the First Accused Company was severely injured to his permanent disfigurement and was exposed to the risk of death. He sustained a 2 centimetre laceration to his forehead which was subsequently closed with 2 stitches, an 8 centimetre full thickness laceration to the crown of his head which was subsequently closed with 7 stitches, a wound to his right forearm which was subsequently closed with 4 stitches, a burn to his back and injury to the tendons in the middle and index fingers of his right hand for which he subsequently received surgical treatment with the insertion of 7 stitches.
 8. Alan Donaldson who was a 57-year-old fabrication foreman with the First Accused Company was injured and was exposed to the risk of death. He sustained an abrasion to the left shoulder blade.
 9. Nicholas Downie, son of Group Chief Executive Campbell Downie, who was a 39-year-old general production manager with the First Accused Company was severely injured to his permanent impairment, permanent disfigurement and to the danger of his life and was exposed to the risk of death. He sustained fractures of his left ankle and soft tissue injuries to both legs. An operation was required to remove damaged tissue from his right lower leg as a result of which he suffers from a dropped foot and requires an ankle splint to enable him to walk. He received an extensive skin graft to his left leg. Both legs are permanently scarred. He sustained a wound below his lower lip as a result of which he lost sensation there. He suffered from pain in his left shoulder. He sustained a large bruise on his back and a wound to the rear of his head.
 10. Stacey Eaglesham who was a 17-year-old administrative assistant with the First Accused Company sustained bruising to her legs and bruising and cuts to her arms and hands. She sustained soft tissue injuries to her back and hip.

DRAFT NARRATIVE D REV 27.08.07

11. Monica Flynn who was 57 years old and employed by First Accused Company as a senior administrator/ personal assistant to the managing director, was severely injured to her permanent impairment and was exposed to the risk of death. She sustained a compound fracture of the right heel, a compound fracture of the right ankle, a laceration of her scalp, bruising to her face, shoulder and chest, bruising and abrasions of her left arm, abrasions of her right arm, a laceration of the little finger of her left hand which was closed with sutures. She sustained nerve damage to her left hand. The heel and ankle fractures were treated by the surgical insertion of wires and screws followed by skin grafting. A pin remains in her left heel. Her mobility is impaired.
12. Daniel Fraser who was a 32-year-old despatch foreman with the First Accused Company was injured and was exposed to the risk of death. He sustained a swollen right wrist and bruising to his right shoulder, upper right arm, right thigh, right shin and chest.
13. William Gifford who was a 38-year-old plastics fabricator with the First Accused Company was severely injured and was exposed to the risk of death. He sustained a laceration of his right forearm which required surgical intervention. He sustained multiple abrasions of his back. He had some tenderness to the right hand and right side of his neck. He had some pain to the right loin. He was found to have transient haematuria.
14. Daniel Gilmour who was a 50-year-old spray painter with the First Accused Company was severely injured to his permanent disfigurement and was exposed to the risk of death. He sustained a laceration to the left front hairline area, which required to be glued. He sustained a head injury to the left front temporal area. He had small bits of rubble embedded under the skin of his face, neck and shoulder areas. He sustained an abrasion to the right shoulder blade.
15. David Hamilton who was a 19-year-old plastics fabricator with the First Accused Company was severely injured and was exposed to the risk of death. He sustained a fractured vertebra in his lower back. He sustained abrasions on his upper and

DRAFT NARRATIVE D REV 27.08.07

lower back, abrasions on his left hip and three small puncture wounds on his right elbow.

16. Martin Hamilton who was a 24-year-old sales manufacturer with the First Accused Company was severely injured to his permanent impairment and permanent disfigurement and was exposed to the risk of death. He sustained a wedge compression fracture of the first lumbar vertebra. He also sustained a three inch laceration over his left eye and a three inch laceration on the left side of his scalp. He sustained bruising to his left foot and extensive muscle bruising over most of his body, mainly the upper limbs. The laceration over his left eye was treated by the insertion of 5 underlying and 8 skin stitches. The laceration on his scalp was treated by the insertion of 6 stitches. He has back pain. He has a permanent scar over his left eye.
17. Derek King who was a 28-year-old plastics welder with the First Accused Company was injured and was exposed to the risk of death. He sustained a laceration to the right side of his scalp which was glued and then stapled. He also sustained lacerations to the index finger of his right hand which was bandaged. He sustained cuts to two fingers of his left hand and multiple bruising on his body.
18. Archibald Lindsay who was a 38-year-old stock controller with the First Accused Company was severely injured to his permanent impairment and was exposed to the risk of death. He sustained fractures of two lumbar vertebrae. He sustained a laceration to his forehead, which was closed with butterfly stitches leaving a permanent scar. He sustained a 3 centimetre scalp laceration which was closed with stitches. After internal fixation of the fractured vertebrae he wore a metal body brace until the end of October 2004.
19. Christopher McGinley who was a 22-year-old plastics fabricator with the First Accused Company was injured and was exposed to the risk of death. He sustained a laceration on his left shin, cuts and bruises to his back and cuts to his face.
20. James McGoldrick who was a 54-year-old foreman/ spray painter with the First Accused Company was injured and was

DRAFT NARRATIVE D REV 27.08.07

exposed to the risk of death. He sustained an abrasion on his left shoulder blade area. He also suffered dental damage as a result of which he had to have seven teeth removed.

21. William Masterton who was 61-years-old and the Coating Shop manager with the First Accused Company was severely injured to his permanent impairment and the danger of his life and was exposed to the risk of death. He sustained a fracture of his right hip bone, a badly comminuted, open fracture of his right proximal tibia and fibula as well as a rupture to the artery behind the knee of his right leg with injury to nerves in his lower right leg. He sustained a badly comminuted, open fracture of his left tibia and fibula with injury to a nerve in left leg. He sustained a fracture of his left ring finger and a dislocated left wrist. He sustained a deep laceration to his right elbow. He suffered significant blood loss. On 16 May 2004, he suffered a temporary paralysis of all his limbs as a result of his injuries. On 21 May 2004, he developed an infection of the wounds in both legs. On 25 May 2004, he received a tracheotomy to assist his breathing. During his first period in hospital, his nose became infected with MRSA. Both legs became infected with a number of organisms including MRSA. A fasciotomy was performed on his left leg. His left leg was externally fixated. A screw was inserted into his right hip and initially his right leg was externally fixated. On 18 June 2004, his right leg was amputated above the knee. Infected bone from his tibia and the knee joint of his left leg were cut out reducing the length of that leg by 5 centimetres. Wires were inserted into his left wrist to fix it and to enable it to heal. He received skin grafts to cover the muscle of both limbs.
22. Ian Mavers who was a 52-years-old quality manager with the First Accused Company, was injured and was exposed to the risk of death. He sustained abrasions to his head and shoulder and bruises to his back, arm and legs.
23. Tammy Nelson who was an 18-year-old sales assistant with the First Accused Company was severely injured to her permanent disfigurement and was exposed to the risk of death. She sustained a 3 centimetre full thickness laceration of her central forehead. She sustained abrasions to her abdomen, right

DRAFT NARRATIVE D REV 27.08.07

breast, and the back of her neck and a burn to her right wrist. She sustained a scalping injury to the back of her head. The abrasions and the burn were cleaned and dressed and the wounds to her forehead and scalp were closed by surgery leaving permanent scars. Forty staples were used to close the scalping injury. She suffered from constant headaches for five months.

24. Charles Robertson who was a 51-year-old cleaner with the First Accused Company was injured and was exposed to the risk of death. He sustained bruises to his upper right arm.
25. Matthew Wylie who was a 20-year-old trainee plastics fabricator with the First Accused Company was injured and was exposed to the risk of death. He sustained an abrasion to his right shin with associated bruising, a scrape on his arm and a bruise on his back.
26. David Andrews who was a 30-year-old vacuum former with the First Accused Company was exposed to the risk of injury and death.
27. William Chapman who was a 63-year-old general labourer and cleaner with the First Accused Company was exposed to the risk of injury and death.
28. Robert McMillan who was a 44-year-old CNC operator with the First Accused Company was exposed to the risk of injury and death.
29. Anthony Northcote who was a 26-year-old plastics fabricator with the First Accused Company at work in the premises at the time of the incident, was exposed to the risk of injury and death.
30. Margaret Brownlie who was 49 years old and Director and Financial Controller of the Second Accused Company sustained fatal injuries including crush injuries of the chest and abdomen with extensive haemorrhage resulting in severe metabolic shock and renal failure. She was recovered alive from the rubble of the premises on 11 May 2004 and taken to hospital where she died from said injuries later the same day.
31. Linda Kinnon who was 52 years old and a personnel officer with the Second Accused Company was severely injured to her permanent impairment and permanent disfigurement and to the