

# Scotland: Gas monopoly faces killing charge over death of family

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Transco, the pipeline division of Lattice, the UK gas transportation and distribution group, faces the first ever prosecution for culpable homicide over the deaths of four members of the same family in a gas explosion at their home in Scotland in 1999.

The Scottish Crown Office charged Transco on February 28 with culpable homicide, a Scottish charge similar to that of corporate manslaughter in England, except the maximum penalty is “unlimited” fines rather than jail terms. The company also faces an alternative charge of a contravention of Sections 3 and 33 of the Health and Safety at Work Act, 1974.

The explosion, which happened three days before Christmas in Larkhall, near Glasgow, was described as one of the most tragic gas accidents to have occurred in Britain. Safety officials found a leaking gas main close to the scene of the blast, which killed Andrew and Janette Findlay and their two children, Stacey (13) and Daryl (11).

The decision to prosecute Lattice follows a two-year investigation by the Hamilton Procurator Fiscal and reports by the Health and Safety Executive (HSE) and the police. The early morning explosion rocked the entire town and the noise of the blast was heard 15 miles away. Mrs Findlay and her neighbours had complained for years about the smell of gas. Following the deaths, forensic scientists examined a 30-foot section of the pipe. They discovered a corroded hole big enough to put a man’s fist through. Days after the tragedy, Transco and the HSE announced that the gas main metal pipe had a total of 19 leaks.

Transco was ordered by the HSE to immediately replace the metal piping and to speed up the replacement of gas mains throughout Britain. The HSE submitted its report on the Larkhall blast to the procurator fiscal in September 2000. The following

month William Bailey, 67, and his wife Mary, 58, were killed when a gas blast ripped apart the house next door to their home in Linfield Street, Dundee. Investigators traced the source of the explosion to a fracture in a cast-iron gas main under the pavement. Despite this evidence, it was not until February 2001 that the fiscal’s office in Hamilton instructed Strathclyde Police to carry out further inquiries into the Larkhall blast.

Transco has been accused of exaggerating its safety records. The company missed a target for replacing rusting pipelines in 2000 by 29 percent and the energy regulator, Ofgem, has ordered the company to improve the information it supplies to government watchdogs. Auditors Mazars Neville Russell assessed claims made by the company over its investment record in 2000. An official report from Transco listed 19 areas of performance described as “exceeded” or “met”, including the safety of the gas supply network, whereas the auditors’ report suggests that Transco’s achievements in this area meant only that they “met” the target rather than “exceeded” it in any way.

The report also reveals that Transco failed to reach the Ofgem targets for replacing cast iron pipelines in 2000, even though management claimed to have met them. Transco replaced 1,607 km of iron mains with new plastic piping, but under its agreement with Ofgem it was meant to have replaced 2,263 km.

Last September the HSE announced an accelerated programme to replace all iron gas mains in Britain located within 30 metres of buildings. The announcement means that some 91,000 km of iron mains will be replaced within 30 years, five years earlier than if they were replaced at the historical average achieved since 1977, and substantially earlier than at the present replacement rate. Most iron mains—about 60 percent—are at least 40 years old, and

some are over 100 years old. Virtually all of this iron pipework carries gas at low-pressure.

At present, fracture and corrosion failures cause on average three to four major incidents a year, resulting in one to two deaths. Each gas release incident has the potential to cause multiple injuries or deaths, for example at Putney (1985—eight deaths), Rutherglen (1985—five), Larkhall (1999—four), and Dundee (2000—two).

Transco inherited many ageing iron mains from the Victorian and pre-war eras. For several decades, Britain has had a programme to replace these mains with more modern materials. In the 1960s ductile iron was introduced because it was more flexible than cast-iron, which can fracture with excess loading due to such factors as traffic or ground movement. But ductile iron also corrodes, so there has been a further programme to replace both metals with polyethylene pipework.

Difficulties in assessing the current state of the iron mains network has given rise to safety concerns. The fracture rate per kilometre of cast-iron mains has got worse since privatisation, increasing from about 13 per 100 km in 1977, when a targeted programme for replacing “at risk” mains was introduced, to about 14.5 per 100 km in 1999. In the same period, Transco replaced some 61,000 km of iron mains.

Transco is the main business of Lattice, which was spun off from the British Gas group in October 2000, some months after the Larkhall incident. BG is now mainly a gas and oil exploration and production company. Both companies were once part of the privatised British Gas utility along with Centrica, now mainly a household energy retailer, which was split off from the rest of the group in 1997. Lattice has been without a CEO since Phil Nolan resigned in November last year to take up the post of CEO at Irish telecoms group Eircom.

Just weeks before the charge of culpable homicide was brought against Transco, the company was accused of compromising safety when it announced plans to cut 2,400 jobs, 17 percent of its workforce, to offset lost revenue resulting from price cuts imposed by Ofgem. The City usually rubs its hands at talk of redundancies and cost-cutting exercises and this was no exception. Lattice’s shares reached an all-time high of 175p as soon as it announced that it would accept the new regulatory regime.

In 1997 Transco laid off 1,000 engineers; now it admits it is critically short of people needed to maintain safety, although bizarrely it still welcomes Ofgem’s recommendations to shed more staff.

It has been recognised for some time that treating incidents such as that which happened at Larkhall simply as a breach of health and safety does not fully reflect the gravity of the offence. In Scotland, firms have previously only faced charges relating to the breaches of the Health and Safety at Work Act 1974. A recent case involved a record £1 million fine being imposed in January on oil giant BP for safety breaches at its Grangemouth refinery after a fire and explosion. Luckily, no lives were lost.



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