

**SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY  
AT DUMFRIES**

**[2024] FAI 9**

DUM-B252-23

DETERMINATION

BY

SHERIFF COLM P DEMPSEY

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC  
(SCOTLAND) ACT 2016

into the death of

**SAMANTHA BUNTING**

DUMFRIES, 12 February 2024

The Sheriff, having considered the information presented at an inquiry on 5 February 2024, under section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (“the Act”) finds and determines:

- (1) In terms of section 26(2)(a) of the Act that Samantha Bunting, who was born on 29 February 2000, died on 22 September 2021 at 11.40 hours at Gerranton Farm, Castle Douglas, Dumfries and Galloway.
- (2) In terms of section 26(2)(b) of the Act, that the accident which resulted in the death of Samantha Bunting occurred at some time between the hours of 08.00 and 11.00 on 22 September 2021 at Gerranton Farm, Castle Douglas, Dumfries and Galloway.

- (3) In terms of section 26(2)(c) of the Act, that the cause of death was: 1(a) Mechanical asphyxia due to 1(b) Quad bike accident.
- (4) In terms of section 26(2)(d) of the Act, that the cause of the accident which resulted in the death was due to the deceased losing control of the quad bike she was driving as a result of the front wheels striking a small ridge in the ground. The deceased became separated from the quad bike, which subsequently rolled and came to rest partly on the deceased's upper torso.
- (5) In terms of section 26(2)(e) of the Act, that there were no precautions which could reasonably have been taken which might realistically have resulted in the death being avoided.
- (6) In terms of section 26(2)(f) of the Act, that there were no defects in any system of working which contributed to the death.
- (7) In terms of section 26(2)(g) of the Act, that there are no other facts relevant to the circumstances of the death.
- (8) In terms of section 26(1)(b) there are no recommendations to be made as to:  
(a) the taking of reasonable precautions, (b) the making of improvements to any system of working, (c) the introduction of a system of working, or (d) the taking of any other steps which might realistically prevent other deaths in similar circumstances.

**Note****Introduction**

[1] A fatal accident inquiry was held at Dumfries Sheriff Court on 5 February 2024 into the death of Samantha Bunting.

[2] Two parties were represented at the inquiry. Ms Kelly, procurator fiscal depute, appeared for the Crown. Mr Smith KC appeared on behalf of J R Heuchan and Son. Miss Bunting's Mother and Sister attended the hearing in person.

[3] For the purposes of the inquiry parties tendered a detailed joint minute of agreement which covered the majority of the evidence which required to be placed before the court. The crown led evidence from one witness, Emma Farren, with Margaret Heuchan being the only witness led on behalf of J R Heuchan and Son. Both parties invited me to make only formal findings in terms of sections 26(2) (a) (b) (c) (d) and (e) of the Act.

**The Legal Framework**

[4] This inquiry was held under section 1 of the Act. It was a mandatory inquiry in terms of section 2(1) of the Act as Miss Bunting was, at the time of the accident which resulted in her death, acting in the course of her employment.

[5] In terms of section 1(3) of the Act the purpose of an inquiry is to establish the circumstances of the death and to consider what steps, if any, may be taken to prevent other deaths in similar circumstances. Section 26 requires the sheriff to make a determination which in terms of section 26(2), is to set out factors relevant to the

circumstances of the death, in so far as they have been established to his satisfaction. These are (a) when and where the death occurred; (b) when and where any accident resulting in the death occurred; (c) the cause or causes of the death; (d) the cause or causes of any accident resulting in the death; (e) any precautions which could reasonably have been taken and if they had been taken might realistically have resulted in the death being avoided; (f) any defect in any system of working which contributed to the death or to the accident; and (g) any other facts which are relevant to the circumstances of the death. In terms of section 26(1)(b) and 26(4), the inquiry is to make such recommendations (if any) as the sheriff considers appropriate as to (a) the taking of reasonable precautions, (b) the making of improvements to any system of working, (c) the introduction of a system of working, and (d) the taking of any other steps, which might realistically prevent other deaths in similar circumstances. The procurator fiscal depute represents the public interest. An inquiry is an inquisitorial process and the manner in which evidence is presented is not restricted. The determination must be based on the evidence presented at the inquiry. It is not the purpose of an inquiry to establish criminal or civil liability.

### **Findings**

[6] Samantha Bunting was born on 29 February 2000.

[7] At the date of her death, Miss Bunting was working for J R Heuchan and Son as a self-employed agricultural contractor.

[8] J R Heuchan and Son is a farming partnership which operates a dairy farm at Gerranton Farm in Castle Douglas.

[9] Miss Bunting had grown up on a farm in Dumfries, she was a skilled farmer and was experienced in the use of quad bikes.

[10] On the morning of 22 September 2021, at around 08.00, Miss Bunting assisted Ian Heuchan, a partner in the business of J R Heuchan and Son, to load calves into a trailer in order for them to be transported to market at Carlisle. Prior to his departure, Ian Heuchan asked Miss Bunting to locate a cow that had not returned from a nearby field the previous evening. Mr Heuchan did not instruct Miss Bunting how this should be done and no mention was made of her using any of the farm vehicles.

[11] Ian Heuchan arrived in Carlisle at around 09.30 the same day, at which time he telephoned Miss Bunting on her mobile telephone, there was no answer.

[12] Emma Farren, Miss Bunting's housemate and work colleague, sent her a message via Snapchat at 10.30 and thereafter telephoned her at 10.45. Neither of these communications were acknowledged by Miss Bunting.

[13] Emma Farren, being aware that Miss Bunting had been tasked with locating the missing cow, attended at the nearby field in an attempt to locate Miss Bunting.

[14] On entering the field Emma Farren observed the missing cow, and on approaching it she saw an upturned quad bike with Miss Bunting lying face down beneath it.

[15] Emma Farren was able to move the quad bike, she thereafter attended to Miss Bunting, moving her on to her back. She observed that Miss Bunting was cold to the touch, and she could find no pulse.

[16] Emma Farren contacted the emergency services, and at approximately 11.00, an ambulance arrived at the scene. Sadly Miss Bunting's life was pronounced extinct by paramedics at 11.40.

[17] On 22 September 2021, Police Constables Edward Mann and Colin Ramage of the Road Policing Forensic Investigations Team, attended Gerranton Farm to conduct an examination of the site and the quad bike.

[18] Following investigation, Constables Mann and Ramage concluded that Miss Bunting had lost control of the quad bike as a result of its front wheels having struck a small but visible ridge in the ground. This caused the quad bike to launch into the air and rotate ninety degrees. Miss Bunting, as a result, has become separated from the quad bike and come to rest on the ground. The quad bike has continued to travel in a northerly direction and has come to rest partly on top of Miss Bunting's upper torso.

[19] At the time of the accident, the quad bike was in gear two of five. The maximum speed of the quad bike whilst in gear two was calculated to be twenty one miles per hour.

[20] On 24 September 2021 the quad bike was examined by Police Vehicle Examination Officers Police Constables Steven Broatch and Scott Graham, in the company of Inspectors Alexandra Brown and Colin Dunn from the Health and Safety Executive.

[21] The officer's examination found that the quad bike was a Honda TRX250 TM model. The quad bike had a recorded mileage of 3579 kilometres and 522.8 hours of use logged on its digital display. The vehicle was found to be in overall good condition with little damage. The electrics, lighting, transmission, steering, suspension, exhaust, brakes and speedometer were all found to be in working order with no defects.

[22] On 5 October 2021, a post mortem examination was carried out by Doctors Gemma Kemp and Gillian Wilson, both Forensic Pathologists, at the Queen Elizabeth University Hospital, Glasgow. The cause of death was recorded as 1a. Mechanical asphyxia due to 1b. Quad bike accident.

[23] Following the death of Miss Bunting, a decision was taken by J R Heuchan and Son that quad bikes would no longer be used on the farm.

### **Conclusion**

[24] Samantha Bunting was a 21 year old lady who was a much loved daughter, sister, friend and colleague. She had grown up on a farm and was considered by those she worked with to be a highly skilled farmer.

[25] The cause of the accident was due to the quad bike driven by Miss Bunting striking a small ridge on the ground which caused her to lose control of the vehicle. Miss Bunting became separated from the quad bike and fell to the ground with the quad bike subsequently coming to rest on her upper torso.

[26] Given the circumstances of Miss Bunting's death, I am satisfied, as submitted by all parties, that only findings in terms of paragraphs (a) (b) (c) (d) and (e) of section 26(2) of the Act should be made in this case.

[27] Lastly I express my condolences, along with those of the parties who appeared at the inquiry, to the family and friends of Miss Bunting.