

SHERIFFDOM OF GRAMPIAN, HIGHLAND AND ISLANDS AT BANFF

[2016] FAI 12

B17/16

DETERMINATION

BY

SHERIFF PHILIP MANN

UNDER THE FATAL ACCIDENTS AND SUDDEN DEATHS INQUIRIES (SCOTLAND)
ACT 1976

into the death of

IAN BRUCE FERGUSON

Banff 8th August 2016

Act: Hanton, Procurator Fiscal depute

Alt: Irvine, Solicitor, for the family of the deceased

The Sheriff, having heard evidence on 28 July 2016 and now having resumed
consideration of the matter Finds and Determines as follows:-

- (a) In terms of Section 6(1)(a) of the Fatal Accidents and Sudden Deaths Inquiry
(Scotland) Act 1976, Ian Bruce Ferguson (date of birth 14 June 1953), who
resided at Ardmiddle Mains, Turriff died in the course of his self-
employment on 7 March 2015 sometime prior to 1600 hours within a barley
grain storage container at said Ardmiddle Mains.

- (b) In terms of Section 6(1)(b) of the said Act, Mr Ferguson's death was caused by asphyxiation due to submersion in grain within a barley grain storage container.
- (c) It is not possible to make any determinations in terms of Sections 6(1)(c), 6(1)(d) or 6(1)(e) the said Act.

Note

1. The evidence in this case consisted entirely of a joint minute entered into between Mr Hanton for the crown and Miss Irvine, solicitor, for the family of Mr Ferguson.
2. Mr Ferguson had been engaged in preparing some 30 tonnes of barley to fulfil an order. This was an automated process involving the grain being dried in a machine before being passed along a conveyor belt and being deposited into a series of ventilation bins. Directly above the bins were roof rafters which would become covered in grain during the process and which would require to be swept for general tidiness and to prevent contamination.
3. Mr Ferguson had not been seen for some time after setting off to attend to the above process. A search was conducted by his son, Andrew Ferguson, and his lifeless body was discovered submerged in grain in one of the storage containers.
4. It is not possible for anyone to say how Mr Ferguson came to be submerged in grain within the storage container. All that can be said is that he fell into the

container by unknown means and had been unable to free himself, resulting in his death by asphyxiation.

5. Although Mr Ferguson had had a stroke on 26 May 2014, post mortem examination of his body revealed no natural disease that might have contributed to his death. Nor did the examination reveal the presence of any drug, or anything beyond a minimal amount of alcohol, that might have contributed to Mr Ferguson's fall.
6. In the foregoing circumstances, it is not possible to make determinations in terms of sections 6(1)(c), 6(1)(d) and 6(1)(e) of the Act.
7. Once again, I would extend the sympathy of the court to Mr Ferguson's family in their sudden and tragic bereavement.