

SHERIFFDOM OF NORTH STRATHCLYDE AT OBAN

2012FAI 29

**Under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act
1976**

DETERMINATION

BY

Sheriff Ruth Anderson QC Sheriff of North Strathclyde at Oban

In

Inquiry into the circumstances of the death of

James Steele born 26th July 1979

Oban 2nd May 2012.

In this Inquiry the Crown was represented by John Service, District Procurator Fiscal and Castle Estates, James Steele's employers, by Miss Watt, Solicitor. I am grateful to them for their assistance to the Inquiry. The Inquiry was mandatory in that James Steel died in the course of his employment. Such an Inquiry is not a fault-finding exercise. Its primary purpose is to air in public the circumstances of any death with a view to explaining its cause. If the circumstances and the cause can be determined, then consideration has to be given as to whether any reasonable steps could or should have been taken whereby the death might have been avoided and whether there were any defects in any system of working which contributed to the death.

Having considered all the evidence, both oral and written, my determination is a formal one and is as follows:

The Sheriff DETERMINES as follows:

1. In terms of section 6(1)(a) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 JAMES STEELE born 26th July 1979 who resided at Dam Road Cottage, St. Conan's Road, Lochawe, Oban, died on the north side of Ben Cruachan at around 1700 on Monday 8th August 2011.
2. In terms of Section 6(1)(b) JAMES STEELE died as a result of a head injury due to a fall from a height.
3. In terms of Section 6(1)(c) there were no reasonable precautions which might have avoided his death
4. In terms of Section 6(1)(d) there were no defects in the system of working which contributed to the death.
5. In terms of Section 6(1)(e) there are no facts which are relevant to the circumstances of the death.

Note

The evidence in this inquiry was in fairly short compass. The Crown led two witnesses, Donald Steele, father of James Steele, who was working with his son and others on Ben Cruachan on 8th August 2011, gathering sheep, and Daniel McLaughlin, Farm Manager with Castle Estates. Those two witnesses, along with James Steele and two others, all experienced in the task, had set out that day to bring sheep and their lambs down from the heights of Ben Cruachan for shearing. The morning had been misty, but by the time the party set off with their dogs in the early afternoon, the mist had cleared and the weather was fine. At around 1700 Daniel McLaughlin became aware from one of the others on the hill that James Steele may have had some sort of

accident. Mr. McLaughlin climbed to where he expected James Steele to be. He saw the dogs first, who were with Mr. Steele at the bottom of a cliff. When Mr. McLaughlin got to him, he was dead. He had fallen from the top of the rocky outcrop some 100/150 feet above. Mr. Steele was appropriately clothed and shod, and he was undertaking a task he had done before and in an area of the mountain he knew well. Everything pointed to his death being an accident with tragic consequences.

Parts of three affidavits were read to the court. Those came from Dr. Keith McKillop, who received Mr. Steele's body at the Southern General Hospital, to where it had been airlifted that same evening, Dr. Marjorie Turner, Forensic Pathologist at the University of Glasgow, and Robert Fraser, Inspector, with the Health and Safety Executive, based in Glasgow who prepared a report into the circumstances of Mr. Steele's death.

James Steele was a young man who had served in the army for 7 years and who during that time carried out duties on behalf of his country both at home and overseas. When he returned to civilian life and to his home area, he was a hard-working, skilled and reliable employee. He had been employed by Castle Estates for some 6 years. He was the son of Donald Steel, now retired, and a former ghillie, shepherd and deerstalker. He was the partner of Michelle and father of Megan and James. I wish to express my sympathies to all of his family, and also to his work colleagues and friends, and to those who attended court on 2nd May 2012.

Oban 2nd May 2012

