

SHERIFFDOM OF NORTH STRATHCLYDE AT PAISLEY

Fatal Accident Inquiry

Into the death of

Charles Dunn Collins

Under Section 1(1)(b) of the Fatal Accidents and Sudden Deaths Inquiry
(Scotland) Act 1976

Determination by

Sheriff Ruth Anne Anderson QC, Sheriff of North Strathclyde at Paisley
following an Inquiry held at Paisley on 31st October 2007

Paisley: 1st November 2007

The Sheriff, having considered the evidence adduced and submissions thereon at this Inquiry under the Fatal Accidents and Sudden Deaths (Inquiry) (Scotland) Act 1976

Determines:

(a) in terms of Section 6(1)(a) that Charles Dunn Collins (born 27th February 1950), who usually resided at 1 Laughton Gardens Cumbernauld, died at Royal Alexandra Hospital Paisley on 10th March 2007 at 0950.

(b) in terms of Section 6(1)(b), the cause of death was electrocution following upon an accident while Charles Dunn Collins was carrying out work installing a central heating boiler at a private house at 358 Glasgow Road Ralston Paisley.

(c) in terms of Section 6(1)(c) there were no reasonable precautions whereby the death and any accident resulting in the death might have been avoided.

(d) in terms of Section 6(1)(d) there were no defects in any system of working which contributed to the death or any accident resulting in the death.

(e) in terms of Section 6(1)(e) there are no other facts relevant to the circumstances of the death.

Sheriff

Note:

This Fatal Accident Inquiry was held in terms of Section 1(1)(b) of the 1976 Act following upon the death of Charles Dunn Collins on 10th March 2007 at Royal Alexandra Hospital Paisley to where he had been taken by ambulance from the house at 358 Glasgow Road Ralston Paisley. The Inquiry took place on 31st October 2007 in the course of which the Crown led evidence from six witnesses. The Crown was represented by Frank Clark, Ad Hoc Procurator Fiscal Depute. No other party was represented in the course of the Inquiry.

The Crown made submissions at the close of the evidence. In the course of those submissions, the Crown moved that a recommendation be made by me which, putting it broadly, was to the effect that all regulatory bodies (unspecified) involved in all building trades (unspecified) which were involved in activities which included the need to drill into walls should ensure that all operatives were trained in the use of and equipped with cable detectors. I have not found it appropriate to make such a broad and unspecific recommendation, though I appreciate why the submission was made.

It is, however, appropriate that I write something about the circumstances which led to Mr. Collins' death. He and Andrew Henderson Whitelaw were both plumbers/gas fitters employed by the same firm. Mr. Whitelaw had been employed by that firm for around 27 years, and he and Mr. Collins, as well as being work-mates, were also friends. On occasion, they would carry out work for individuals outwith their normal employment. This type of work is known as a 'homer'. In March 2007, through Mr. Whitelaw, the two men had agreed to replace a free standing gas central-heating boiler with a wall-mounted one in the kitchen of the owners of the house at 358 Glasgow Road. The work started in the afternoon of Friday 9th March when the old boiler was stripped out and removed and Mr. Collins then fixed by means of a series of rawl plugs and screws a wooden pad and a fire-resistant pad onto the wall at floor unit level. On this double pad the boiler was to be fixed and by the end of the work for that day Mr. Collins had fixed the rear casing, the main burner, the heat exchanger and the control panel.

Through Mr. Collins, it had been arranged that a trainee electrician, Mr. Robert Chatham, a man of 36 years and a time-served welder, would have a look at the job and decide if he would be able to do the electrical work himself or whether he would require some supervision. An electrician was required to put power to the boiler and also to check if any external controls such as thermostats or a programmer were required. Mr. Chatham called into the house on the Friday afternoon without his tools, had a brief look at the job, and determined that he would take the power from the wall-mounted socket low down to the left of the position of the new boiler, by putting a fuse-spur on the socket. Although in the event Mr. Chatham did no work on the boiler, it was his intention to get a friend to test the boiler and Mr. Chatham would have powered the boiler and earth bonded it.

On the morning of Saturday 10th March Mr. Collins arrived first at the house, around 0830 hours. He advised the householder that they would be connecting the pipes that morning. By the time Mr. Whitelaw arrived perhaps 15 minutes later, Mr. Collins was lying on the kitchen floor with his head in the

space between the boiler and the kitchen unit, and his body lying out towards the middle of the kitchen. He made no response to Mr. Whitelaw's questions and the householder dialled 999. Ambulance personnel attended, resuscitation efforts were made, and Mr. Collins was taken to hospital where he was pronounced dead at 0950 a.m. He had been electrocuted.

A subsequent inspection by John Chamberlain a specialist inspector for electrical and control systems engineering with the Health and Safety Executive revealed that when Mr. Collins had screwed the two pads to the kitchen wall one of the screws had penetrated an electrical cable running under plaster in the wall at a depth of 3 mm. The cable was standard PVC double insulated 2.5mm flat twin and earth and the screw had made contact with the live red conductor. The cable was visible to the left of where the boiler was being fixed and it was clear that the route of the cable took it behind the plaster of the wall where Mr. Collins screwed the two pads.

The screw which penetrated the cable was also in tight contact with the boiler casing which became live. The boiler casing was not earthed and therefore the fuse did not blow.

Although there was no direct evidence, it is a fair assumption that when Mr. Collins returned on the Saturday morning and commenced work in the corner of the kitchen to connect the water pipes to the boiler, his body must have come into contact with the live casing, at the same time as he was handling the pipe work, and as a result, the current was produced, and he sustained a fatal cardiac arrhythmia.

I heard evidence about the use of cable finders or detectors. Neither Mr. Whitelaw, nor Mr. Chatham, nor indeed any tradesman they knew (including Mr. Collins) used such a device, and Mr. Chamberlain understood that such a device was not used by tradesmen but was readily available for purchase in DIY outlets, and was as a rule purchased by amateurs. In the particular circumstances of this death, the use of a cable finder would have avoided the

accident, but equally the cable was visible, and therefore the use of such a device was not necessary.

I understand that the family of Mr. Collins, including his wife Jean, his son, daughter, brother and two sisters and other family members have accepted his death as a tragic and most unfortunate accident. The whole circumstances have been explored in evidence. I do not consider that any issues requiring recommendation by me have arisen.

Sheriff