

2015FAI26

SHERIFFDOM OF GRAMPIAN, HIGHLAND AND ISLANDS AT INVERNESS

Case No. B171/15

Under the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976, Section 6

DETERMINATION

by

SHERIFF DAVID OMAN SUTHERLAND

in the Fatal Accident Inquiry

relating to the death of

BRIAN JAMES MACIVER**INVERNESS, 03 November 2015****Present: Alistair MacDonald, Procurator Fiscal, Inverness**

The Sheriff, having heard evidence and having resumed consideration, Finds and Determines:

1. In terms of section 6(1)(a) of the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976 as a result of an accident which occurred on 16 August 2014 Brian James MacIver, aged 68, died at The Arches, Balnabeen, Conon Bridge, being pronounced dead at 13.35.

2. In terms of section 6(1)(b)

Mr MacIver died from head and chest injuries caused by him falling from the roof of an agricultural shed.

3. In terms of section 6(1)(c)

The accident might have been avoided:

- a. if the deceased had used two ladders and crawling boards when carrying out work on the roof;

b. if straw bales had been placed underneath where the deceased was working;

c. if the ladder used had been secured firmly.

4. In terms of section 6(1)(e)

There should be a joint initiative between the UK Government's Health and Safety Executive and the Scottish Government's Agriculture, Food and Rural Communities Directorate to provide further educational guidance in health and safety issues to the farming communities.

Sheriff David Oman Sutherland

NOTE

[1] Mr MacDonald, Procurator Fiscal, began the inquiry by lodging the sworn affidavit of Dr Rosslyn Rankin FRCPath and DMJ, Consultant Pathologist of the Department of Pathology at Raigmore Hospital, Inverness, together with her post-mortem report relative to the deceased, Brian James MacIver. Dr Rankin described her examination of the deceased and, in particular, her examination of the head, neck, chest and abdomen. Her conclusion was that the deceased died from head and chest injuries consistent with falling from the roof of an agricultural shed.

[2] Mr Alistair MacIver described how his 68 year old brother worked as a crofter in the next croft to him. He had seen his brother at 10.00am on 16 August 2014 when his brother had come up for his morning tea. He described his brother as a hard worker who was always in a hurry to get his work done.

[3] He then explained how he had gone down shortly after 1.00pm to his brother's croft and had heard the dogs barking. He had found his brother lying on the floor of the barn. He had pulled him up against a bale of straw and raised the alarm. The deceased's wife and daughters were at the house and they phoned for an

ambulance. A short time later paramedics arrived and tried to treat the deceased but to no avail.

[4] Mr MacIver explained how he had found, lying in the barn, a tin of WD40 and reckoned that his brother had been trying to get rusted bolts out of the roof of the barn. He had not been aware that his brother had been carrying out repairs to the roof that day and if he had known he would have gone and helped him. He explained that the sheet that his brother had fallen through was curved and therefore was weaker than the other sheets.

[5] A report was compiled by Dr Penny Falconer of the Health and Safety Executive, Inverness, examining witness statements taken by the police together with police photographs and photographs and measurements taken by Miriam Hunter of the Health and Safety Executive.

[6] Dr Falconer described how there were measures which could be taken to protect people working on roofs, e.g. scaffolding or a work platform. One could also use a combination of roof ladders and crawling boards. From what could be ascertained, it appeared that the deceased had only used one ladder and that had not been properly secured. She described how bolts were used to secure the asbestos roof sheets to the roof trusses. Sometimes these bolts might be difficult to remove because of rusting and the person working on the roof might require movement to achieve this.

[7] While for smaller jobs one ladder and a crawling board might suffice, for the work that the deceased was carrying out two ladders properly secured together with crawling boards were required. Further, she explained how bales laid under the part of the roof that the deceased was working on might have afforded a soft landing should anything have gone wrong and someone fell through the roof.

[8] Dr Falconer explained how guidance was available to the agricultural industry on health and safety issues with particular reference to working on roofs. Seminars were held and the industry were invited to attend. There was no charge for such seminars although she accepted that this might involve farmers and crofters travelling considerable distances to attend.

[9] This was a tragic accident resulting in the untimely death of a hardworking crofter. Although he worked alone, he had a co-operative arrangement with his brother who worked the next croft. The deceased died when he fell from a significant height through a hole in the roof when he was replacing cracked sheets.

[10] It appears that he did not move the bales to an area under where he was working. If that had happened there would have been a reasonable chance of injury having been avoided.

[11] Equally, the use of two ladders and crawling boards might have provided a more secure working platform. Again, if the one ladder used by the deceased had been secured firmly at both ends there might have been a different outcome.

[12] This accident highlights the dangers those employed in the farming industry are exposed to. They are exposed to dangers which do not exist in the daily toil of most people and as a nation we must appreciate the work that they undertake and the risks that they are subject to in providing food for our tables.

[13] Sadly, as appears to have happened here, such hardworking men and women often do not appreciate the risks they put themselves through and it is for that reason that I suggest that there should be a combined effort from the Health and Safety Executive (UK Government) and the Agriculture, Food and Rural Communities Directorate (Scottish Government) to renew their efforts to educate further our farming communities in health and safety issues.

[14] The court extends its sympathy to the widow of the deceased and to his two daughters and brother in their tragic loss.