

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

2010 FAI 30

**UNDER THE FATAL ACCIDENTS
AND SUDDEN DEATHS INQUIRY
(SCOTLAND) ACT 1976 (hereinafter
referred to as “the Act”)**

DETERMINATION

BY

**John J Miller Esquire
Sheriff of South Strathclyde,
Dumfries and Galloway at
Hamilton**

IN

FATAL ACCIDENT INQUIRY

regarding the death of

THOMAS WILSON

Hamilton: July 2010

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

1. In terms of Section 6(1)(a) (***When and Where the Death and any Accident Resulting in the Death occurred***) that Thomas Wilson, born 6th June 1951 and who resided at 129 Burnside Crescent, Blantyre, died at 15:28 hours on 25th January 2008 within Hairmyres Hospital, East Kilbride, following an accident in the course of his occupation as a self employed roofing contractor at St Bryde Lane, East Kilbride at about 14:00 hours on 25th January 2008.

2. In terms of Section 6(1)(b) (***The Cause of Death and any Accident Resulting in the Death***) that the cause of death was –

- l(a) Chest and abdominal injuries, due to
- l(b) fall from a height.

The cause of the accident itself was Mr Wilson slipping on the roof of the four storey residential flatted property at St Bryde Lane, East Kilbride and falling over the edge of the roof to the ground below.

3. In terms of Section 6(1)(c) (***The Reasonable Precautions whereby the Death and the Accident Resulting in the Death might have been avoided***) the reasonable precautions whereby Mr Wilson's death and the accident resulting in his death might have been avoided would have been the use of a Mobile Elevating Work Platform (MEWP) or a tower scaffold erected at the east end of the property at St Bryde Lane, East Kilbride, either of which would have provided safe access to the roof.
4. In terms of Section 6(1)(e) (***Any other facts which are relevant to the circumstances of the Death***) that because of the distance between the roof light openings on the property and the nearest roof anchor point on the ridge of the roof, the roof cannot be safely accessed by entering on to it from a roof light opening. If it is thought desirable to facilitate safe access to the roof from one of the roof light openings, consideration could be given to the installation of suitable additional anchor points.

NOTE

At the time of his death Mr Wilson was a self employed roofing contractor who had been instructed by the Property Factor, Newton Property Management Limited to effect a minor repair to the roof of the flats at St Bryde Lane, East Kilbride. Mr Wilson was accompanied by his assistant, Mr Mark Bowrman. Around lunchtime on 25 January 2008 they attended at the property and made their way to the loft and to a roof light which gave access to the roof. The weather that day was very wet and windy. They opened the window and Mr Bowrman stepped out onto the roof and made his way to the ridge. He was not restrained by any safety device to prevent him falling from the roof. There were a couple of slippery green patches on the roof which Mr Wilson had told him to watch out for. Mr Wilson stepped onto the roof. He was similarly unrestrained. When he was about a metre away from the window Mr Wilson slipped and fell over the edge of the roof and onto the ground below. The height of the roof from eaves level to the ground was some 10.74 metres. Mr Bowrman immediately made his way down to the ground and summoned help. The emergency services attended quickly and took Mr Wilson to Hairmyres Hospital, East Kilbride. Attempts to resuscitate him failed and he was pronounced dead at 15:28 hours.

I heard evidence from Mr Michael Thomson, HM Specialist Inspector (Construction Engineering) of the Field Operations Directorate of the Health and Safety Executive that the slope of the roof on the property was 30°. There were 9 anchor points present on the line of the ridge of the roof of the property. There were 2 roof lights on the property and the distance from either of them to the nearest roof anchor was some 3 – 4 metres. It was consequently not possible to connect any personal protective equipment, such as a harness, lanyard and connector to any anchorage point on the roof without first entering onto the roof and traversing the 3 – 4 metre distance to the nearest anchor point. It was only at the point when the user was

attached securely to an anchor point that the risk of serious injury from a fall would be eliminated. In using either of the roof lights for access a worker would be exposed to the risk of falling during the period between accessing the roof and attaching safety equipment to a roof anchor.

Mr Wilson and Mr Bowrman had with them a length of rope, although I was not able to determine on the evidence who had possession of it at the time of the accident. On previous occasions while working on roofs the rope had been tied onto an anchor point and either Mr Wilson or Mr Bowrman would sit with the rope at the anchor point and the other would have the rope around him whilst working on the roof. In Mr Thomson's opinion, any improvised system of using a length of rope was not suitable to reduce the risk of a fall from the roof. At any rate, the rope had not been anchored or deployed at the time the accident occurred. Plainly Mr Wilson did not have appropriate safety equipment with him to provide suitable protection against a fall.

Given the lack of safe access to the roof anchor points, Mr Thomson identified two safe means of access to the roof to perform the work which was required on this occasion. One would have been the use of a Mobile Elevating Work Platform (MEWP) and the other would have been to erect a tower scaffold at the east end of the property which would have served both as access to the roof and as edge protection on the roof in the area where the repair was required.

Regrettably Mr Wilson entered onto the roof of the property without any form of restraint or edge protection in place in inclement weather conditions. Having lost his footing, there was no means of preventing a fall from the roof to the ground below.