

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

Sheriffdom of Glasgow and Strathkelvin at Glasgow

Determination of Sheriff Totten

In the circumstances of

The Death of Alexander Beattie, date of birth 5 February, 1968,
formerly residing at 24 Gorsehall Street, Clelland, Wishaw

1. Alexander Beattie, date of birth 5 February, 1968, formerly residing at 24 Gorsehall Street, Clelland, Wishaw died at 12.53 pm on 5 December 2011 on the M73 southbound, between the on and off slip roads at Junction 2, Baillieston, Glasgow.

1. The cause of death was (1a) Head and chest injuries due to (1b) Road Traffic Accident.

Note

[1] This was an enquiry into the circumstances of Mr Beattie's death while he was driving a lorry in the course of his employment. The lorry he was driving was in collision with the rear of another lorry then being driven in front of him. The evidence established that both vehicles were properly maintained, in good condition and free from defect. It was also clear from the evidence that Mr Beattie was careful in checking the condition of his vehicle daily before driving it. Nothing in the condition of either vehicles caused or contributed to either the accident or the death of Mr Beattie.

[2] This was a tragic accident where a number of circumstances all came together and led to the collision which caused Mr Beattie's death. Road conditions were very difficult at the time. There had been a significant fall of snow in the area in the early hours of 5 December.

That had subsequently melted and led to a lot of surface water at the locus and vehicles at the locus were causing heavy spray. The road surface had been properly maintained and treated for the possibility of ice. Consequently there was no ice on the road surface and there was no omission or failure of the responsible authority to treat the road for ice which caused or contributed to the accident or the death. The difficult conditions were made worse for southbound vehicles, including both said lorries, due the low winter sun causing glare in the wet conditions.

[3] Just before the accident a small motor car travelling southbound, two or three cars ahead of the first lorry, spun on the road. The two vehicles travelling behind it slowed to a halt and the first lorry slowed down almost to a halt. The driver of the small car regained control of his vehicle and drove off just before or about the time of the impact. He may or may not have been aware of the collision behind him; it will probably never be known what caused his vehicle to spin.

[4] There is no suggestion of excessive speed on the part of Mr Beattie prior to the collision. He was an experienced driver and was careful about things like the condition of his vehicle. In the difficult conditions described above he was unable to avoid colliding with the rear of the lorry in front. The force of the impact from his heavy vehicle striking the rear of the other heavy vehicle caused his cab to be crushed and Mr Beattie to sustain injuries which caused his death, either immediately or very quickly afterwards. He would have lost consciousness immediately and did not suffer.

[5] No evidence emerged in the course of the enquiry to suggest any recommendations or particular precautions which might have prevented the accident or Mr Beattie's death. Accordingly the finding is in effect a formal one confirming the cause of death as recorded following post mortem autopsy. I do however consider that the following observation is appropriate. This accident took place in not much more than a blink of an eye. It is highly likely that the difficult visibility conditions led to Mr Beattie not seeing fully what was happening in front of him until it was too late to avoid collision. It is clear from the post-accident findings that he had begun to slow down but did not skid. He remained in control

of his vehicle which he steered to the left on to the hard shoulder resulting in the driver's side of the cab striking the rear near side of the first lorry. If Mr Beattie had chosen to swerve to his right onto the outside lane he might perhaps have avoided his own fatal injuries. However to have done so might equally have cost the lives of others driving there. It should be recorded that his decision to go to his left was both very courageous and unselfish in those circumstances.

Glasgow

24 July 2013