

INQUIRY UNDER THE FATAL ACCIDENTS AND INQUIRIES (SCOTLAND) ACT INTO THE SUDDEN DEATH OF ALAN IRVINE

Sheriffdom of Grampian, Highland and Islands at Wick

DETERMINATION

of

IAN ALEXANDER CAMERON

Sheriff of Grampian, Highland

And Islands at Wick

in respect of

Fatal Accident Inquiry

Relating to Death of

Alan Irvine on 25 August 2005

WICK, 31st August 2006.

Having heard evidence led by the Procurator Fiscal and submissions by him and the Solicitor for the family of the deceased Alan Irvine, I Find and Determine as follows:-

(a) Alan Irvine, aged 41 years, of 37 Craigendarroch Avenue, Aberdeen, ("Mr Irvine"), in the course of his employment as a lorry driver with Colin Lawson Transport Limited, 32 Anderson Drive, Aberdeen, was driving articulated motor lorry, registration number 53 EL, Northwards on the A99 Latheron to Wick public road at a part known as Mid-Clyth, Caithness, about 1.30 a.m. on 25 August, 2005, when it overturned, collided with a roadside barrier and left the roadway. Mr. Irvine sustained injuries as a result of the accident and died there at about 1.55 a.m. on 25 August, 2005.

(b) Mr. Irvine's death occurred as a result of the cumulative effects of chest injury sustained in the vehicular accident and positional asphyxia which has a consequence of his having been trapped in the damaged cab of the vehicle. The accident occurred as a result of Mr. Irvine's having driven the vehicle at an excessive speed with consequential loss of proper control and failure to negotiate a left-hand bend, the terminal speed of the vehicle at the time of the accident having been 53 m.p.h., reflecting an excess of 32.5% above the legally permitted maximum speed of 40 m.p.h. for a vehicle of the type and gross weight involved.

(c) I can identify no reasonable precautions outwith or beyond obligatory road traffic legislation compliance whereby the death and the accident resulting in the death might have been avoided.

(d) I can identify no defects in any system of working which contributed to Mr. Irvine's death or the accident resulting in his death.

(e) I have nothing to add.

Sheriff