

**SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY AT
DUMFRIES**

DETERMINATION

by

SHERIFF KENNETH A ROSS

Sheriff of South Strathclyde, Dumfries and Galloway at Dumfries

in

an Inquiry into the circumstances of the death of

JAMES STODDART McBURNIE

held under

the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976

DUMFRIES: 29 August 2008

1. James Stoddart McBurnie, who was born on 26 July 1954, and who resided at 11 Kirkland Road, Terregles , Dumfries, died within the Intensive Therapy Unit of St John's Hospital, Livingston at approximately 16.05 hours on 18 September 2007.
2. The cause of his death was complications of Severe Burns incurred as a result of an industrial accident.
3. That accident occurred at Mr McBurnie's workshop premises at Unit 10 Catherinefield Industrial Estate, Catherinefield Road, Dumfries at approximately 17.15 hours on 15 September 2007. He was removing a fuel tank from a vehicle within an inspection pit when fuel ignited causing a fire during which Mr McBurnie suffered extensive burns.
4. Mr McBurnie's death might have been avoided if he had followed the advice given by the Health & Safety Executive that fuel should not be drained from any tank over or close to a pit or drain or near any electrical equipment such as inspection lamps
5. I make no finding about any defect in any system of working which contributed to the death.
6. I make no finding about any other facts which are relevant to the circumstances of the death.

Sheriff of South Strathclyde, Dumfries and Galloway

Note:

Mr McBurnie was a self employed motor mechanic. His death occurred when, in the course of his work, he was removing a leaking fuel tank from a vehicle with a view to replacing it. Mr McBurnie appears to have been draining or emptying such fuel as was in the tank. He did this while the vehicle was over an inspection pit. Within that pit were fixed electrical inspection lamps and a moveable electrical inspection lamp.

Petrol vapour is heavier than air. It is extremely flammable. When fuel is being removed from a vehicle tank, vapour is likely to escape and may gather in any depressed area such as an inspection pit. Heat from lamps or a spark from electrical equipment may cause the vapour to ignite and explode. That is what appears to have happened here and caused the accident and Mr McBurnie's death.

The Health & Safety Executive has issued very clear guidance about the precautions to be employed when fuel is removed from a vehicle tank. Fuel should not be drained over or close to a pit or drain because of the risk of flammable vapour accumulating to create an explosive atmosphere. Electrical equipment should not be used on or near the vehicle while fuel draining is in progress. Such equipment includes inspection lamps. If that guidance had been followed by Mr McBurnie the accident might not have happened.