

SHERIFFDOM OF LOTHIAN AND BORDERS AT JEDBURGH

[2026] FAI 54

JED-B34-26

DETERMINATION

BY

SHERIFF P PATERSON

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016

into the death of

THOMAS WILLIAM EDGAR

Jedburgh 20 October 2026

The Sheriff having considered the evidence and submissions of the parties; determines that in terms of section 26 of the Inquires into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 (“the Act”) as follows:

1. In terms of section 26(a) of the Act, Mr Edgar was pronounced life extinct at 1119 hours on 5 September 2024 at his farm at Linton Bankhead, Kelso TD5 8AF.
2. In terms of section 26(2)(b) of the Act the accident resulting in the death of Mr Edgar occurred on 5 September 2024 at some time between around 0950 hours and around 1030 hours on 5 September 2024. The accident occurred at Linton Bankhead Farmhouse, Bankhead, Kelso TD5 8AF and particularly occurred on a wide passageway leading to the main farm steading.

3. In terms of section 26(c) of the Act the cause of Mr Edgar's death was determined by postmortem examination, the cause of Mr Edgar's death was recorded as chest and abdominal injuries which were crushed by hay bale.

4. In terms of section 26(d) of the Act it is not possible to determine the cause of the accident. Mr Edgar was crushed by a large hay bale, but it is a matter of speculation how that occurred.

5. In terms of section 26(e), (f) and (g) of the Act makes no further determination. Given the mechanism of the accident cannot be determined the court cannot make any recommendations in terms of the said sub-sections.

NOTE

[1] Sadly, this inquiry is yet another example of how dangerous the farming environment is. It involves the death of Thomas Edgar at his family farm.

[2] No evidence was led at the Inquiry, parties having agreed all relevant evidence by way of two joint minutes.

[3] The facts can be briefly stated. On the morning of 5 September 2024, Mr Edgar and his two daughters had been at the auction mart in Longtown and had returned to the farm about 0900 hours. It appears that the horses on the farm had run out of haylage which required it to be brought from the shed where it was stored to the stable. This was a job normally done by Mr Edgar. This involved the use of a Merlo telehandler lifting the bales from the shed and bale being taken outside. The bales were wrapped in a number of layers of black plastic which required to be removed before use. This was

normally done by keeping the bale in an elevated position and the covering cut away with a knife.

[4] On 5 September 2024 the other member of Mr Edgar's family resident on the farm had gone to Kelso for shopping. It appears that Mr Edgar had commenced the operation of getting haylage. All that is known for certain thereafter is that Mr Edgar was found by Zoe Cowe, who lived nearby at about 1030 hours lying unresponsive on the ground. There was a large bale approximately 2 feet away with cut marks on the plastic covering. In these circumstances it is reasonable to infer that the injuries sustained by Mr Edgar were caused by the bale.

[5] No fault was found with the telehandler. All present did all they could to help.

[6] Although the Crown tentatively advanced some theory as to why the accident occurred, it is no more than that. In my opinion the Crown has not established how the accident occurred on the balance of probabilities and therefore no conclusion can be reached. It follows from this no recommendations can be made.

[7] Finally, I am grateful to all parties for the constructive manner they have gone about this Inquiry, which must have been a difficult and distressing exercise for Mr Edgar's family.