

Sheriffdom of Lothian and Borders

Determination

by

Sheriff Kenneth Robert Watson Hogg,

Sitting at Jedburgh Sheriff Court

in Inquiry into the circumstances of the death of

DONALD JAMES BRUNTON

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

The Sheriff, having resumed consideration of the matter DETERMINES as follows:

1. In terms of section 6(1) of the Act that Donald James Brunton who was born on the 13th day of January 1964 and who was a farmer at Primside Farm, Yetholm, died on the 12th of May 2007 at approximately 9.30 am having sustained injury when a Manitou telehandler ,model MLT6292T rolled forward and crushed him between the bucket and the front of an animal feed bin. He was working alone at the time.
2. In terms of section 6(1)(b) of the Act the cause of death was Mechanical pressure on the lower neck arising from an agricultural incident.
3. Further in terms of section 6(1)(b) the incident was caused by the hand brake of the machine either not being applied or not fully applied allowing the machine to roll forward.
4. In terms of section 6(1)(c) of the Act there are no reasonable precautions whereby the death of Mr Brunton could have been prevented.
5. With respect to section 6(1)(d) of the Act there were no defects in any system of working which contributed to the death of Mr Brunton.
6. With regard to section 6(1)(e) of the Act there were no other facts that had a bearing on the death of Mr Brunton .

Note.

In this inquiry I heard mainly formal evidence from three witnesses. First the farm manager Mr Houston who confirmed that he left Mr Brunton to work on his own and had found Mr Brunton trapped by the bucket of the machine, then DC Harris of Lothian and Borders police who had attended and taken photographs of the locus and also the deceased, and finally Mrs McLean of the Health and Safety Executive. The conclusion of all the investigation was that the death was the result of a tragic accident and the Procurator Fiscal Depute in her submission asked me to so find and make a formal determination. There was no representation by any other party but I had no difficulty in giving effect to the submission.

The court extend sympathy to the family of Mr Brunton for the tragic circumstances of the accident.