

SHERIFFDOM OF NORTH STRATHCLYDE AT CAMPBELTOWN
UNDER THE FATAL ACCIDENTS AND SUDDEN DEATHS INQUIRY
(SCOTLAND) ACT 1976

DETERMINATION

By

Sheriff Ruth Anderson QC Sheriff of North Strathclyde at Campbeltown

In

Inquiry into the circumstances of the death of

Robert Richard Park

Campbeltown 31st October 2011.

I start with a reminder that the primary purpose of an inquiry such as this is to air in public the circumstances of any death with a view to explaining its cause. If the circumstances and the cause can be determined, then consideration has to be given to whether any reasonable steps could or should have been taken whereby the death might have been avoided and whether there were any defects in any system of working which contributed to the death.

Having considered all the evidence I have heard and the submissions made to me, my determination is a formal one and is in the following terms:

The Sheriff DETERMINES as follows:

1. In terms of section 6(1)(a) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 ROBERT RICHARD PARK born 10th July 1950 and who resided at Kintour Farm, Ardtalla Estate, Isle of Islay died at

approximately 1630 on 14th August 2010 in a field which formed part of Kintour Farm.

2. In terms of section 6(10)(b) of the Act the cause of his death was 1a. mechanical asphyxia due to 1b. quad motorcycle accident.

3. In terms of section 6(1) (c) of the Act there were no reasonable precautions whereby the death might have been avoided.

4. In terms of section 6(1)(d) of the Act there were no defects in any system of working which contributed to the death.

5. In terms of section 6(1)(e) of the Act there are no other facts which are relevant to the death.

Note:

The evidence in this inquiry was in fairly short compass. The Crown represented by the procurator fiscal depute led 5 witnesses. Miss Watt, solicitor, Glasgow, represented Ardtalla Estate, Mr. Park's employers for some 27 years. No witnesses were called on behalf of the employers, and there was in effect nothing in contention about the circumstances of Mr. Park's death. Four Joint Minutes agreeing evidence were lodged and I am grateful to the Crown and Miss Watt for their assistance in agreeing evidence and also for the professional way in which the evidence was lead.

Robert Park – known to everyone as Rab – died as a result of an accident when the quad bike which he was driving overturned in a particularly rocky and uneven field. Saturday 14th August 2010 was a fine day, and Mr. Park took the opportunity to spend some time in the late afternoon spraying bracken in the area in which he died. His partner Mrs. Sangster became concerned when he did not return as anticipated and a subsequent and sustained search by her and by his friend and work-colleague Callum Sharp, assisted by a

holiday-maker from England, resulted in Mr. Park being found pinned under one of the wheels of the quad bike in a depression in a field. Such was the topography of the area that the bike could not be seen from any distance. Dr. Knowles who attended at the scene later knew Mr. Park well. He had been her patient since she started working on Islay some 21 years previously. She described him as a fit and healthy man. She was able to tell the inquiry that she saw no signs of distress on him, nor indeed any sign that he had been able to do anything to extricate himself. He always wore glasses and he was still wearing them when he was found. Her evidence was that the blow and weight of the quad bike would have 'knocked the breath out of him' and he would have died very shortly thereafter indeed. There were no external wounds or injuries of any description and the post mortem report (agreed by Joint Minute) identified anterior fractures of the 4th and 5th ribs only. His death was a tragic accident.

All that remains in concluding this short determination is to add my expression of sympathy to that of the Crown and Miss Watt to Mr. Park's son and daughter, to Mrs. Sangster, and to other family and friends, in particular to Mr. Sharp who has lost a good friend and a long-standing work-colleague. Mr. Park was a fit and active man, a long-serving employee, described by Miss Watt as an 'integral part of the business' that is Ardtalla estate and a man who loved his life on Islay and the work he did.