

SHERIFFDOM OF GRAMPIAN, HIGHLAND AND ISLANDS AT BANFF

[2016] FAI 5

B55/15

DETERMINATION

BY

SHERIFF PHILIP MANN

UNDER THE FATAL ACCIDENTS AND SUDDEN DEATHS INQUIRIES (SCOTLAND)
ACT 1976

into the death of

ALAN JAMES IRNSIDE

Banff 14 January 2016

The Sheriff, having heard evidence on 14 January 2016 and now having resumed consideration of the matter Finds and Determines as follows:-

- (a) In terms of Section 6(1)(a) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, Alan James Ironside (date of birth 18 October 1973), who resided at Cummerton, Fisherie, Turriff died in the course of his self-employment on 13 August 2013 at about 1945 hours in a field at Auchlinn Farm, Fisherie, Turriff as the result of an accident there at that time involving a combine harvester.
- (b) In terms of Section 6(1)(b) of the said Act, Mr Ironside's death was caused by head and neck injuries sustained as a result of his being pulled into the

working machinery of the combine harvester whilst he was attempting to clear a blockage.

- (c) In terms of Section 6(1)(c) of the said Act, I determine that if Mr Ironside and his father, Andrew Neil Ironside who was working alongside him, had taken the precaution of completely turning off the combine harvester by following the “safe stop” procedure recommended by the “Safe use of combine harvesters” information sheet prepared by the Health and Safety Executive the accident which resulted in Mr Ironside’s death after being pulled into the working machinery would not have occurred.
- (d) The failure of Mr Ironside and his father to follow the “safe stop” procedure referred to represented a defect in the system of working adopted by them which contributed to Mr Ironside’s death.
- (e) There is nothing to add in terms of Section 6(1)(e) of the said Act but I make reference to my note appended hereto.

Note

1. The Procurator Fiscal was represented by Mr Hanton, Procurator Fiscal Depute. No other person or party appeared or was represented but Mr Ironside’s widow, Mrs Allyson Ironside, was present within the court building and on hand to lend assistance to the inquiry, if needed.
2. No witnesses were called. The evidence consisted of a joint minute between Mr Hanton and Mrs Allyson Ironside which was lodged in process and read out to

the inquiry by Mr Hanton. Various productions, which had been lodged in process, were referred to.

3. There is nothing that I need add to the terms of the formal determination which adequately describe how Mr Ironside met his death.
4. I take the opportunity to express the sympathy of the court to Mr Ironside's widow, to his father and to the wider family who have suffered such a tragic loss. Mr Ironside was a much loved and respected man of great integrity and humour who will be sorely missed especially by his family but also by all who knew him.
5. I also take the opportunity to recognise that failure to follow safe procedures is by no means uncommon within the agricultural industry. Mr Ironside and his father went about the task of clearing the blockage in the combine harvester in exactly the same way as many others would have done. Mr Ironside, I am sure, would have known instinctively that he was taking a risk in setting about the task in the way that he did.
6. What happened is entirely understandable but the case illustrates how the merest accidental slip can have fatal consequences when safe procedures have not been followed.