

SHERIFFDOM OF GRAMPIAN, HIGHLAND and ISLANDS at TAIN

**Under the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976
Section 6**

2010FAI28

Case No. B58/09

DETERMINATION

by

SHERIFF DAVID OMAN SUTHERLAND

in respect of

the Inquiry into the death of

Christina Fraser

TAIN, 22 June 2010

The Sheriff, having resumed consideration of all the evidence

FINDS and DETERMINES:

1. In terms of Section 6(1)(a) of the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976, Christina Fraser, Beauty Consultant, born 28th August 1981, residing at Garstein, Arabella, died shortly after 6.00p.m. on 5th July 2006 on the A9 Inverness to Scrabster Road at the Tomich junction near Invergordon as a result of a collision which occurred shortly before her death.

2. In terms of Section 6(1)(b) of the said Act the cause of death was multiple injuries received when the car in which she was travelling as a front seat passenger was struck by a Michigan L190 Wheeled Shovel. The accident was caused by the detachment of the Michigan L190 Wheeled Shovel from the trailer on which it was being transported allowing the Wheeled Shovel to roll off the trailer down a hill and on to the A9 road. The chains securing the Wheeled Shovel were inadequate in

strength and number to properly and safely secure the load causing the chains to break and the Wheeled Shovel to roll unrestrained off the trailer.

3. In terms of Section 6(1)(c) of the said Act the following reasonable precautions might have avoided the accident:-

- (a) Munro & sons (Highland) Limited carrying out a full risk assessment of the loading and transporting of the Wheeled Shovel from their depot at Deephaven to the quarry at Kindeace.
- (b) Munro & Sons (Highland) Limited ascertaining the weight of the Wheeled Shovel prior to its transportation.
- (c) Munro & Sons (Highland) Limited providing sufficient and suitable restraint equipment to include chains with a sufficient braking strain and chocks.
- (d) Munro & Sons (Highland) Limited having a proper system of inspection of chains and keeping records of each chain's safe working load.
- (e) Munro & Sons (Highland) Limited ensuring the instruction of its employees on the correct methods of load restraint and their understanding the principles espoused in the Code of Practice.

4. In terms of Section 6(1)(d) of the said Act the following defects contributed to the accident:-

- (a) Munro & Sons (Highland) Limited relying on a parking brake which it had not tested according to the manufacturers' instructions.
- (b) Munro & Sons (Highland) Limited failing to ascertain the weight of the Wheeled Shovel.

- (c) Munro & Sons (Highland) Limited's driver, Walter MacLennan, securing the Wheeled Shovel on to the trailer by a single chain at the front and rear, each chain having a braking strain of between 4.5 and 5 tonnes.

5. In terms of Section 6(1)(e) of the said Act I recommend that:-

- (a) All heavy goods drivers should be required to undergo compulsory training in loading techniques before being allowed to transport loads, which training should also be on a periodic basis.
- (b) No load should be transported unless its weight has been accurately ascertained.
- (c) Every employer involved in the transporting of loads should be required to keep a register of their load restraint equipment showing the safe working load of each piece of equipment and their last date of inspection. Such a system applies in quarry operations and this should be extended by the Department of Transport and the Health and Safety Executive to load securing equipment.

NOTE

[1] This is an Inquiry instituted by the Lord Advocate under the discretionary provisions of the Fatal Accident and Sudden Deaths Inquiry (Scotland) Act 1976 into the circumstances of the death of Miss Christina Fraser who died in a road traffic accident on the A9 on 5th July 2006.

[2] In this fatal accident Inquiry the following parties appeared and were represented:-

Procurator Fiscal:	Mr Alistair MacDonald
Miss Christina Fraser's family:	Miss Ruth Charteris, Advocate
Serimax Limited:	Miss Claire Bone, Solicitor
Munro & Sons (Highland) Limited:	Mr John Thomson, Advocate

[3] I heard evidence over the following days, namely 24th to 26th August, 1st and 2nd October and 19th to 21st October 2009 with submissions on 24th March 2010.

[4] Evidence was led from the following witnesses:-

1. Linda Fraser, mother of Miss Christina Fraser.
2. Julia Mackay, driver of the car in which Miss Fraser was travelling.
3. Gavin Sutherland, Plant Training Manager, Serimax Limited
4. John MacLean, driver of the car following the car in which Miss Fraser was travelling.
5. Angus Gillies, Contracts Manager, Munro Construction Limited.
6. Michael Spark, formerly Waste Transfer Station Manager with Munro Construction Limited.
7. George Stirrat, Machine Inspector, Finnings UK Limited.
8. Walter MacLennan, HGV driver with Munro & Sons (Highland) Limited.
9. Christopher Hart, Materials Engineer, Scientifics Limited.
10. Alan Martin, retired Vehicle Examiner, VOSA.
11. P.C. George MacAskill, Road Policing Section, Northern Constabulary.
12. William Munro, Director, Munro & Sons (Highland) Limited.
13. P.C. Colin Mitchell, Road Policing Section, Northern Constabulary.
14. Nick Norton, expert on load restraint.
15. Hugh Fraser, father of Miss Christina Fraser.

[5] I then heard from Mr Gavin Sutherland, Plant Training Manager with Serimax Limited (formerly called Umax Limited) who explained that his company had been keen to sell the Michigan L190 Wheeled Loader which they had purchased second hand some 5 years previously. As far as Mr Sutherland was aware no paperwork had been delivered to them when they purchased the machine but subsequently they had obtained from the manufacturers an instruction manual. A service file on the vehicle had been built up by Umax Limited and such items as weekly sheets were recorded in

this. He explained how the machine had been used with a heavy duty forklift and he spoke of it being approximately 30 tonnes in weight. Umax Limited had made various modifications to the vehicle including a forklift attachment, a hydraulic valve and filling the back tyres with water and antifreeze as extra ballast. This made the machine heavier. Mr William Munro of Munro & Sons (Highland) Limited had indicated to Umax Limited that he was interested in purchasing the machine and Mr Munro and Mr Gillies of Munro & Sons (Highland) Limited met with Mr Sutherland on site two days before the accident. The Wheeled Shovel had not been used for some time and Umax had removed the forklift attachment and the hydraulic valve from the machine, reinstating the bucket to convert the machine back to an earth moving machine. Mr Sutherland had worked with Mr Gillies previously and it was agreed that Mr Gillies would test drive the vehicle. Accordingly Mr Gillies climbed into the cab and endeavoured to start the machine but was unable to move it. Mr Sutherland showed Mr Gillies how to release the parking brake and thereafter Mr Gillies test drove the vehicle for ten minutes while Mr Sutherland spoke to Mr Munro. Mr Sutherland explained to Mr Munro that the vehicle weighed approximately 30 tonnes and that they had filled the rear wheels with water for extra ballast. Following further inspection Mr Munro asked whether they could trial the vehicle further at Mr Munro's own site and Umax Limited's driver drove the vehicle through the industrial estate to Munro & Sons (Highland) Limited's waste transfer station.

[6] The vehicle was left with Mr Gillies and Mr Sutherland next heard from Mr Gillies on the day of the accident at approximately lunchtime when Mr Gillies phoned him to say that the machine was suitable and that "Mr Munro would have to get his cheque book out". Mr Sutherland took from this that the purchase would go ahead and an invoice would have to be raised by his employers.

[7] Mr Sutherland heard later that day that the vehicle had been involved in an accident at the Tomich junction and although he had no knowledge that Munro & Sons (Highland) Limited were intending to move the machine out of their premises and take it to the quarry at Kindeace, nonetheless he would not have objected to this.

[8] Mr Gillies told Mr Sutherland on the phone at the scene of the accident that the chains had broken when the low-loader was going up the hill from Tomich towards Kindeace. He had said “these old fucking chains are never checked”.

[9] The next morning Mr Munro had telephoned him and told him that the machine had been involved in a fatal accident and Mr Sutherland then gathered all the paperwork that he had relating to the Wheeled Shovel and took it to Munro & Sons (Highland) Limited. He later told Mr Gillies that they would be receiving an invoice for the machine but shortly after that Mr Munro phoned to say that they were no longer interested in purchasing the Wheeled Shovel.

[10] Although Mr Sutherland had worked as a machine operator, he was not mechanically qualified and his evidence was that he was not aware of the link between the service brake and the parking brake. He spoke of how the parking disc had been changed in May 2005 and that he had noted from the records that in December 2005 the parking brake had not been holding in reverse and was in need of adjustment. This adjustment had required to be repeated in January 2006 when the machine had ceased being used by Umax Limited and from the records Mr Sutherland was of the view that the vehicle was working perfectly and could be advertised for sale. As far as Mr Sutherland was concerned, you could test the parking brake by endeavouring to move the Wheeled Shovel while the parking brake was engaged and if the parking brake was working the machine would not move. He did accept that the braking system should have been checked before the vehicle had been offered to Munro & Sons (Highland) Limited for sale. He explained, however, that the manufacturers’ requirement was that the parking brake should be checked every 500 hours and between January and July 2006 the Wheeled Shovel had only been used for 10 to 20 hours and accordingly he felt that the brake did not require further adjustment.

[11] Mr Sutherland stated that if he had known that the brakes were in any way defective he would not have allowed the machine to be used. He stated that when Mr Gillies had been test driving the vehicle he, Mr Sutherland, had thought that the parking brake was holding because the vehicle would not move when the parking brake was on. He accepted that he might have been fooled as to the efficiency of the

parking brake if the service brake had cut in but stated that he had no concerns about the machine being delivered to Mr Munro or its safety.

[12] The court then heard from Angus Gillies, Contracts Manager for Munro Construction, who had previous experience as a plant operator. He stated that he had been asked by his employer, Mr Munro, to look at the Michigan L190 as they were interested in buying it for use at the waste transfer station. He had not used a Michigan L190 before but was familiar with vehicles of that type.

[13] He stated that he had not carried out any check of the parking brake but spoke to the braking system of the L190 being of a complicated nature. He assumed that the machine was well maintained given that it was being offered for sale.

[14] After having test driven the vehicle in Umax Limited's yard, he subsequently received a call from Mr Sutherland to say that they would drive the vehicle over to Munro Construction's yard in order that they could try the machine out there. Unfortunately, the Wheeled Shovel could not lift a load high enough and the vehicle would not fit onto their weighbridge. Accordingly he phoned Mr Sutherland to see whether they could take the vehicle to try it at their quarry but he had no recollection of indicating that his employers were happy with the vehicle or were going to buy it.

[15] He explained how he was unable to move the vehicle backwards or forwards with the handbrake on and he was able to tell Mr MacLennan, the low-loader driver, that as far as he was concerned the brakes seemed to be in good order. He had no conversation with Mr MacLennan about the weight of the Wheeled Shovel and was not party to the loading of the vehicle onto the low-loader. He denied ever having a conversation with Mr Sutherland to the effect that "these old fucking chains are never checked".

[16] Mr Gillies had indicated that although Munro & Sons (Highland) Limited had mechanics in their employment, he did not call on them because he understood everything to be all right with the L190.

[17] Mr Gillies indicated that he had told Mr MacLennan, the low-loader driver, that he did not know the weight of the machine but that he thought the weight would be about 20 tonnes.

[18] I then heard from Michael Spark who, at the time of the accident, was employed by William Munro Construction as the Waste Transfer Station Manager at the Deephaven Industrial Estate. He spoke of an attempt to weigh the L190 on the weighbridge but that it had been too big. He told the court that the driver from Umax Limited had explained to him that the vehicle was of about 30 tonnes. He explained that on the day of the accident Mr William Munro had telephoned him in order that he, Mr Spark, might tell Walter MacLennan to load the machine onto the low-loader. He had done so but at the same time had told Mr MacLennan that the vehicle was large and would make him overweight. Mr Spark advised the tribunal that if that was the case then they would not move the vehicle. Mr Spark advised the court that he had phoned Mr Munro to convey the message that Mr MacLennan did not want to put the machine on the trailer and Mr Munro had replied “we’ll soon see about that”, appearing later at the waste transfer station where an argument ensued between Mr Munro and Mr MacLennan.

[19] Mr Spark advised the court that his employer, Mr William Munro, never bought anything that he should and spoke of the chains for the company having to be obtained from a skip. He described the chains used by Mr MacLennan as being worn and rusty but that after the accident, new chains had been delivered.

[20] Cross-examined by Mr Thomson for Munro & Sons (Highland) Limited, Mr Spark stated that Mr Munro had no regard for matters of safety and that that was why he had left his employment on 24th December 2007. He denied the suggestion that he had been stealing matters from his employer’s skip or being drunk on duty and further denied asking that he be reinstated after having been sacked. He denied that his evidence was simply that of a disgruntled ex-employee.

[21] I then heard from Mr George Stirrat, a machine inspector with Finnings UK Limited, who stated that he had been asked by the police to inspect the Michigan L190 on 11th July 2006. His findings were contained within a report lodged (Crown

Production No. 3). He explained that when he examined the vehicle the parking brake was not working and had not been working for some time. He explained how the vehicle had a failsafe parking brake which should have automatically engaged when the engine was switched off. He explained how users unfamiliar with this particular braking system could make a mistake as to the brake's efficacy.

[22] Initially Mr Stirrat had been unaware that the Wheeled Loader had what was described as a parking brake interlock. He had never come across a vehicle with such a system but having been shown the instruction manual in Crown Production No. 1, he stated that someone who was not familiar with the braking system and was testing the handbrake by attempting to drive the vehicle with the parking brake on could be misled by the fact that due to the interlocking facility it was in fact the service brake which had come on rather than the parking brake.

[23] Mr Stirrat explained that having adjusted the parking brake he found that the parking brake worked effectively.

[24] His evidence was that there was a fault with the parking brake and the fault was due to lack of adjustment. He stated that if the L190 had been not working for some time then it should not be used on a public road unless the parking brake system had been checked.

[25] I then heard from Walter MacLennan (now retired) a lorry driver with Munro & Sons (Highland) Limited. Although normally carrying household waste he was occasionally asked to do other tasks, including transferring heavy track machines on a low-loader. He explained how he moved machines of this sort up to once a week and described how he had been asked by Mr Munro to move the Wheeled Shovel from Deephaven to the quarry at Kindeace.

[26] He explained how he had not spoken to Mr Spark that day other than first thing in the morning and described how Mr Gillies had arrived and had driven the Wheeled Shovel on to the lorry. Mr Gillies had remarked to him that the machine had a good braking system and when asked by Mr MacLennan how heavy the shovel was Mr Gillies had replied that it was about 20 tonnes. He knew that his low-loader could

take 26 tonnes and because most of the machines that he was transporting were about 20 tonnes, he was not concerned about the weight of the L190.

[27] He explained that he had not spoken to Mr Munro at the waste transfer station and denied having any argument with him about the load. He explained that there had been no time pressure regarding moving the vehicle to the quarry and described himself as moving similar machines as the L190 once a week. He explained how he usually chained them at the front and the back and he would normally use just two chains for the carriage of a machine like this.

[28] He had thought that the chains were 7 tonne chains and was happy with how the machine was secured. He explained how the front chain was put through the arms and fed through the tying eyes on the nearside, across the platform and then through the eyes of the offside and joined up with the chain that went across the top of the arms, under the arms and ratcheted down on the driver's side.

[29] He described how the journey had passed uneventfully until he turned up the hill at the Tomich junction when going up the hill some 40 yards or so from the junction he felt the load move and stopped his vehicle. The L190 machine started to move back off the trailer and down the hill.

[30] At the time of the accident Mr MacLennan was not aware of the Code of Practice for the Safety of Loads and Vehicles and his loading of trailers was based on work experience. He had been on courses but these had related to the carriage of dangerous goods. In securing the L190 he relied on the chains used and the parking brake.

[31] He explained how he normally used two chains to secure such machines and he had been up and down the road between Tomich and Kindeace on many occasions without any problem. He explained that he never used chocks with any of the machines he carried. He was not aware of any checks on the strength of the chains used and his position was that a chain of 4.5 tonnes braking at each end of the Wheeled Shovel would have been sufficient if the parking brake had worked properly. His position was that he had secured the L190 in a manner which he had used for all

his other heavy loads and if the parking brake had been working properly, the accident would not have occurred.

[32] He was not aware of any risk assessment relating to loading and unloading vehicles and since the accident had not received any training on load safety or risk assessments.

[33] The court then heard from Mr Christopher Hart, Material Engineer, previously employed by Scientifics Limited. He explained how he had examined the chains used on the low-loader and produced a report dated 14th August 2006 (Crown Production No. 5). He explained how the chains were not strong enough for the load carried and described their braking strain as approximately 4.5 tonnes. He stated that there was nothing in the visual inspection of the chains which would have revealed any defects. In cross-examination he accepted that the braking strain might have been as high as 5.5 tonnes and was unable to say what load there would have been on the chains if the parking brake had been working effectively.

[34] The court then heard from Mr Alan Martin, a vehicle examiner employed by Vehicle and Operator Services Agency (VOSA) in Inverness. He had been asked by the police to attend at the scene of the accident at Tomich and carry out a preliminary inspection of the lorry and trailer. He had not found anything in his preliminary inspection of the lorry or trailer which would have contributed to the accident. He described how on starting the engine of the L190 and trying to drive the machine with the parking brake on, it would not move. In applying the parking brake with the engine off the parking brake did not appear to be working properly on the slight gradient of the A9 and he felt that someone more conversant with the L190 should carry out a detailed examination of it.

[35] Mr Martin stated that the chains used should have been stamped and labelled as to their strength and it was his view that more chains were required in loading the Wheeled Shovel. He stated that chocks should also have been used and stated that hauliers could not rely on a parking brake as a means of load restraint. Mr Martin indicated that he would have expected one chain to be used for each wheel and certainly that the chains would be more substantial. He spoke of the vehicle being of

approximately 30 tonnes and that it was common practice for such vehicles to have their wheels filled with ballast.

[36] I heard from Mr William Munro, Director of Munro & Sons (Highland) Limited, who stated that Mr Gillies suggested to him that they might consider purchasing the Wheeled Loader for their waste transfer station. Accordingly both he and Mr Gillies went to Umax Limited and Mr Gillies drove the vehicle. He was advised by Mr Sutherland of Umax Limited that the L190 was about 26 tonnes but stated that Mr Sutherland had not mentioned to him the fact that the wheels had been loaded with water. On learning that the L190 was not suitable for use in the waste transfer station, Mr Munro authorised its transfer to their quarry at Kindeace and contacted Mr MacLennan and instructed him to move the L190 to the quarry at Kindeace. He categorically refuted the evidence of Mr Spark regarding any disagreement between himself and Mr MacLennan and advised the court that other than instructing Mr MacLennan to move the vehicle, he was not involved in any way in the organisation of the transfer.

[37] Mr Munro advised the court that his company relied on the experience of their drivers and it was a firm requirement that only trained and competent persons should load and unload vehicles. Although there was no particular risk assessment carried out, the particular driver had a duty to ensure that the load was secure.

[38] Mr Munro indicated that he had not told the driver anything about the weight of the L190 but his company would not have moved the machine if it had known its weight.

[39] Mr Munro indicated that he was not aware of the Code of Practice on loading vehicles in 2006 and had stated that he had, over a number of years, tried to ascertain whether or not there were any available courses for drivers in securing loads but found that none were available. Although drivers were not sent on courses, his company carried out its own training of drivers and he felt that there was no need to carry out a particular risk assessment of transportation of a particular load unless there was something out of the ordinary in the load.

[40] Mr Munro did not accept that the two chains used by Mr MacLennan were inadequate and made mention of the calculation by his son regarding the force required to pull the machine off the back of the trailer. He felt that Mr MacLennan had properly secured the vehicle and that it was reasonable for his firm to rely on the parking brake as a means of restraint.

[41] I then heard from Mr Nick Norton who had been asked by the police to prepare a report on the method of loading of the Michigan L190 (Crown Production No. 6). Mr Norton had considerable experience in the transportation of heavy equipment, both military and civilian spheres. He was a construction industry training board examiner and was involved in training and lecturing in the haulage industry.

[42] He spoke of the interlocking system of braking on the Michigan L190 and stated that anyone who was unfamiliar with the machine might be fooled in to thinking that the parking brake was holding when in fact it was the service brake which was in action. He spoke of it being common practice to have such machines as the L190 ballasted to give them more traction and therefore more effective use.

[43] He stated that the chains used by Munro Construction (Highland) Limited were not sufficient for the task. Even although the parking brake had been set there still should have been sufficient restraint in the chains. He indicated that in his view there should have been at least four chains used. The restraint should have been sufficient for 100% in a forward motion, 50% in a rearward motion and 50% in a sideways motion.

[44] Although every load was different, Mr Norton referred to the Department for Transport Code of Practice and spoke of the necessity of a risk assessment being carried out prior to transportation of the load. Clearly the driver would require to know the weight of the load to avoid his vehicle being overloaded and to ensure that the restraint chains were adequate for the task. He spoke of the necessity of two chains with a restraint of 30 tonnes in the forward motion and two chains capable of 15 tonnes restraining in the rearward motion.

[45] As far as the use of the parking brake as a means of restraint, Mr Norton accepted that the parking brake was in fact a means of restraint but spoke of it only being used as a bonus and should not be relied on. Even if the driver had known that the parking brake was not working properly, the machine shovel could still have been securely transported. In addition to the use of chains, Mr Norton spoke of the necessity to use chocks or timbers under the wheels as a method of restraint.

[46] Mr Norton spoke of how the Department of Transport's Code of Practice Safety of Loads on Vehicles (Crown Production No. 13) offered guidance on best practice to the haulage industry and was well known by the industry as a whole. He spoke of a CITB Certificate on load restraint which was available to all companies. This involved training and testing of the applicants, including on-site assessment of their loading. Some companies who did not use the CITB Certificate system had their own in-house training and stated also that the Freight Transport Association, the Board of Hauliers Association and other training providers all ran courses on loading and restraining loads. He indicated that there was three training companies offering loading courses in Scotland, one in Roxburghshire, one in West Lothian and one with the IV19 postcode. These could be accessed through information from the HSE website, VOSA or the Freight Transport Association or Road Haulage Association. He felt that there should be compulsory loading training for all HGV drivers.

[47] On any view, the tragic death of Christina Fraser was an accident which could so easily have been avoided. Whilst there is little doubt that the parking brake was not working properly when Umax Limited allowed Munro & Sons (Highland) Limited to test the Wheeled Shovel and the interlocking facility of the braking system could confuse anyone other than someone experienced in the use of such a machine, nonetheless this accident was caused by insufficient chains (both in number and in strength) being used to restrain a load which was in excess of the weight allowed to be carried on the vehicle in question. The driver had not carried out any risk assessment prior to transportation. He had no knowledge of the weight of the load and the chains used as restraint were clearly inadequate for the task in hand. No reliance should have been placed on the parking brake as a means of restraint and chocks should have been used to provide greater load safety.

[48] I find it strange that notwithstanding the guilty pleas tendered before the High Court of Justiciary by both the driver, Mr MacLennan, and the company for contraventions of the Health and Safety at Work Act 1974, Mr William Munro for the company still thought that their procedures were acceptable and Mr MacLennan, on examination, spoke of doing his job as he had always done. Neither seemed to appreciate that their failings might have contributed to the accident and put the reason for the accident down purely to a defective parking brake system. The clear evidence, however, before the court was that a parking brake system was only to be considered as a bonus to a system of load restraint and it appears clear that the company and driver's ignorance of the Code of Practice in relation to the loading of vehicles contributed to the resulting tragedy.

[49] I have no doubt that Mr MacLennan was a very experienced driver and his employers had a great confidence in him. Nonetheless it seems strange that they allow drivers to transport heavy and dangerous loads without having to demonstrate any qualification or competence in the loading and securing of such loads. Mr Munro indicated that his company relied on the drivers' experience and Mr MacLennan, the driver, spoke of basically being left to find out for himself.

[50] Mr Norton spoke of such a problem not simply relating to the present case but being replicated throughout the haulage industry so that a new driver with no training or experience would be qualified to transport heavy goods simply by having passed a HGV driving test which concentrated on his control of the vehicle.

[51] I accept that Council Directive 2003/59/EC have taken effect through the Vehicle Drivers (Certificates of Professional Competence) Regulation 2007 which came into force on 11th September 2009 but these Regulations only apply to new drivers and therefore the vast majority of drivers do not become subject to compulsory periodic training until 10th September 2014, a delay which to me seems a matter of serious concern as far as safety of the public is concerned.

[52] I also consider that every load should be accurately weighed before being transported.

[53] So far as chains and other load restraint equipment is concerned, I would respectfully suggest that such equipment should be part of a register showing safe working load and dates of inspection. It seems passing strange that, as we heard in this Inquiry, such a statutory arrangement applies within quarries under the Health and Safety Regulations but do not apply to the movement of goods in the road haulage industry. Such a system should be introduced for the road haulage industry as soon as possible.

[54] During this Inquiry we also heard from Hugh and Linda Fraser, parents of the late Christina Fraser. They spoke of the dreadful loss suffered by the family and how difficult it has been to face life without her. They spoke of their daughter being a lovely, outgoing, friendly girl who lived life to the full and whose loss was felt by so many who had encountered her during her short life.

[55] One could not help but be impressed with the quite dignity displayed by Mr and Mrs Fraser and Mrs Fraser spoke of how she hoped that the Inquiry into her daughter's death would in some way highlight the dangers of transporting heavy loads on the road and that legislation might be introduced to improve safety.

[56] The court would wish to express its sympathy to Mr and Mrs Fraser and their family over the tragic loss of Christina and thank them for their forbearance during the days of the Inquiry.

[57] Finally, I would like to thank Mr Macdonald, Miss Charteris, Miss Bone and Mr Thomson, for their extremely helpful examination of witnesses and for their sensitive and courteous conduct of this enquiry.