



Department
for Transport

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Dear Andrew

Thank you for your Regulation 28 Report of 13th May to prevent future deaths, setting out the findings of the inquest on the circumstances surrounding the death of Mitchell Harvey Clifton, aged 7. The vehicle involved was a Mercedes Sprinter which was being used as a security van, and you have asked the Department to consider what action, if any, should be taken. This letter is my response on behalf of the Department.

The circumstances of this tragic collision reinforce in my mind that we must not be complacent about road safety, and both the Government and the Department takes the safety of all road users very seriously. The Department has published a Strategic Framework for Road Safety, which sets out general safety measures.

My officials have established that the Mercedes Sprinter which is the subject of your report has a European Whole Vehicle Type Approval (ECWVTA), compliance with which serves as confirmation that the vehicle can be registered in the UK.

There is no specific requirement in ECWVTA regarding the driver's field of view to the side of a light commercial vehicle other than the ability to see a specific area around the vehicle using the vehicle's mirrors. However national approval schemes for this category of vehicle produced in small numbers do require a similar direct view to the side as that required for passenger cars.

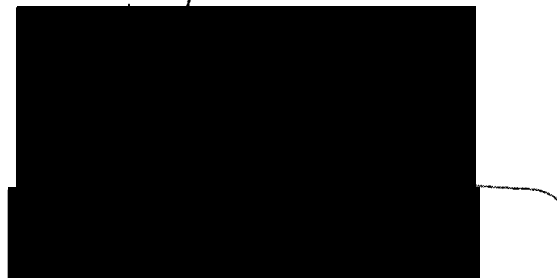
Vehicles of the type involved in this incident are specially modified for their industrial purpose after registration and there is no requirement for them to undergo further inspection or approval following modification.

Once in use the vehicle is subject to the Road Vehicles (Construction & Use) Regulations 1986 (C&U). Regulation 30 of C&U requires the driver to have a view both of the road and traffic ahead of the vehicle, and of the mirrors; it does not require a specific view to the side. Regulation 33 requires mirrors that satisfy the technical requirements of European Directive 2003/97/EC or UNECE Regulation 46, and that the driver is able to see the mirrors either through the side window or through the area swept by the windscreen wipers. The modifications to this vehicle did not affect adversely either of these provisions.

You have asked me to consider whether adaptations to the window or the mirror requirements are appropriate. As I have indicated, I take the matter of vehicle safety seriously and have considered the national road casualty data for light commercial vehicles to understand better the contribution of a reduced view of the road to collisions, compared to other factors such as driver error or inattention, and the potential for making regulation to improve the situation. The circumstances of this case are tragic but I am not convinced that making changes to the existing requirements would necessarily prevent such an incident from happening again. On this basis I do not propose adaptations to the current requirements.

I am grateful to you for raising this incident with me, and would appreciate you conveying my condolences to Mitchell's family.

With sincere regards,

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