

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (2)

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR</p>
1	<p>CORONER</p> <p>I am Andrew Tweddle, Senior Coroner, for the coroner area of County Durham and Darlington</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION</p> <p>On 8th September 2014 I commenced an investigation into the death of ANDREW JAMES PEACOCK, aged 20 years. The investigation has not yet concluded and the inquest has not yet been heard.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>The deceased was riding a motorcycle on a main road, with one carriageway in each direction. A large tractor with a long trailer measuring 16 meters drove from a minor road onto the main road from the motorcyclist's right. The motorcyclist swerved to his left, went onto the roadside verge having lost control of his motorcycle and suffered fatal injuries. The incident took place at late dusk, the motorcycle may have been travelling at a speed in excess of the national speed limit and the motorcyclist may have had a tinted helmet visor in the down position. There is an issue with regards to what the motorcyclist may have seen of the tractor and trailer and what the tractor driver may have seen as the motorcyclist approached him to his left. Criminal proceedings are being brought against the tractor driver.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the investigation my inquiries revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows. –</p> <p>(1) The tractor did not have and was not illuminating an amber warning beacon. It is possible that had the tractor been fitted with and was displaying such a flashing amber beacon the tractor and trailer might have been more readily visible to the motorcyclist who thus may have had greater opportunity to take evasive action and avoid the collision. Police collision investigators have advised that it was not necessary for the tractor to have fitted or indeed to have illuminated a flashing warning beacon because such regulations only apply to vehicles being driven on an unrestricted dual carriageway. I would draw your attention to Part 3, Regulation 26 of The Road Vehicles Lighting Regulations 1989 and, Part 2, Regulation 17, the Road Vehicles Lighting Regulations 1989.</p> <p>Consideration could be given as to whether the use of such flashing warning beacons should apply to such vehicles travelling on all roads not just those</p>

	falling with the ambit of the aforementioned 1989 Regulations.
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion urgent action should be taken to prevent future deaths and I believe you have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 5th May 2015. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons – [REDACTED]</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>9th March 2015</p> <p>Andrew Tweddle LLB HM Senior Coroner County Durham and Darlington</p>