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Our Ref: DDS/RGB/150283.1/XC  
Your Ref: MJHS/JKE/C43279/2015

Mr M Singleton  
HM Senior Coroner  
Coroner's Office  
Blackburn Central Library  
Blackburn  
BB2 1AG

11 April 2016

Dear Mr Singleton

**Re: Carl Hughes (Deceased)**

Thank you for your letter of 5 April. Please accept my apologies for the delayed response. I appreciate the time granted under the extension has passed, but our enquiries have not been straightforward.

I am instructed in the following terms:

#### **The MC Federation**

The MC Federation ("MCF") was formed in 2008 with the aim of providing locals clubs and organisations with support in the planning, organisation and promotion of off-road motorcycle events and competition.

Motorsports, and perhaps particularly motorcycling, has a recognised inherent risk and so participant and spectator safety are at the forefront of the MCF approach and philosophy.

The MCF are recognised as an authorising body for motorsports events and since their inception, have been responsible for support and oversight in some 1,500 events across the UK and Ireland. For the 2016 season, it is anticipated that 300 events will be run with the support of the MCF.

#### **The event in question**

Mr Hughes was a participant in a novice event at Catterall's Farm, Clitheroe. Shortly after the start of his race (before the second corner) it is reported that he hit a rut and fell from his bike. As he was getting up from the ground, he was struck from behind by another rider and was knocked to the ground.

He was provided medical treatment from the onsite paramedic. The air ambulance was called, and Mr Hughes was collected and transferred to The Royal Preston Hospital, where he was admitted.

The site paramedic reported that given his mobility immediately post-accident, it was not immediately obvious that Mr Hughes had suffered a spinal injury. The incident was recorded in the usual fashion. A copy of the steward's report is attached for your consideration.

The MCF do not know the extent of protective clothing / equipment worn by Mr Hughes on the day of the event, over and above the mandatory items of helmet, gloves, boots etc. That level of detail is not something that would be recorded.

### **The aftermath**

Again, with information gleaned from press reports, Mr Hughes is reported to have he suffered fractures to 4 thoracic vertebrae. Whilst being treated as an inpatient, and four days after the index event, Mr Hughes is reported to have died as a consequence of a pulmonary embolism. He is also reported to have had a history of DVT.

The MCF were not approached by the local authority who investigated the incident.

The MCF were not made aware of the investigation and / or inquest that took place in your Court last year.

### **The investigation and inquest**

Your report concludes with a finding of accidental death "*during an event at Catterall's Farm*" and in circumstances where he sustained "*fractures to his back which ultimately proved to be fatal.*"

Whilst without any of the investigation or medical evidence, given the contradictory reports in the general press, the MCF would challenge those findings.

Mr Hughes did not die *during* the event.

The MCF would also challenge that the cause of death was the orthopaedic that Mr Hughes appears to have suffered. If the general press reports are accurate, Mr Hughes suffered a pulmonary embolism, and had a history of DVT, itself a primary cause of pulmonary emboli.

It is important to recognise that Mr Hughes was under the care of an expert medical team when he died.

### **Coroners Concerns**

You have identified that following evidence, it was not mandatory for participants to wear body protection, and that had Mr Hughes been wearing body protection you consider it unlikely he would have sustained injuries that proved to be fatal. You have identified that action should be taken by the MCF to make the wearing of body protectors mandatory.

## MCF Response

All MCF events are organised under the MCF Regulations, the latest edition of which was issued in August 2015, and a copy of which is attached. On the issue of clothing, the MCF regulations identify, in relation to protective clothing, that:

1. All competitors must wear a crash helmet...
6. It is advised that all riders and passengers should wear a body belt/kidney protector and wear protective armour giving protection to at least the chest and shoulders.
9. In all races and official practice complete protective clothing produced for motocross racing, knee length boots and gloves shall be worn by each rider and passenger. It is advised that motocross jerseys should provide protection against abrasion to the body and arms and that motocross jeans are padded at the hips and knees

Enquiries have been made beyond the MCF with other relevant organisations.

The Auto-Cycle Union ("ACU") is the governing body for motorcycle sport throughout Britain, is recognised by (and was a founding member of) the Federation Internationale de Motorcyclisme ("FIM") and, amongst other aspects, sets the rules and sets, checks and revises safety standards for the sport. Under the ACU Motocross Standing Regulations:

*"it is advised that all riders and passengers should wear a body belt / kidney protector and wear protective armour giving protection to at least the chest and shoulders"*

The Motor Racing Association Ireland ("MRA") is the governing body of motorcycle racing in the province of Ulster. Their regulations state that

*"At all competitions.....in which speed is a determining factor, and at other competitions where it may be required by the authority granting the permit, Competitors must have approved and suitable protective clothing as generally required for use in the specific sporting discipline."*

The British Schoolboy Motorcycle Association ("BSMA") is a confederation of clubs, set up in November 1969, who run local and national events. Their regulations require that:

- 10.8 Adequate protective clothing, jerseys with long sleeves correctly worn ie; rolled down. Branded Motocross jeans must be worn. All hoods to be tucked in
- 10.9 A suitable chest guard and body belt must be worn. When a nylon race shirt is worn the wearing of a cotton undershirt is recommended.

The Amateur Motor Cycle Association ("AMCA") is a leading off-road organisation, with over 200 affiliated clubs, permitting over 900 events annually. At the relevant part, their current (2016) rule book requires, in addition to conforming helmets and purpose made boots:

*"47: e) BODY BELT / KIDNEY PROTECTORS – Recommended to be worn and protective armour to cover at least the chest and shoulders"*

## **Body Protection**

There is no clear or absolute definition of what might properly be regarded as "body protection" and that label encompasses a very broad range of equipment in the motocross arena. A straightforward internet search will show, for example; neck braces, face guards, shoulder, back and chest protection (with soft and hard options, and as single items, or as a composite piece), elbow braces, guards and pads, wrist braces, kidney belts, protection shorts, knee cups, knee braces, knee and shin guards and so on. The list of body protection equipment whilst not endless is very long, and with brand development and competition grows regularly.

Some, but not all competitors wear body belts, and / or protective armour to the chest and / or shoulders.

There will be a variety of reasons for participants not wearing any additional protective equipment; they do not consider it necessary or worthwhile, that it is uncomfortable, that it restricts movement and so, perhaps counterintuitively, creates a danger. It may also be that they simply cannot afford the expense as some items can be very expensive.

We know also that, despite body protection being worn, riders still fall from their machines or collide with other participants and suffer injury. The protectors are not absolute protection against, for example, twisting or rotational injuries, fracture and / or dislocations.

### **The action to be taken**

It must be recognised that motocross has an inherent risk. The MCF remain committed to developing and promoting a safe sporting environment for motocross. Very serious injury in motocross is not a frequent occurrence.

Riders falling from their machines, or colliding with other riders is a likely occurrence at every event. Such incidents do not always lead to an injury being sustained.

It will be recognised that the ACU and other National, established motocross organisations do not mandate the wearing of 'body protection' generally, or even specific items under that general heading.

The MCF do not consider it would be practicable to amend their standing regulations to mandate the wearing of 'body protection'; the term is so wide ranging so as to be unworkable.

It would be possible to amend the MCF regulations to mandate the wearing of specific items of body protection but again, it would not be practicable to do so. There are currently no requirements for the very wide range of body protection equipment to be CE or BSI approved and so, for example, to require participants to wear only CE approved equipment would be very limited and may exclude protective equipment currently being used voluntarily by MCF participants.

Dealing with the case in point, because the precise mechanism of the accident, the protection being worn by Mr Hughes and the extent of the accidental injury is not known, it is possible that the same injuries could have been sustained had body protection been worn.

If the MCF did mandate the wearing of 'body protection', whether generally or specifically, there is the very real risk that those current members and participants will choose not to take part in MCF events. It is anticipated that the requirement to purchase the equipment may be an expense too far for some, or alternatively that it will be seen as unnecessary and some extension of a "Nanny State."

That process has two potential outcomes. Either the participants will stop taking part in motocross altogether or they will move to events run by other organisations (or events that have no formal organisation) where the wearing of 'body protection' is not mandatory.

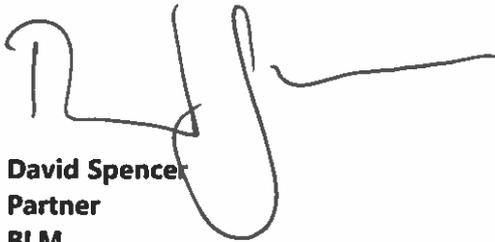
Creating a situation where people simply do not take part cannot be an intended consequence of the proposed action. Further, in absence of an industry-wide requirement, then singling out the MCF to make the wearing of body protection mandatory simply displaces the issue.

Whilst the MCF remain committed to safety, they will not be taking action to mandate the wearing of body protection at their events.

I trust this adequately explains my client's position.

If further information is required, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DS', with a long horizontal line extending to the right.

**David Spencer**  
**Partner**  
**BLM**