


REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

*NOTE: This form is to be used **after** an inquest.*

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. The Rt Hon Patrick McLoughlin MP, Secretary of State for Transport</p>
1	<p>CORONER</p> <p>I am Rachael Clare Griffin, Assistant Coroner, for the Coroner Area of Manchester West</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 and INQUEST</p> <p>On the 14th August 2015 I commenced an investigation into the death of Norah Mary Fairhurst, born on the 21st December 1952.</p> <p>The investigation concluded at the end of the inquest on the 5th January 2016.</p> <p>The Medical Cause of Death was 1a Multiple Injuries.</p> <p>The conclusion of the Inquest was Road Traffic Collision.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>At around 14.47 hours on Saturday the 8th August 2015 a Volvo FRH, Articulated Lorry, registration number [REDACTED] was being driven along Gerard Street on the A58 in Ashton in Makerfield, Wigan by [REDACTED]. The vehicle is a left hand drive model which was registered in the UK. As the lorry approached a puffin crossing on Gerard street, the traffic lights changed to red and [REDACTED] slowed down in accordance with the requirements of the red light. At this time Mrs Fairhurst crossed Gerard street a considerable distance from the puffin crossing at a diagonal angle, approaching the vehicle from the right hand side. As the lights changed to green [REDACTED] continued on his journey and the vehicle collided with Mrs Fairhurst, who at this point was directly in front of the vehicle, causing her multiple injuries which led to her death.</p>
5	<p>CORONER'S CONCERNS</p> <p>During the course of the inquest the evidence 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>

The **MATTERS OF CONCERN** are as follows:

1. During the inquest evidence was heard that:
 - i. The heavy goods vehicle involved in the collision was in good working condition and had visibility mirrors in accordance with legislation. [REDACTED] driving was in accordance with that of a reasonable and competent driver. At the time of the collision Mrs Fairhurst had crossed the road in such a manner that she would not have been visible to [REDACTED] prior to the collision, either in any of the mirrors of the vehicle, or from his direct line of vision from the vehicle.
 - ii. I heard evidence that there are many blind spots on a large goods vehicle, but one of the most concerning blind spots is in front of the vehicle. Due to the size and height of a large goods vehicle a driver is unable to see directly in front of the vehicle and so if a pedestrian or cyclist were in front of the vehicle, the driver would not see them.
 - iii. I heard evidence that in 2008 legislation came into force that required any large goods vehicle registered after a certain date to have a Class VI mirror, also known as a cyclops mirror, fitted to the front of the vehicle so that the driver would be able to see directly in front of the vehicle. If used appropriately this mirror could therefore identify anyone, or anything, in front of the vehicle. The legislation however, did not provide for the fitting of such mirrors to large good vehicles registered before 2008.
 - iv. I have since been made aware that pursuant to Directive 2007/97/EC, it became mandatory for all goods vehicle manufactured over 7500 tonnes to have a Class VI mirror fitted to the front. I understand however, that it was agreed and is stated in the Heavy Goods Inspectorate Manual that 'vehicles registered from the 26 January 2007 but before 26 January 2008 in excess of 7500kg may not have a front mirror'. Accordingly, any vehicle registered from the 26th January 2008 must have a front mirror fitted, but those registered before do not require one.
 - v. The large goods vehicle involved in the collision with Mrs Fairhurst was registered on a date before the 26th January 2008 and as a result did not have a Class VI front mirror attached to the vehicle. [REDACTED] stated in evidence that this would have assisted him in seeing something directly in front of his vehicle.
 - vi. I heard evidence from [REDACTED] the Forensic Collision Reconstruction Officer, that there have been a number of fatal incidents in similar circumstances as occurred in Mrs Fairhurst's death, and that if used appropriately the Class VI mirror would identify persons in front of a vehicle and could therefore prevent a collision and serious or fatal injury occurring to pedestrians or

	<p>cyclists.</p> <p>2. I have concerns with regard to the following:</p> <ul style="list-style-type: none"> i. Due to the lack of Class VI front mirrors on large goods vehicles registered before the 26th January 2008, future deaths could occur involving pedestrians or cyclists who are positioned directly in front of such a vehicle due to the fact they cannot be seen by the driver of the large goods vehicle. ii. I therefore request that a review be conducted of the regulations regarding the use of Class VI mirrors, designed for pedestrian and cyclist activity at the front of large goods vehicles, in order to consider the requirement to use such mirrors on large goods vehicles registered prior to the 26th January 2008. 	
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion urgent action should be taken to prevent future deaths and I believe you and/or your organisation 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, 14th March 2016. 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:</p> <ul style="list-style-type: none"> (1) [REDACTED] Solicitor, Slater & Gordon Lawyers on behalf of [REDACTED] [REDACTED], Mrs Fairhurst's husband (2) [REDACTED] Solicitor, Kennedys Law LLP on behalf of [REDACTED] <p>I have also sent this report to the Forensic Collision Reconstruction Unit of Greater Manchester Police who may find it useful or of interest.</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>Dated</p> <p>18th January 2016</p>	<p>Signed</p> <p></p> <p>Rachael C Griffin</p>