

HER MAJESTY'S CORONER
For the West Yorkshire (Western) Coroner Area

The Chief Coroner,
Rule 43 Reports,
Chief Coroner's Office,
11th Floor, Thomas More Building,
Royal Courts of Justice,
Strand,
LONDON
WC2A 2LL

Our ref: ORL-HK/3283-2016

26th July 2019

Dear Sir,

Re: Antony Michael Rogivska, deceased
Report to Prevent Further Deaths
Paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and
Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013

Please find enclosed a copy of a report sent under the above provision.

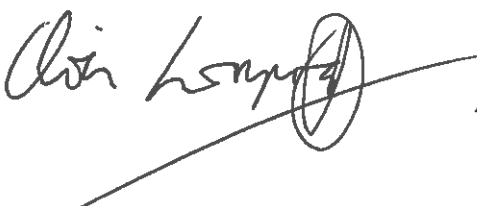
Yours faithfully,

O.R. Longstaff
Assistant Coroner
West Yorkshire - Western

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REGULATION 28: REPORT TO PREVENT FUTURE DEATHS

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <p>1. Calderdale Council Highways Department</p>
1	<p>CORONER</p> <p>I am Oliver Robert Longstaff, Assistant Coroner, for the Coroner area of West Yorkshire (Western)</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 20th December 2016 I commenced an investigation into the death of Antony Rogivska, aged 28. The investigation concluded at the end of the inquest on 27th June 2019. Mr Rogivska's certified cause of death was:</p> <p>1a) Chest injuries 1b) Road Traffic Collision (driver)</p> <p>The jury made the following factual determinations: "Mr Rogivska died at the scene of a road traffic collision on 14th December 2016 at the junction between Carr House Road and Cooper Lane, Shelf, Halifax. Factors which contributed to the collision were that Mr Rogivska was an inexperienced driver under the influence of cannabis and he entered the corner too fast to safely negotiate it. Mr Rogivska was also not wearing a seat belt which may have reduced the severity of his injuries". The jury's conclusion was that this was a death due to a road traffic accident.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>The circumstances of the death are as set out in the jury's findings of fact as above, save in addition that at the point at which he crashed, Mr Rogivska was being pursued by police, having failed to stop for police having been indicated to do so. By their findings as set out, the jury did not find that the fact of the police pursuit caused or contributed to Mr Rogivska's death. In further addition, Mr Rogivska collided, not with another vehicle, but into a domestic property abutting the opposite carriageway of Carr House Road from where he had entered Carr House Road from Cooper Lane. Reconstruction evidence was given to the effect that Mr Rogivska entered the junction at 45 mph, when the maximum speed his intended left turn could have been negotiated while remaining in his appropriate carriageway was 20mph.</p>
5	<p><u>CORONER'S CONCERNS</u></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>

	<p>The MATTERS OF CONCERN are as follows. –</p> <p>(1) There is a history of road traffic collisions involving both vehicles and property at the junctions of Cooper Lane and Carr House Road and at the mini-roundabout at the crossroads formed by Cooper Lane and Carr House Lane.</p> <p>(2) Concerns about the safety of the above junction and roundabout have been expressed by local residents and campaigners.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe your organisation has 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 20/09/2019. I, the Coroner, may extend this 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: i) BPS Law (on behalf of Mr Rogivska's mother) ii) West Yorkshire Police.</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>26/07/2019</p> <p>Oliver Robert Longstaff</p>  <p>Assistant Coroner West Yorkshire - Western</p>