

## ANNEX A

### REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

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

	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p><b>THIS REPORT IS BEING SENT TO:</b></p> <ol style="list-style-type: none"><li>1. Highways Department, Powys County Council;</li><li>2. [REDACTED], Legal Director of the Canal and River Trust; [REDACTED]</li></ol>
1	<p>1. <b>CORONER</b></p> <p>I am Dr. Sarah-Jane Richards, HM Assistant Coroner, for the Coroner area of South Wales Central.</p>
2	<p><b>CORONER'S LEGAL POWERS</b></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><b>INVESTIGATION and INQUEST</b></p> <p>On 11 November 2020, I commenced an investigation into the death of Mrs. Margaret May Lewis. The investigation concluded at Inquest on 11 March 2022.</p> <p>The medical cause of death provided by histopathologist, Dr. [REDACTED], Shrewsbury and Telford Hospital was:</p> <p>1(a) <i>Traumatic Injuries</i></p> <p>The Coroner's short-form conclusion was that of "Road Traffic Collision".</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>These were recorded as:-</p> <p>On the 6 November 2020 the deceased was walking on the tow path alongside the Montgomeryshire Canal. She passed through a 'kissing gate' onto the B4398 with the intention of re-joining the towpath through a similar gate diagonally opposite on the other side of the road.</p> <p>Mrs. Lewis was crossing the road, when a car driven at between 16.5 – 22 mph came round a bend and into the glare of low autumnal sun which dazzled the driver. Because of this, he did not see Mrs. Lewis crossing the road and the car struck her causing fatal injuries. Witnesses state that the car had a quiet engine which could not be heard at the time of the accident. Low sun with commensurate glare was confirmed by witnesses and within the Police Investigation Report.</p>
5	<p>The Montgomeryshire canal and its adjacent towpath is a popular venue for adults with children</p>

	<p>and dogs; and joggers many of whom will wear earphones. They, like Mrs. Lewis who was thought to be wearing earphones at the time, will need to cross the B4398 (which has a 60 mph speed limit) to continue their exercise.</p> <p>With the increasing popularity of noiseless electric cars, the frequency of wearing of earphones whilst taking exercise and the B4398 having a 60mph speed limit, I consider there is a risk of reoccurrence of such an accident.</p> <p>Within the Highway Code for pedestrians it states “<i>Keep looking and listening for traffic while you cross, in case there is any traffic you did not see, or in case other traffic appears suddenly. Do not walk diagonally across the road.</i>”</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe you and your organisation have the power to take such action.</p> <ul style="list-style-type: none"> <li>• Provide warning signage on the tow path at the ‘kissing’ gates either side of the B4398 noting the Highway Code for pedestrians with the added warning of wearing earphones when crossing a road with a 60mph speed limit.</li> <li>• Provide warning signage on B4398 of pedestrians crossing the road with dogs and children possibly wearing earphones.</li> </ul>
7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 12 May 2022, allowing for statutory holidays. I may extend this period upon request.</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><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner, His Honour Judge Thomas Teague QC; [REDACTED] (husband of the deceased); and the Canal River Trust legal representatives, [REDACTED], Health and Safety lawyer [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. 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 – 14 March 2022</p> <p><b>SIGNED:</b> </p> <p>Dr. Sarah - Jane Richards, HM Assistant Coroner for South Wales Central</p>