



## Mid Kent and Medway Coroners

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	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p><b>THIS REPORT IS BEING SENT TO:</b></p> <p><b>1. The Highways Agency</b></p>
1	<p><b>CORONER</b></p> <p>I am James Dillon, Assistant coroner, for the coroner area of Mid Kent and Medway</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> <p><a href="http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7">http://www.legislation.gov.uk/ukpga/2009/25/schedule/5/paragraph/7</a> <a href="http://www.legislation.gov.uk/uksi/2013/1629/part/7/made">http://www.legislation.gov.uk/uksi/2013/1629/part/7/made</a></p>
3	<p><b>INVESTIGATION and INQUEST</b></p> <p>On 6<sup>th</sup> November 2020 Area Coroner Bina Patel commenced an investigation into the death of Josie Archer-Smith, aged 22. The investigation concluded at the end of the inquest on the 6<sup>th</sup> July 2021. The conclusion of the inquest was that the deceased Josie Archer-Smith died as a result of a road traffic collision.</p> <p>The medical cause of death was recorded as: 1a Traumatic Brain Injury and Skull Fracture 1b Road Traffic Collision</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>The deceased Josie Archer-Smith died on 31/10/2020 on the M20 London bound carriageway between junctions 5 and 6 as a result of traumatic injuries sustained when the vehicle in which she was travelling as a front seat passenger slid out of control and struck a stationary vehicle on the passenger side.</p>

**CORONER'S CONCERNS**

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths could occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows. –

The M20, a multi lane motorway, at the location where the collision took place has had a number of collisions occur which appear to have been caused by water/aquaplaning.

Investigating police from the Serious Collisions Investigation unit commented that they are aware that this location is a problem in heavy weather and have attended collisions at this location in the past.

The crash location is at the bottom of an incline on the M20 motorway which normally would not cause an issue, however the road also has a camber which causes water to run across the carriageway rather than draining into either the central reservation or the drain on the hard shoulder.

The police officer believes that it is when this heavy water is running across the carriageway that there is an issue which does require further investigation as to any remedial works that can be completed to prevent any further fatal/serious injury collisions.

6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe the Highways Agency have the power to take such action.</p>
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 and no later than by <b>8<sup>th</sup> February 2023</b>. 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><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons and the family of Josie Archer-Smith.</p> <p>I have also sent it to Kent Police Serious Collision Investigation Unit who may find it useful or of interest.</p> <p>I am also under a duty to send a copy of your response to the Chief Coroner and all interested persons who in my opinion should receive it.</p> <p>I may also send a copy of your response to any other person who I believe may find it useful or of interest.</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.</p> <p>You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response.</p>

A handwritten signature in black ink, appearing to read 'James J. Dillon', with a stylized flourish at the end.

Signature

James Dillon Assistant Coroner **Mid Kent and Medway**  
7<sup>th</sup> December 202