



Department
for Transport

From the Secretary of State
The Rt Hon Mark Harper MP

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Ms Rachael Clare Griffin
Senior Coroner for the Coroner Area of Dorset
Bourne Avenue
Bournemouth
BH2 6DY

[REDACTED]

Web site: www.gov.uk/dft

[REDACTED]

05 April 2023

Dear Ms Griffin,

Thank you for your letter of 8 February 2023 enclosing a copy of your Regulation 28 report, regarding the death of Mr Stephen Robert Wood. I was very sorry to hear about his death, and my condolences are with his friends and family.

I am grateful for a copy of your report into the circumstances of Mr Wood's death and the matters of concern you raised to help prevent similar deaths in the future. I have considered the report carefully and set out my thoughts below.

In your report you have requested that "consideration is given to making all road users aware of the dangers of obstructions in the road and to encourage them to report any hazard to the local Police force or Local Authority so that it can be removed as soon as possible, or at least other road users be warned of the hazard to prevent a future death."

Under Section 41 of the Highways Act 1980, local highway authorities, in this case Dorset Council, have a duty to maintain the highways network in their area. The Act does not set out specific standards of maintenance, as it is for each individual local highway authority to assess which parts of its network are in need of repair and what standards should be applied, based upon their local knowledge and circumstances.

There are powers available to local highway authorities against road users who deposit material on the highway. Under Section 148 of the Highways Act 1980, it is an offence to deposit anything whatsoever on the highway which interrupts its use. Section 149 of the Highways Act 1980 provides the local highway authority the power to recover the cost of clearing the road from those responsible for the obstruction. Finally, Section 161 states that it is an

offence if anyone deposits anything on the highway which causes a user of the highway to be injured or endangered.

The Department has also made it easier for the travelling public to notify the relevant highway authority of hazards, such as a spillage, on a highway, by providing the facility to do this on GOV.UK. In England, hazards on the highway can be reported nationally at the following link:

<https://www.gov.uk/report-road-spillage>.

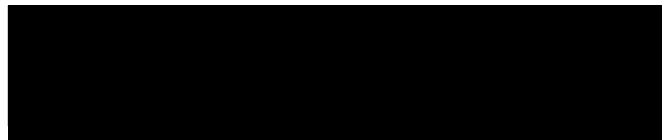
In addition, the Government encourages all local highway authorities in England to have dedicated web pages for reporting defects to its highway network. Dorset Council has gone further with a dedicated 24-hour telephone highways line to report hazards, obstructions, and dangerous situations which could cause injury or damage. Alternatively, hazards can be reported via Dorset Council's dedicated page for reporting problems on a road or pavement at the following link:

<https://www.dorsetcouncil.gov.uk/roads-highways-maintenance/report-a-problem-on-the-road-or-pavement>.

Finally, the Department regularly updates and promotes The Highway Code. Under Rule 280 of The Highway Code, if anything falls from a vehicle on to a motorway or other high-speed road, road users are advised to stop in a place of relative safety and call the emergency services on 999. On other roads, road users are advised to only remove obstructions if it is safe to do so. The Highway Code was last updated in September 2021, and under The Highway Code rules 277, 279, and 283 now advises the use of 'eCall' to contact the police and to provide a specific location directly to a 999 operator.

Based on this, we have concluded that there is no further action that would be appropriate for the Department to take at this stage.

Yours sincerely,



The Rt Hon Mark Harper MP

SECRETARY OF STATE FOR TRANSPORT