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Reply sent by email only to: [REDACTED]

Dear Mr Nieto

Inquest into the death of Mr Jon-Paul Prigent – Regulation 28 report.

Thank you for your email and associated Regulation 28 report touching on the death of Mr Jon-Paul Prigent, which was sent to the Health and Safety Executive (HSE) on 3rd December 2024. I am the HSE Inspector with the lead for operational policy in relation to controlling health and safety risks associated with agricultural machinery including tractors and trailers, and have been asked to reply to you on the matters that you raise. It is understood that the tractor and trailer involved in this fatality were not being used for agricultural purposes, but rather by a skip hire company to transport soil.

We note your report was sent to a number of bodies with an interest in this issue. This response will address matters that are within HSE's areas of responsibility as a regulator, and highlight where matters are more appropriately addressed by other organisations.

Introduction and background

Before addressing your concerns directly, it may help for me to outline HSE's role and areas of responsibility in relation to this matter.

HSE are Britain's national regulator for workplace health and safety, this includes use of work equipment such as vehicles in the workplace, but would not routinely include use of vehicles on public roads.

Vehicle use, condition and maintenance cross over two areas of legislation: road traffic, which is enforced by the Driver & Vehicle Standards Agency (DVSA) and police forces, and workplace safety which is enforced by HSE and local authorities.

In terms of controlling workplace risk, health and safety legislation is goal setting in its nature, rather than prescriptive, but still requires dutyholders / businesses to meet certain legal

standards. The Health and Safety at Work etc. Act 1974 (HSWA) and Regulations made under it require employers to assess the risk from work operations, including use and maintenance of vehicles in the workplace, and provide control measures to reduce these risks, so far as is reasonably practicable.

As well as the HWSA which requires businesses to do all that is reasonably practicable to control work-related risk, health and safety regulations also set out legal duties on businesses. The health and safety regulations covering the use of work equipment such as tractors and trailers is the Provision and Use of Work Equipment Regulations 1998 (PUWER) – a copy of the regulations is available here: <https://www.legislation.gov.uk/ukxi/1998/2306/contents>. PUWER contains a number of legal duties which it places on the dutyholder.

PUWER places a legal duty on all relevant dutyholders to select work equipment that is suitable for the task for which it is used. Work equipment must be used for suitable operations and under suitable conditions. Therefore, when selecting vehicles to move or transport loads, the most appropriate vehicle / trailer should be selected, and the limits of any vehicle e.g maximum loads, should not be exceeded.

PUWER also requires that all work equipment is maintained in an efficient state, in efficient working order and in good repair. The regulations also place duties on businesses to ensure that work equipment which is exposed to conditions causing deterioration liable to result in dangerous situations, is inspected at suitable intervals. Inspections made under PUWER should be recorded by the dutyholder. Any piece of work equipment found not to be maintained in a safe condition should not be used until the defect has been remedied.

To help dutyholders comply with their legal duties regarding the use of agricultural machinery, including tractors and trailers, HSE has published a range of guidance which is freely available to download from our website. Guidance includes, but is not limited to:

- “Using tractors safely” available at: <https://www.hse.gov.uk/pubns/indg185.pdf>
- “Working safely with agricultural machinery” available at: <https://www.hse.gov.uk/pubns/indg241.pdf>
- “Using machines safely” available at: <https://www.hse.gov.uk/agriculture/topics/machinery/safe-use-1.htm>

These are just some examples of the guidance freely available to users of agricultural machinery which raise the importance of using suitable equipment for the task at hand, putting in place a safe system of work, properly checking and maintaining trailers to manufacturers specifications (including braking systems and hitch / attachment points), not overloading trailers, the increased risk when using machinery on slopes, operator training, and the underlying importance of planning and risk assessments. The above guidance has been available to those using agricultural machinery for many years and contains sufficient information to enable dutyholders to use agricultural machinery safely.

Those with legal duties under health and safety legislation should be aware of their duties. The Management of Health and Safety at Work Regulations 1999 (MHWR) require businesses to appoint one or more competent persons to assist them in complying with their legal duties under health and safety legislation; this would include legal duties under PUWER.

The robust health and safety legislative framework and associated guidance is in place to both require and enable those using agricultural machinery to do so safely. All of this information is freely available via HSE’s website.

Your concerns

You raise the following **MATTERS OF CONCERN** in your report. I shall address these in turn, set against the background information already provided above:

1. Tractors and trailers driven on roads for “agricultural purposes” are not subject to periodic independent vehicle testing.

As outlined, health and safety legislation does require businesses to select, inspect and maintain work equipment including tractors and trailers to ensure they are suitable for the tasks being carried out and safe for use. Where work equipment is not safe to use it should be taken out of use until repaired.

Periodic independent vehicle testing requirements specifically for tractors and trailers driven on the public road would be a matter for other organisations such as the DVSA to consider.

2. Tractors and trailers driven on roads at below a speed of 25 miles per hour are not required to be fitted with safety features to prevent decoupling.

HSE do not enforce road safety legislation, therefore this matter would be for other organisations such as the DVSA to consider.

3. Basic hitch hook and ring coupling systems for tractors and trailers are very simple and convenient for ease and speed of coupling and use on farms but present clear risk when used on public roads without safety features to prevent decoupling.

Basic hitch hook and ring coupling systems for tractors and trailers can be appropriate for the farm workplace provided they are suitably maintained, and the vehicles are appropriately used by trained persons. The use of such systems for tractors and trailers on the public road would be a matter for other organisations such as the DVSA to consider.

4. Tractors and trailers are increasingly large and carrying heavier loads due to farm consolidation and are correspondingly traveling further distances on public roads to reach more distant areas on larger farms, and agri-business depots and processing sites. The current safety arrangements have probably failed to keep up to date and relevant and were more suited to an era when agricultural use tractors and trailers might simply have been crossing a road to get from one field to another.

It is true that farm machinery such as tractors and trailers can be much larger and more complex than years ago. All farm machinery should be maintained to the manufacturers specifications and used in accordance with instructions in the manufacturer’s handbook. It is for those using agricultural machinery to assess how it will be used, including the environment and put in place suitable control measures to ensure that people are kept safe. Use of agricultural vehicles on public roads would not be a matter for HSE.

5. At inquest I heard expert evidence on the above points, and that other nations, particularly in the European Union, have introduced comparatively robust legislation regarding testing and safety measures/fittings.

With regards to workplace use, the health and safety legislative framework and associated guidance is sufficient and clear in its requirement to use equipment suitable for the task that is maintained in a safe condition. The duty rests with businesses to ensure that where appropriate they comply with legislation such as HSWA, PUWER and MHWR. The legislation has been in place for many years and the requirements are well-known. There are a number of organisations, schemes and providers currently able to carry out

inspection of farm equipment, including farm vehicles. In addition, the manufacturers of the equipment may also offer inspection services.

6. At inquest I heard evidence that the fitting of safety features to prevent decoupling is relatively low cost and that there have been previous voluntary schemes to encourage and incentivise these measures.

Health and safety legislation currently requires farmers to take reasonably practicable measures to control significant risk. Using suitable vehicles within their design parameters reduces the likelihood of unsafe conditions.

Dutyholders should assess the risk from the use of agricultural machinery and if there is an increased risk of trailers decoupling from tractors resulting in risk to persons, farmers should take reasonably practicable steps to prevent such an occurrence. It is for the dutyholder to assess the risk and take appropriate steps to ensure that risk is controlled.

Conclusion

While many of the **MATTERS OF CONCERN** raised are more appropriately addressed by other bodies that have received the Regulation 28 report into the death of Mr Prigent, hopefully the outline of HSE's area of responsibility, the health and safety legislation and guidance already in place has reassured you that HSE is meeting its responsibilities as Britain's workplace health and safety regulator.

Yours sincerely



**Acting HM Principal Inspector of Health and Safety
Agriculture Sector**