



The Office of Tom Osborne
Her Majesty's Assistant Coroner for Gloucestershire

[REDACTED]

29th August 2013

[REDACTED]
British Board of Agreement
Bucknalls Lane
Garston
Watford
Hertfordshire
WE25 9BA

Dear Sir,

Re: Regulation 28 Report to Prevent Future Deaths

I am Mr Tom Osborne, Assistant Coroner, for the Coroner Area of Gloucestershire and 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.

The inquest into the death of Martin Leslie Brown was concluded on 21st February 2013. I returned a narrative verdict that he died of multiple injuries when he skidded on relayed road surface that was excessively slippery due to excess bitumen. This was in part due to a failure to carry out the resurfacing work correctly and a failure to recognise the fault before the road was reopened.

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.

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

- (1) There may be a possible dispute as to the interpretation of BBA certificate number 06/H120 issued in respect of Milepave.
- (2) In para 3.1 of the certificate it suggests that the product can be used on roads with a posted speed limit of less than 40mph. The same paragraph

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refers to use on "rural roads" that may, of course, be subject to the national speed limit of 60 mph.

(3) The certificate does not specify that the product should not be used on roads where the posted speed limit is greater than 40 mph.

(4) My concern is that the correct use of the product Milepave is not clearly set out in the certificate and it may be used inappropriately because of the wording used in the certificate.

In my opinion action should be taken to prevent future deaths and I believe your organisation have the power to take such action.

You are under a duty to respond to this report within 56 days of the date of this report, I, the coroner, may extend the period.

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.

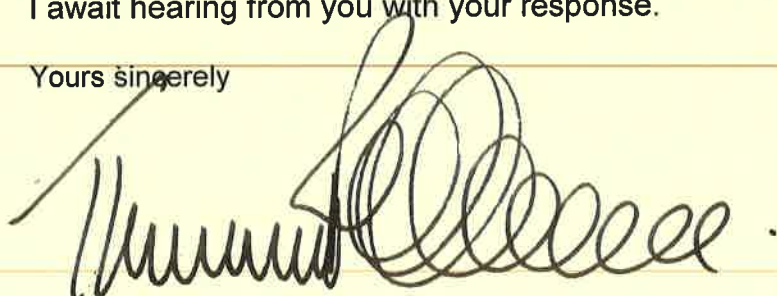
I have sent a copy of my report to the Chief Coroner and to the Interested Persons who appeared at the inquest.

I am also under a duty to send the Chief Coroner a copy of your response.

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.

I await hearing from you with your response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Osborne', written over a horizontal line.

Tom Osborne
Her Majesty's Assistant Coroner for Gloucestershire

This report is being sent to:

- **Family**
- **NIG Insurance**
- **Fletcher's Solicitors**
- **Gloucestershire Constabulary**
- **ORJ Solicitors**
- **Gloucestershire Highways**
- **Wragge & Co LLP**

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