

	<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. <b>The Rt Hon Owen Paterson MP, Secretary of State for Environment, Food and Rural Affairs</b></li> <li>2. <b>Chief Inspector Powell, Suffolk Constabulary</b></li> </ol>
1	<p><b>CORONER</b></p> <p>I am Dr Peter Dean, senior coroner for the coroner area of Suffolk</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 27<sup>th</sup> of December 2012 I commenced an investigation into the death of Thomas Allen. The investigation concluded at the end of the inquest on the 9<sup>th</sup> of April 2014. The conclusion of the inquest was Accidental Death, the death of Mr Allen being from Cerebral Contusions following a Road Traffic Collision.</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>The circumstances of Thomas Allen's death on Christmas Day 2012 are particularly sad and resulted from 'fly grazing', that is the unauthorised grazing of horses or ponies on land without the agreement of the landowner, and horses subsequently getting loose. In the months leading up to this tragedy, there were at least ten reported incidents of horses that had been fly grazing getting loose in this area, some then being found on or near roads, and there were repeated concerns that a road traffic collision would occur as a consequence of this. The horse owner had repeatedly been asked to remove the horses from the site. On Christmas Eve 2012 at 10-35pm, Mr Allen and his partner were driving along a section of the A14 which was unlit and had very little ambient light when five untethered horses entered the A14 carriageway. Collisions then occurred in which Mr Allen received injuries from which he died the next day, three further cars were hit and three horses were killed. The horses were only visible at the very last minute, and none of the drivers could take any avoiding action. At the request of the CPS, the inquest was deferred until after the criminal trial and, in March 2013, the owner was sentenced having pleaded guilty to causing a public nuisance, it being felt that there was not sufficient evidence to provide a realistic prospect of conviction for involuntary manslaughter by gross negligence. The subsequent inquest today heard that fly grazing was a national problem and that this was an accident waiting to happen. It was noted that the National Farmer's Union has called for fly grazing to be made a criminal offence to ensure that action can be taken more quickly and offenders brought to justice, and it has suggested that police forces and local authorities should draw up protocols to deal with these problems jointly.</p>
5	<p><b><u>CORONER'S CONCERNS</u></b></p> <p>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.</p> <p>The <b>MATTERS OF CONCERN</b> are as follows. –</p> <p>Fly grazing is a national problem which is currently more difficult to curtail because</p> <ol style="list-style-type: none"> <li>(1) It is not currently a criminal offence in England (although I understand that steps are being taken to remedy this in Wales)</li> <li>(2) A police/local authority protocol is being worked on but not currently in force in</li> </ol>

	Suffolk.
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 organisations have the power to take such action in respect of the two separate issues mentioned above. I would respectfully ask the Minister to take steps to make fly grazing a criminal offence and the police and local authority to progress their work ensuring that a protocol for joint working to deal with the problem is in place at the earliest opportunity in order to reduce the chance of similar fatalities occurring.</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, namely by 4<sup>th</sup> of June 2014. 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 family.</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 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.</p>
9	<p><b>9-4-14</b> <span style="float: right;"><b>Dr Peter Dean</b></span></p>