

Robin J. Balmain  
H.M. SENIOR CORONER



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**BLACK COUNTRY CORONER'S DISTRICT**  
**(SANDWELL • DUDLEY • WALSALL • WOLVERHAMPTON**  
Metropolitan Borough Councils)

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Date:

28 May 2014

Our Ref: RJB

Your Ref:

**REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

**THIS REPORT IS BEING SENT TO :**

The Secretary of State  
Department of Transport,  
Richmond House  
79 Whitehall  
London SW1A 2NL

1. **CORONER**

I Robin John Balmain am the Senior Coroner for the Black Country Coroners Jurisdiction

2. **CORONER'S LEGAL POWERS**

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.

3. **INVESTIGATION AND INQUEST**

On 6<sup>th</sup> February 2013 I commenced an investigation into the death of **Arnold SOULSBY**.

The investigation concluded at the end of the inquest on 15<sup>th</sup> May 2014. The conclusion of the inquest was that death was due to an accident.

4. **CIRCUMSTANCES OF THE DEATH**

Mr. Soulsby was a pedestrian crossing the road at traffic lights which were on red in respect of traffic passing along the road which Mr. Soulsby wished to cross. As he crossed in front of the lorry, the lights changed to green, the lorry moved off without seeing Mr. Soulsby and he was knocked to the ground and killed. The driver of the lorry was unable to see Mr. Soulsby because the height of the bottom of the windscreen was above Mr. Soulsby's height. The

vehicle did not have forward facing mirrors, nor was it required to do so in view of its age.

5. **CORONERS CONCERNS**

The **MATTERS OF CONCERN** are as follows :-

I am concerned that the regulations that have been introduced requiring lorries to have forward facing mirrors are not retrospective, hence there are a large number of lorries on the road which do not have this facility. I have conducted a number of inquests where the circumstances are similar and I have previously drawn the attention of the department to this problem on (I believe) two occasions, one prior to the 2007 Regulations providing for forward facing mirrors and one thereafter.

6. **ACTION SHOULD BE TAKEN**

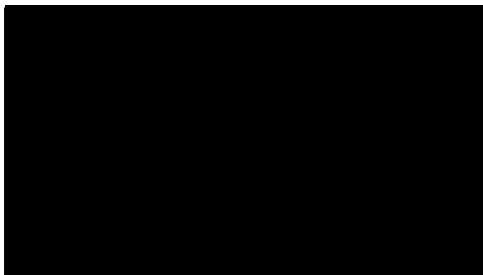
In my opinion action should be taken to prevent future deaths and I believe you have the power to take such action. I ask that the matter be looked at again to see if provision can, even at this stage, be introduced for retrospective fitting of forward facing mirrors to all lorries as I believe that deaths in these circumstances are likely to continue.

7. **YOUR RESPONSE**

You are under a duty to respond to this report within 56 days of the date of the report, namely by **23<sup>rd</sup> July 2014.**

8. **COPIES and PUBLICATIONS**

I have sent a copy of my report to the Chief Coroner and to the following interested Persons :



## **SENIOR CORONER**

27 May 2014

Continuation

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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.

R.J. Balmain  
Senior Coroner

BAP