

SHERIFFDOM OF Grampian, Highland & Islands at Stornoway

Court ref: STO-B36-21

RESPONSE

to the

DETERMINATION OF SHERIFF GORDON LAMONT

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC.
(SCOTLAND) ACT 2016

IN THE

INQUIRY INTO THE DEATH OF JOHN NORMAN MURRAY

To: the Scottish Courts and Tribunals Service

1. Graeme McMinn HM Principal Inspector of Health and Safety, authorised representative of the Health and Safety Executive, being a person to whom a recommendation under section 26(1)(b) was addressed, does respond as follows.
2. Recommendation (a) The Health and Safety Executive (hereinafter called HSE) should consider investigating the photographic examples provided to the Inquiry by Mr Watkins showing mobile towers were being used inappropriately.
3. Response (a) The photographs provided to the Inquiry by Mr Watkins do not identify the location or date of the activity nor a duty holder in control of the work. For that reason and with no ongoing risk, HSE is unable to investigate the work activity depicted in these photographs.
4. Recommendation (b) The HSE should consider whether current guidance regarding the inappropriate use of mobile scaffolding towers as i) a means of access; and ii) edge protection; can be improved or rehighlighted.
5. Response (b) The HSE has considered this recommendation and reviewed the guidance on the HSE website, within HSE publications and provided by the relevant industry bodies such as Prefabricated Access Suppliers & Manufacturers' Association Limited (PASMA). It is our opinion that guidance on the safe use of mobile towers and their limitations as means of access and edge protection is already readily available and easily found. HSE website guidance provides links to industry

websites where the more specific guidance can be found. [Safety - PASMA](#)

Graeme McMinn
HM Principal Inspector of Health and Safety