

Bin lorry crash lawyer wants law change over driver health checks

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NEWS REPORTER

THE solicitor for the family of one of the victims of the Glasgow bin lorry crash has said a "systemic failure" in driver health record checks could put further lives at risk.

Ronald Conway, Scottish co-ordinator for the Association of Personal Injury Lawyers (APIL), acted for the Tait family in the Fatal Accident Inquiry (FAI) following the 2014 crash that left six dead and 17 injured.

Driver Harry Clarke, who passed out at the wheel, had been declared fit to drive after lying to his GP about a previous fainting episode while driving a bus.

His deception could have been caught in 2011 when he renewed his HGV licence.

Mr Conway said Clarke's actions are part of a "wider scandal".

Mr Conway said: "Drivers with their live-

lihood at stake put on Boy Scouts' honour to tell the truth about their medical history with excellent prospects that any false declarations will go undetected and unpunished.

"That is until and unless we have yet another tragedy. It is high time for the Secretary of State for Transport to carry out an urgent consultation with a view to legislative change."

To renew an HGV licence a driver must have a DVLA D4 form signed by a doctor to declare a clean bill of health.

Private firms will arrange for the form to be signed by a medical practitioner for a fee of around £50 but the signatory will not have sight of the applicant's medical records.

Calling this a "box ticking exercise", APIL is now launching a campaign to call for changes in the law.

Jacqueline Morton, 51, and Stephenie Tait, 29, from Glasgow, Erin McQuade, 18,

“Prospects are any false declarations will go undetected”

and her grandparents Jack Sweeney, 68, and his 69-year-old wife Lorraine, from Dumbar-ton, and Gillian Ewing, 52, all died in the bin lorry crash on December 22, 2014. Another 17 were injured.

In December 2011, Clarke renewed his HGV licence by filling in the D4 application form, which asks about medical episodes in the previous five years.

He said there was none and, at a face to face medical examination with an independent doctor, he also declared there had been none.

The medic, a Dr Willox, did not have access to Clarke's medical records and so accepted his version of events.

At the FAI in 2015 Dr Willox testified that had she known about the previous faint she would have asked for further inquiries.

At the FAI, the judge Lord Beckett expressed the view that a requirement should be explored for occupational health

doctors performing D4 exams to have applicants sign a consent form authorising the release of relevant medical records.

In his judgment Lord Beckett recommended the Secretary of State for Transport should consult on how to ensure information available to examining doctors was accurate and complete.

In December 2010 two young women were knocked down and killed in Glasgow where fainting at the wheel was involved.

Students Mhairi Convy and Laura Stewart were killed in Glasgow city centre when driver William Payne fainted and lost control of his 4x4.

Mr Payne had suffered four previous blackouts from 2007 but, when examined in July 2010 by an occupational health doctor, he denied any previous problems.

The doctor did not have access to his medical records and certified him as fit to drive.

Watchdog backs the police use of Taser

A POLICE officer firing a Taser at a man during a flat siege was "justified", a police watchdog has found.

The firearms officer discharged the device at the 32-year-old in a flat in Dundee after failed negotiations during a siege lasting four hours.

Armed police stormed the home and feared the man - who had earlier threatened to stab anyone who entered - was going to get a weapon.

One officer fired a Taser at his back leaving him "incapacitated", enabling police to arrest him.

The Police Investigations and Review Commissioner (Pirc) investigated the incident as is standard procedure for police use of a firearm.

The report details that officers were first called to reports of a disturbance at the flat at 9.50pm on July 6.

The man refused to allow the police into the flat and threatened to stab anyone who entered.

Police knew there were others in the flat and prevented anyone from going in or out while they began negotiations, unsuccessfully trying to persuade the man to leave.

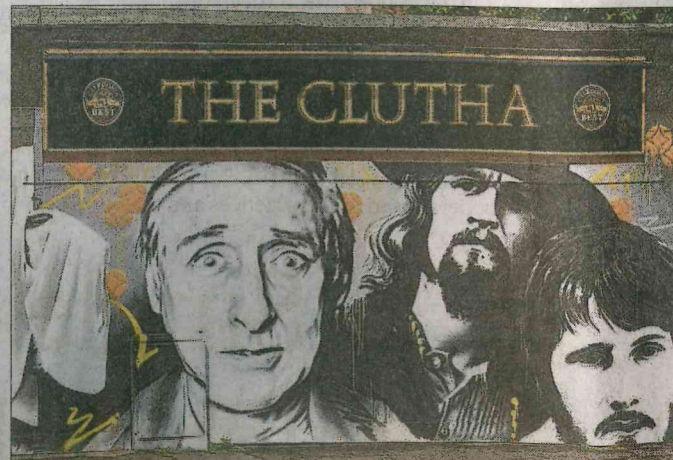
When he stopped responding, officers became concerned and forced entry.

One officer believed the man was heading to the kitchen to get a weapon and to prevent this he shot a Taser at his back.

The report states: "When the armed officers forced



■ Street artist Danny McDermott next to his Stan Lee mural.



■ Mural at the Clutha Bar, Glasgow, site of the helicopter crash.



■ Stan Lee in 2006 with some of the strip's drawings.

Street mural tribute