

Tram fatality – company fined

At Edinburgh Sheriff Court on Thursday Edinburgh Trams admitted to breaching S.3(1) of the Health and Safety at Work Act 1974 through a S.76 notice and received a fine of £240,000 reduced from £360,000.

In September 2018, 53-year-old bus driver Carlos Correa Palacio, died after being struck by a tram crossing the tracks at Saughton Mains. But it was said that there were no issues were found with the tram driver and the vehicle worked as it ought to.

The Correa family issued a statement through their legal representatives, Digby Brown Solicitors. The family said: “The loss of Carlos has been agonising and our pain has only been worsened by the nearly five years we had to wait for justice, which we find excessive and unacceptable.

“We welcome the fact that Edinburgh Trams has accepted responsibility but the conviction does not bring us any closure – it only ends the criminal process which has been traumatic in its own right.

“It should not have taken this long to prosecute because as far as we can see all the information needed to secure a conviction has been in place for years already.

“So we call on the Crown Office and Procurator Fiscal Service (COPFS) and Scottish Government to investigate and reform in the hope of ending avoidable delays so victims and bereaved families are not made to suffer needlessly.

“We’d like to thank our family, friends, our legal team in both the civil and criminal cases and VIA for their support and while there are lessons to be learned in tram safety and justice support we hope the relevant authorities do more than just take notice – we hope they take action.”

Simon Hammond, Partner at Digby Brown who also helped the Correa family secure a six-figure sum of damages over the tragedy, added: “Five years is a long time to wait for justice and I cannot speak highly enough to the strength, patience and dignity the Correa family has shown throughout.

“While no outcome could ever heal the trauma of losing Carlos it was important that those responsible were held to account as no person or entity is above the law.

“I therefore hope that, at the very least, the conviction of Edinburgh Trams will play a part in helping the Correa family come to terms with everything that’s happened so they may look to the future with a degree of peace.”

In January 2022 criticism was levelled at the Crown Office that they were dragging their feet over action against Edinburgh Trams. At the time a spokesperson for the COPFS said: “We appreciate the impact the time taken to complete death investigations can have on those who have lost a loved one.

“The ongoing investigation into the death of Carlos Correa involves detailed and careful consideration of complex issues.

“The case team have been in contact with his family and will continue to provide updates on any significant developments.”

