

Fatal Accident Inquiry into death of Xander Irvine – fitness to drive recommendations made for over 70s

Sheriff Principal Nigel Ross has made significant recommendations about testing fitness to drive among drivers aged over 70 in a determination of the Fatal Accident Inquiry into the death of three-year-old Xander Irvine.

The driver, 91-year-old Edith Duncan, who has died since the crash, was found to be suffering from cognitive mental impairment. Her age related dementia was undiagnosed at the time of the incident, but if it had been then the Sheriff Principal said she would not have been driving that day as her licence would have been revoked.

The determination has been [published in full today](#), with details of the crash, Ms Duncan's medical condition and her detachment afterwards, evidencing her mental condition.

Xander and his mother were looking in a shop window on Morningside Road when Ms Duncan drove her car onto the pavement and struck them. He died from multiple injuries at the Royal Hospital for Sick Children and Young People shortly

afterwards.



Xander Irvine (3) was killed by car driven by Edith Duncan (91).

PHOTO Alan Simpson 30 June 2020

The Fatal Accident Inquiry is not conducted to apportion blame, but to establish the circumstances of the death of a person and consider any steps which can be taken to prevent other deaths in similar circumstances.

The Sheriff Principal found that: "Had reasonable precautions been taken, prior to the collision, to assess Edith Duncan's

cognitive ability, these would have identified that she required further assessment of her driving ability. That further assessment would have, in turn, led to the conclusion that she was significantly cognitively impaired and unfit to hold a driving licence. The DVLA would have revoked her licence on that basis.”

He also determined that the current self certification of fitness to drive regime was defective.

Following the publication of the determination, Procurator Fiscal Andy Shanks, who leads on fatalities investigations for the Crown Office and Procurator Fiscal Service (COPFS), said: “Xander Irvine’s death was a devastating loss for his family. They have my heartfelt sympathy for all they have suffered.

“I welcome the sheriff’s determination which makes significant recommendations in relation to the fitness-to-drive requirements for drivers over 70 and a change to primary legislation.

“This was an incident that the Lord Advocate carefully considered and was satisfied that the circumstances made a compelling case for a discretionary Fatal Accident Inquiry.

“The procurator fiscal service will continue to keep in contact with the Irvine family and answer any questions they may have about the determination.

“My thoughts remain with the family at this difficult time.”

[The full determination can be read here.](#)



Xander Irvine (3) who died following a crash in Morningside in June 2020