

Farming business fined after a walker dies in cattle incident

A farming business has been fined after a member of the public died after being butted several times by a cow in front of two onlooking grandchildren.

Marian Clode, 61, was on a family walk on 3 April 2016 when the attack happened on a public bridleway in Northumberland. She died in hospital three days later.



Marian Clode

The family had been staying at a cottage at Swinhoe Farm, Belford and said Marian “was dearly loved and still so sadly missed.”

An investigation by the Health and Safety Executive (HSE) found that despite it being near the end of the Easter holidays, the business decided to move around 16 cows, together with a similar number of calves, along a popular bridlepath – a route taken by visitors to St Cuthbert’s Cave. Effective precautions were not in place to warn walkers of the impending herd, such as signage and lookouts.

At the same time as the cows made their way to their field (which was approximately 1km along the bridlepath), Marian and her family, who had been staying at a cottage on the business’ farm, were walking in the opposite direction from St Cuthbert’s Cave. The farm workers involved in moving the cows were not aware of the oncoming family as they were at the rear of the herd.

The route along the bridlepath was undulating meaning neither the farm workers nor the walkers were aware of each other until it was too late. The first the family knew of the oncoming cattle was as the herd appeared over the brough of a hill ahead, only seconds before they would come face to face.

Most of the family, including two young grandchildren, clambered over the barbed wire fence for cover but their grandmother, Marian Clode who was at the head of the group, was confronted by a cow at the front of the herd. The cow butted her several times causing fatal injuries.



The bridleway in Northumberland

The company had failed to put in place a system of work that was safe. There was a lack of an appreciation of the risk posed to any pedestrians or cyclists that might encounter cattle on the bridleway.

HSE has advice and guidance for [farmers, landowners, and other livestock keepers](#).

At Newcastle Crown Court, J M Nixon & Son, Swinhoe Farm, Belford, Northumberland pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. They were fined £72,500 and ordered to pay £34,700 costs on 15 December.

A family statement said: "In the seconds we had to react, Marian, who was a little ahead, had the least time, but still managed to move to the side of the track and make herself as inconspicuous as possible, tucked against a wooden gate, beneath an overhanging tree.

"Despite this, Marian was attacked by the lead cow and suffered fatal injuries.

"In the immediate aftermath of the incident and in the months and now years which have passed, we believed Marian lost her life because of JM Nixon and Son's failure to implement even the most basic safe systems of work.

"Marian's death was completely avoidable, which makes coming to terms with our loss even more difficult.

"We are grateful to the HSE for successfully prosecuting this case, which after almost eight years brings us some closure, although Marian is never far from our thoughts. She was dearly loved and still so sadly missed."

After the hearing, HSE inspector Jonathan Wills said: "This horrific tragedy during a family holiday could have been prevented. Had the company carefully planned the movement of cattle from their winter housing along a popular route used by walkers and cyclists and put sensible, inexpensive measures in place this incident would not have happened.

"Public knowledge – and concern – is increasing about how dangerous cattle can be. Farmers should not place cattle with calves in fields where members of the public have a legal right to walk. HSE will take action when legal

duties are not followed.”

This HSE prosecution was led by enforcement lawyer Radha Vaithianathar and assisted by paralegal officer, Rebecca Forman.

Notes to Editors:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.