



# ACCIDENT CONSULTANTS

**G.R.Greatrix**

MSc, CPhys, MInstP, CEng, MIET, MITAI, FRAS FORENSIC INVESTIGATOR  
12 Gillpark Grove, Hartlepool, TS25 1DT ☎ 01429 275954 📠 07762 943616

Our Ref: GRG/OrrM/Marshalls(P)

Your Ref: FI//10256

Date: 15th of June 2021

**A report on the incident that occurred on  
the Isle of Berneray, Outer Hebrides, on the  
4th of April 2020  
Mr Michael Orr -v- Mr Peter Anderson**



**Top Tier Expert  
Trained Joint Expert**



**Institution of  
Engineering & Technology**



**Institute of Traffic  
Accident Investigators**

**A report prepared for the Court by G.R.Greatrix, Forensic Investigator**

**Report of: Graham R Greatrix  
Specialist field: Forensic Investigation  
Case: Mr Michael Orr -v- Mr Peter Anderson  
On behalf of: Marshalls, Solicitors, Preston. Ref: FI/10256**



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## PROFESSIONAL POSITION

- 1 My name is Graham Greatrix and I live at 12 Gillpark Grove, Seaton Carew, Hartlepool, Cleveland and at Pipp's Ford, Needham Market, Ipswich, Suffolk.
- 2 I hold the degrees of Bachelor of Science in Physics and Mathematics and Master of Science in Physics. I am a Member of the Institute of Physics, a Member of the Institute of Engineering and Technology, a Member of the Institute of Traffic Accident Investigators, a Chartered Physicist and a Chartered Engineer. I am listed as an Expert Witness by The Law Society and trained in the duties and responsibilities of a Single Joint Expert. I am a top tier expert witness for the Association of Personal Injury Lawyers.
- 3 I was formerly Head of Physics and Forensic Science at the University of Teesside. My specialisms were accident investigation, forensic medicine and image processing. I was also responsible for the supervision of post-graduate research in those areas. I still act as an advisor, moderator and examiner for several Universities.
- 4 I have specialised in the areas of speed measuring techniques and the forensic investigation and reconstruction of accidents including human factors for over fifty years and my expertise has been furthered through continuous professional development throughout those years.

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## INTRODUCTION

- 5 This report concerns an alleged incident that took place on West Beach, Isle of Berneray, North Uist in the Outer Hebrides at about 1300 hours on Saturday the 4th of April 2020.
- 6 Mr Michael Orr was driving his Arctic Cat quad bike and was stationary on West Beach facing away from the sea.
- 7 Mr Orr says that Mr Peter ZAnderson entered the beach in his Land Rover Discovery and deliberately drove straight towards him at speed and into collision with the front of his quadbike.
- 8 The force of the collision threw his quadbike backwards. He was forced forwards with respect to the quadbike causing his head to strike the bonnet of the Land Rover. He then fell back onto the quadbike.
- 9 He says that Mr Anderson got out of his Land Rover and seriously assaulted him and then drove away. Mr Orr's injuries are confirmed and described in the ambulance report. The ambulance attended Mr Orr's address at 2.00 pm on the day of the incident.
- 10 Mr Anderson says that this incident did not occur and that he was not at the location at the stated time. He says that although he could get his Land Rover onto the beach, he would not have been able to leave the beach without assistance. He also says that he was recovering from an operation on his left hand and therefore he could not have assaulted Mr Orr in the manner claimed.

11 I have been asked to consider the physical evidence in this matter and advise upon its implications.

## **DOCUMENTS**

12 I have seen the following documents:

- (i) Incident description provided by Mr Orr.
- (ii) Ambulance Report
- (iii) Defence prepared by Mr Anderson.
- (iv) Defences in response to the statement of Claim.
- (v) Medical report prepared by Dr Edward Smith, Consultant Neurologist.
- (vi) Initial Writ
- (vii) Statement of Michael Orr taken by PC Fuller
- (viii) Police report green paint transfer on to the bike bullbars.
- (ix) Statements of PC David McIntosh
- (x) Photographs of Mr Orr's quadbike.
- (xi) Photographs of West Beach.
- (xii) Photographs of the Land Rover Discovery
- (xiii) Engineer's desk-top total loss report regarding the quadbike.
- (xiv) Incident sketch plan provided by Mr Orr.
- (xv) Photograph of parts of the Land Rover embedded in the quadbike.

## **THE LOCATION**

13 The incident is said to have taken place at the southern end of West Beach.

14 Photograph 1, appended to this report is a Google Earth image taken in 2017. It shows the presence of a metalled road ending close

to the dunes at the southern end of West Beach. There is then a track leading from the road to the beach. It is this track which enables vehicles to enter and leave the beach. The track cuts through the dunes so that it is sufficiently level for vehicles like the Land Rover Discovery to enter and leave the beach.

- 16 Elsewhere, the dunes are too high and steep for any vehicle to leave the beach normally.
- 17 I suggest that Mr Anderson's claim that he could not leave the beach in his four-wheel drive Land Rover Discovery without assistance is invalid.
- 18 After the incident, Mr Orr found a Land Rover Discovery headlight and some plastic embedded in his bike. Photograph 4 shows those found items.
- 19 After the incident Mr Orr says that the Land Rover was not seen for two days. When it next appeared, the headlamp had been replaced but there were still missing items around that nearside head lamp and below that headlamp. Mr Orr has a dashcam recording showing the Land Rover Discovery on the 17th of May 2017 some 11 days post-incident. A frame extracted from that recording is shown at Photograph 10 appended to this report.

## **TYRE MARKS**

- 20 Photograph 2 shows evidence of vehicles entering and leaving the beach via the track through the dunes.
- 21 Photograph 3, upper, shows the front nearside tyre on the Land Rover Discovery. The tread pattern is unusual because there are no

circumferential grooves in the pattern. The tyre is designed as an off-road tyre.

- 22 Photograph 3, lower, shows a tyre impression in the sand. The photograph was taken on the 6th of May 2017 at 3.02 pm using a DSC-H70 Sony Cyber-shot camera. The time is about three hours after the incident.
- 23 The impresssion in the sand clearly shows the characteristics of the tyre tread in Photograph 3, upper.
- 24 In photograph 4 I have shown the tyre impression in the sand along with the metadata embedded in the photograph.
- 25 Photograph 5 shows an extract from image of the Land Rover tyre placed above an extract from the impressioun in the sand. The similarity of the tread pattern on the tyre and the impression of the tread pattern in the sand is clear.
- 26 I suggest that the evidence shown in Photographs 3, 4 and 5 shows that Mr Anderson's Land Rover was on the beach on the day of the incident with a high probability that it was present at the alleged time of the incident.

## **DAMAGE**

- 27 Photograph 6 shows an undamaged Land Rover Discovery.
- 28 Photograph 7 shows the front offside of the Land Rover shortly after it re-appeared.

- 29 I have placed arrows on the photograph to highlight the damage present and where other items are missing. The gaps are excessively large.
- 30 Photograph 8 shows the front of Mr Orr's quadbike. I have also placed arrows on this photograph highlighting what damage can be seen. However, there is also damage within the bike that cannot be seen.
- 31 Photograph 9 is a view looking at an angle towards the front nearside of the quadbike. I have highlighted other areas of damage.
- 32 The engineer's report indicates that a new chassis frame would be required together with parts amounting to a cost of £1920. The cost of the time to carry out the repairs is stated to be
- 33 The damage at the front of the Quadbike shows that it has been struck violently by a force acting at an angle across the bike.
- 34 Diagram 1 shows the kind of collision that would lead to the damage profiles on the two vehicles. In my opinion, the damage profiles are fully consistent with being caused by two vehicles coming into collision.
- 35 In such a collision, Mr Orr would be thrown towards the impact point rather than directly forwards.

## CONCLUSIONS

- 36 Photograph 1, appended to this report, is a 2017 Google aerial image of the location showing a road leading to the area and a track leading from the road to the beach.

- 37 Photographs 2 and 3 show tyre marks in the beach sand indicating that vehicles are able to enter and leave the beach via the track.
- 38 I suggest that Mr Anderson's claim that he could not leave the beach in his four-wheel drive Land Rover Discovery without assistance is invalid.
- 39 After the incident, Mr Orr found a Land Rover Discovery headlight and some plastic embedded in his bike. Photograph 4 shows those found items.
- 40 Photograph 10 shows that, eleven days post-incident, the Land Rover had a replacement nearside headlight.
- 41 For reference, I have shown a photograph of an undamaged Land Rover Discovery at Photograph 6.
- 42 Photograph 7 shows evidence of collision damage on the Land Rover after Mr Anderson had carried out some repairs.
- 43 Photographs 8 and 9 show evidence of collision damage on Mr Orr's quadbike. There was additional damage to that highlighted but which is not easily seen in the two photographs.
- 44 The damage at the front of the Quadbike shows that it has been struck violently by a force acting at an angle across the bike.
- 45 Diagram 1 shows the kind of collision that would be fully consistent with the damage seen on these two vehicles.



- 46 The damage patterns are consistent with a collision as shown in Diagram 1 but the angle depicted is approximate.
- 47 I have shown that Mr Anderson is incorrect when he says that he was not present at the location because he could not leave the beach without assistance.
- 48 If no collision occurred, why were parts of a Land Rover Discovery found embedded in the damaged quadbike?
- 49 The damage patterns on the two vehicles are fully consistent with a collision taking place between them.

## DECLARATION

I, Graham Rowland Greatrix, declares that

- 1 I understand that my duty in providing written reports and giving evidence is to help the Court and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
- 2 I confirm that I have not entered into any arrangement where the amount of payment of my fees is in any way dependent on the outcome of the case.
- 3 I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 4 I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
- 5 I have shown the sources of any information I have used.
- 6 I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
- 7 I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion, I have clearly stated any qualifications to me opinion.
- 8 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including those instructing me.
- 9 I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
- 10 I understand that:
- 10.1 my report will form the evidence to be given under oath or affirmation,

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- 10.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth,
- 10.3 the Court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any outstanding issues between the parties,
- 10.4 the Court may direct that following a discussion between the experts that a statement should be prepared showing issues that are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing,
- 11 I have read Part 35 of the Civil Procedure Rules and the accompanying practice direction including the "Protocol for instruction of Experts to give Evidence in Civil Claims" and I have complied with their requirements.
- 12 I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts.

**STATEMENT OF TRUTH**

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinion on the matters to which they refer

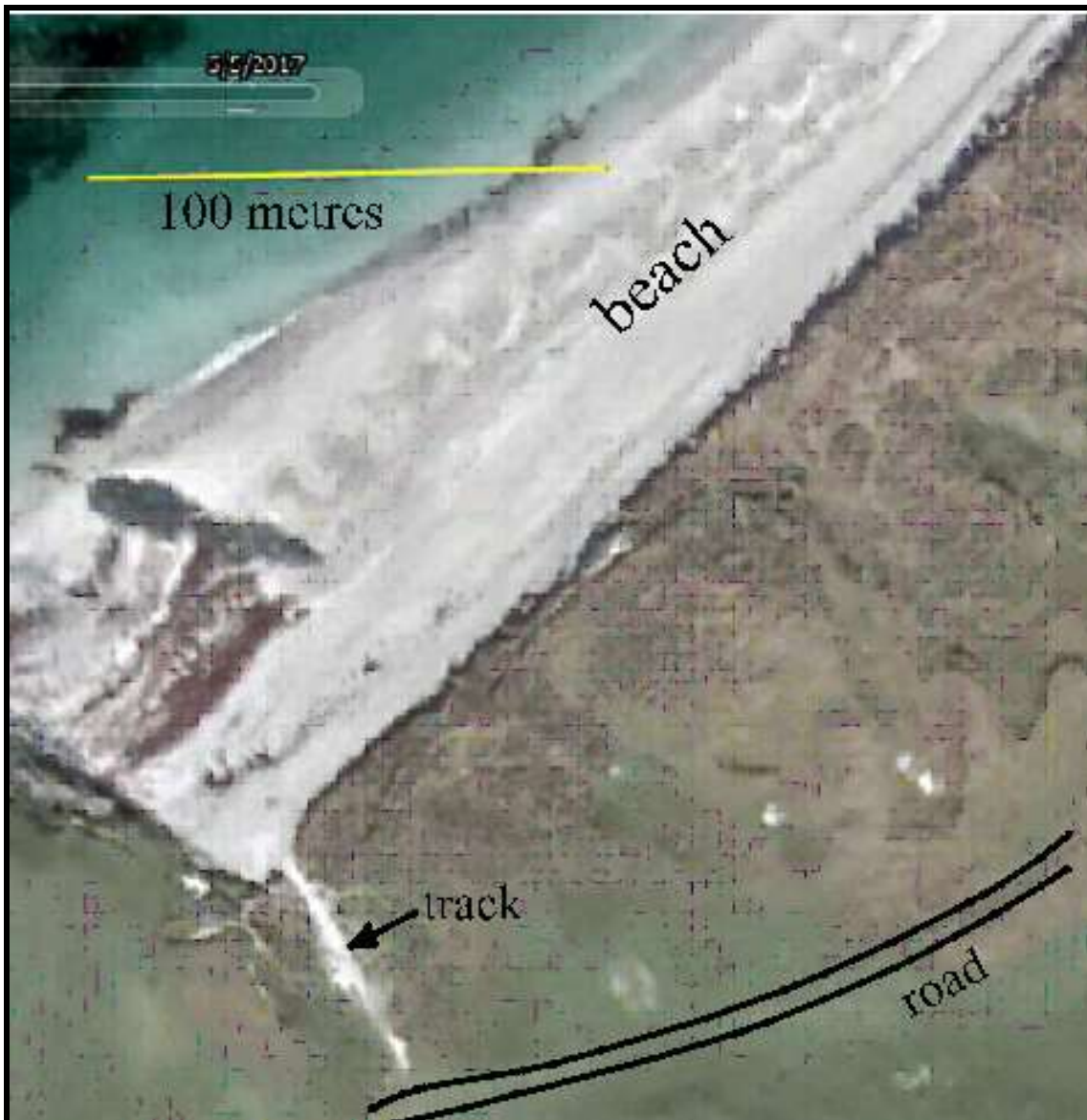


**Graham R Greatrix**  
**15th of June 2021**

**APPENDIX FOLLOWS . . . .**

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**Photograph 1: Incident location showing how vehicles access and leave the beach.**

**Image capture is May 2017. It shows a road which leads to the dunes. The road is faint in this image and I have highlighted its presence. A track goes through the dunes and connects the end of the road to the beach.**

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**Photograph 2: Tyre marks on the beach showing evidence of vehicles entering and leaving the beach via the track seen in Photograph 1.**

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This was taken on the 2nd of June 2017 using a Canon EOS 60D camera.



Photo taken on the 6th of May 2017 at 3.02 pm using a DSC-H70 Sony Cyber-shot camera. About three hours after the incident.

### Photograph 3

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Photograph 4 showing the metadata.



Photograph 5: Tyre and tyre print in the sand.

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**Photograph 6 shows the pieces of a Land Rover Discovery that were found embedded in the bike.**

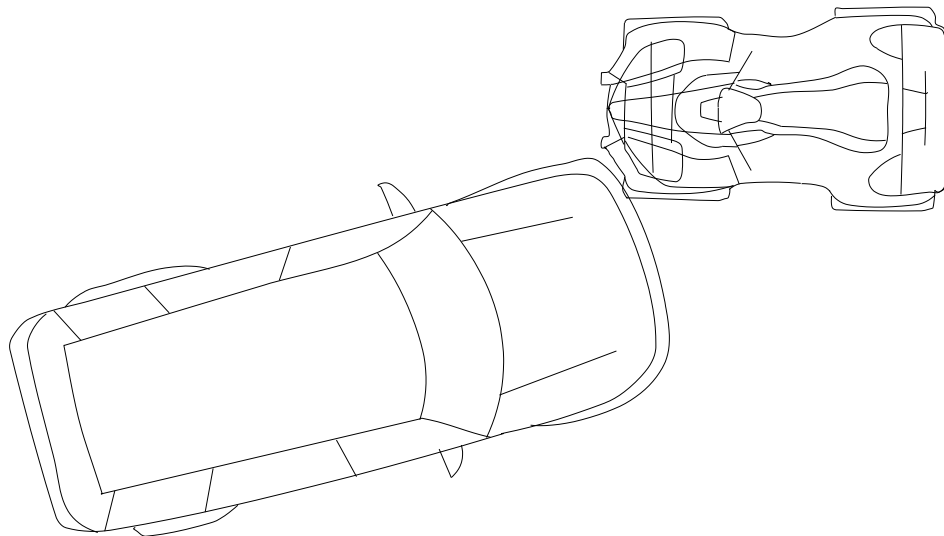


Diagram 1: A likely orientation of the vehicles at impact based on the damage profiles.



Photograph 6: Image of an undamaged Land Rover Discovery.

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Bonnet damage

missing section  
including washer

Gap

Gap

missing or broken off  
lower bumper parts

### Defendant's vehicle Photograph 7

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Frame pushed into  
wing panel

Frame pushed  
diagonally across bike

**Photograph 8**

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broken headlamp

split wing

bent bar

bars pushed  
into wing

paint  
transfer

**Photograph 9**

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**Photograph 10: Extract from DashCam.**

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