



Smart motorways widow to boycott husband's 'whitewash' inquest

Sally Jacobs says inquiry into death of Derek, 83, killed after breakdown in live lane, has been stymied by National Highways intervention

By Steve Bird

1 April 2023 • 6:30pm



The widow of a man killed on a smart motorway is to boycott his long-awaited inquest because it will be a “whitewash” as National Highways “will not be held to account”, the Telegraph can reveal.

Derek Jacobs, 83, [was killed in 2019 on the M1](#) near Sheffield when his van suffered a burst tyre and he had to stop on the inside live lane where the hard shoulder had been scrapped.

A Ford Ka hit the part-time engineer's van propelling it into him and crushing him against a barrier.

Charles Scripps, a 78-year-old passenger in the Ford was also killed when it was hit by a coach. The driver of the Ford survived.

After waiting four years for her husband's inquest, Sally Jacobs, 85, claims it is "disgraceful and disappointing" that the coroner has decided not to extend the scope of the hearing to consider the state's responsibility to preserve a citizen's right to life.



The M1 section had been converted into a smart motorway by having its hard shoulder removed | CREDIT: Alamy

"It's disgraceful. [I wanted National Highways to be taken to task](#) for removing the safety of the hard shoulder which meant my husband had nowhere safe to go," she said. "National Highways has used the full might of a very powerful legal team against an 85-year-old widow to get their way."

A letter from National Highways' lawyers to the coroner claimed there was no need for an Article 2 inquest - the wider scope hearing - because while removing the hard shoulder meant a "small number of risks increase, including [the risk of a collision between a moving vehicle and a stationary vehicle](#), the majority of risks would decrease".

The six-page document, seen by the Telegraph, adds: “In summary, the concept of all lane running smart motorways went through an extensive risk analysis ... and therefore that all lane running [smart motorways] could be delivered with no overall reduction in safety compared to conventional motorways [with hard shoulders].”

The letter comes after numerous coroners have found the removal of the hard shoulder had contributed to the deaths of people in broken-down vehicles where the driver had failed to reach an emergency refuge area.



Mrs Jacobs said her husband had done everything he could to try to get to safety | CREDIT: Matt Jacobs

Mrs Jacobs said: “Now I’m going to boycott the inquest because I think it will be a whitewash and National Highways won’t be held fully accountable. Derek would be alive today if there had been a hard shoulder. It’s that simple. He did everything National

Highways says you should do in those circumstances; he pulled the van as far over as he could and was trying to get over the barrier before the other car hit. And, the Ford Ka wouldn't have encountered a vehicle in a live lane if the hard shoulder had been there."

A National Highways spokesman said: "Our deepest sympathies remain with the families of Derek and Charles, and all those affected by this tragic incident.

"We continue to fully participate in the inquest proceedings and it would be inappropriate to comment further until that process has concluded."

The inquest into the two deaths will be held in Chesterfield this week.

In February, Sarah Champion, the Labour MP for Rotherham, [urged the Government to abandon the rollout of smart motorways](#) that have no hard shoulders, claiming they are "death traps".

But Richard Holden, the roads minister, said smart motorways were "far safer" than other roads as they are constantly monitored with a network of cameras and stopped vehicle detection technology.

He said that 75 per cent of stopped vehicles were detected within 20 seconds and around 90 per cent detected within a minute.

Last year, the Government announced it would pause the roll out of new all-lane running smart motorway schemes, until five years of safety data was available; however construction on existing schemes will be completed.

News Headlines

News stories personally picked just for you



Sign up

Related Topics

Smart motorways, Road safety



The Telegraph values your comments but kindly requests all posts are on topic, constructive and respectful. Please review our [commenting policy](#).

Show comments
