

Scott MacCallum visits Dougal Duguid, Head Greenkeeper at Westhill Golf Club, the man at the centre of a civil court case which had major implications for the game...

The end of a nightmare



Above: Dougal Duguid, Head Greenkeeper at Westhill Golf Club

Below: Our circle indicates the location from which Muriel Milne played her stroke

On Thursday June 1 in Aberdeen Sheriff Court a civil law suit decision was made public which, had it gone the other way, would have had earth shattering implications for the entire game of golf.

While this is a reason for greenkeepers throughout the world to breathe great sighs of relief for one man it spelt the end of a long nightmare and the removal of a cloud which had been hanging over himself and his career for almost six years.

Dougal Duguid, Head Greenkeeper at Westhill Golf Club, eight miles west of Aberdeen, was able to celebrate once his lawyer had made the call to tell him that the Sheriff had decided in his favour, eight months after the two day long court case, but since then he has reflected on the outcome and what could have happened if it had gone the other way. He also feels that, despite the positive result, there are still reasons for the greenkeeping profession to move forward with caution.

The incident which resulted in the court action occurred on June 22,

1994, on the 6th hole of the attractive and affluent Aberdeenshire club.

A tough uphill par-3 over water faced lady member, Muriel Milne, but her drive didn't quite have the elevation required to clear the roughed bank some 50 yards in front of the green. She found the ball and prepared to play her recovery shot with a 5-iron. Unfortunately the ball flew up and struck her in the face causing her to lose an eye. The accident was particularly tragic as she already had limited sight in her other eye.

Dougal takes up the story.

"About a year later I learned that the incident was going to lead to a court case," he recalled.

Initially Mrs Milne, who claimed it was caused by her ball rebounding off a stone which had negligently been left on the golf course, sued the golf club and Dougal for £220,000. However, when it was determined that as a member of the club herself it would, in effect, have meant her suing herself she dropped the case against the club and sued Dougal alone for a sum of £107,000.

"The Sheriff said in his judgment that I'd done everything that could possibly have been asked of me and that there was no responsibility on my side whatsoever for what had happened," explained Dougal, as we sat in the attractive clubhouse with views over the hillside course.

"But if the decision had gone the other way I would have jacked in my job. Every time golfers went out on the course I'd have been wondering if they would come in and sue me," revealed Dougal, who ironically lost his own eye while working on a piece of greenkeeping machinery almost 24 years to the day before the decision was announced.

"The last five years have been a nightmare. I've managed to stand up to it fairly well but my wife and daughter have suffered badly. There is no way I'd have put the family through this again I can tell you. I'd have just had to look for another job," said Dougal, well aware, that as the family lived in a tied house, of the sacrifices that would subsequently had to have been made.

Having said that he is delighted with the support he has received for the golf club he has served for 25 years.

"The club was right behind me from the start. It was the club's solicitor who took on my defence and any damages would have been paid by the club and its insurers," said Dougal.

"They could quite easily have turned round once the case against the club had been dropped and said I was on my own, but they couldn't have been more supportive," said Dougal, a point reinforced by the number of members who came up to him to offer their congratulations as we walked down to the place where the incident had occurred.

Having survived such a career threatening episode Dougal can now take a more relaxed view of what might have happened if the result had gone the other way and why golf need not necessarily feel it is out of the woods.

"If I'd lost the case every greenkeeper in Britain, if not the world, would have had to look again at his course, and you must remember that



If I'd lost the case, every greenkeeper in Britain, if not the world, would have had to look again at his course, and you must remember that golf courses tend to be built on fairly poor land. I genuinely believe it would have finished an awful lot of golf clubs.

Dougal Duguid

golf courses tend to be built on fairly poor land. For instance, many courses in Spain and Portugal are built on lava with rocks sticking out of the ground. I genuinely believe it would have finished an awful lot of golf clubs," stressed Dougal.

"What would be classed as an acceptable stone to leave on the course and an unacceptable one which had to be removed if seen?" he asked.

"In future the stone picking on a new course would not just be the fairways but the rough and every other area of the course as well. It would cost an absolute fortune to build a new golf course.

"Even then stones eventually come to the surface and we'd need four or five more staff to go out before any golfer teed off to check every hole for loose stones. Having said that if a stone was just under the surface there is no way you could know it was there," said Dougal.

"It may have meant that every time a golfer visited a club the greenkeeper, if he was to be held responsible, would have had to have a say in whether he or she was allowed on the golf course. Everyone would have had to have proved they had personal accident insurance, as well as third party in case they hit anyone else," said Dougal, painting a picture which aligns playing a round to golf to driving a car.

"Basically it would finish golf for juniors because many of them wouldn't be able to afford to take out cover."

He does believe that the golf unions and the R&A are going to have to look at wording signs to inform people that golf is dangerous and that anyone playing a course should be properly insured before doing so.

The subject of marker posts and ladies' forward tees also raises concerns with the threat of a ball rebounding off a post which had been placed by a greenkeeper.

"We may need to look at markers which are flush to the ground instead," said Dougal.

Asked if he himself thought differently when out on the golf course he agreed that, to a degree, he did.

"We check things a bit more. Being

in the middle of a residential area we have a lot of vandalism with beer cans and bottles finding their way on to the course. We pick them up as soon as we see them now rather than making a note to pick them up on the way back to the sheds. It has certainly made me think a bit more."

Westhill Golf Club has a dry stone dyke bordering part of the course which sports a sign advising people not to climb it. This raises another interesting point.

"If on a Saturday afternoon, when I'm not on the course, someone does climb the wall - and it does happen - and dislodges a stone and a golfer comes along, fails to see it, and hits it would I be liable to be sued?" he asked.

He also poses the question of what would have happened if the Sheriff hadn't been quite so impressed by his diligence on the course.

"In my case the Sheriff said I'd done all that could have been asked of me but there might be another case where a Sheriff decides that the greenkeeper hadn't done enough or it might be that a different Sheriff might take a different view... albeit that my case might give a bit of guidance," he said, while also raising the point that a distinction may have been made had he been a Course Manager and not a Head Greenkeeper.

Dougal recalled that the Sheriff had asked why there were no signs on the banking but that he'd said that he had no way of knowing which area stones were going to come through on a 25 year old course.

These issues are burning and will continue to burn for quite some time but one thing is certain Dougal Duguid can now get back to doing what he is best at, maintaining Westhill Golf Club for the benefit of members and visitors, without his mind wandering off to wonder "What if I lose..."

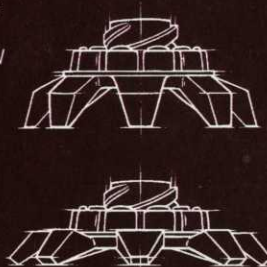
Anyone with a view on this case and the implications for golf should write to Scott MacCallum, at BIGGA HOUSE, Aldwark, Alne, York YO61 1UF or email to scott@bigga.co.uk



**WE COME IN
PEACE.**

Don't be afraid. Black Widow™ cleats only look aggressive. Using Softspikes® exclusive Dynamic Cleat Technology™ the Black Widow gently expands and contracts with each step. And its pliable material helps keep the peace between player performance and green-friendliness.

To take advantage of our introductory free cleats offer, participating clubs need only introduce a Highly Recommended non-metal policy. To enrol your club in the scheme or for more details phone us now on 01827 56544.



Dynamic Cleat Technology™



THE #1 CLEAT IN GOLF.



01827 56544

©2000 Softspikes, Inc.

Black Widow and Dynamic Cleat Technology are trademarks of Softspikes, Inc.