

Thursday, 29th January 2004

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(10.50 am)

MR JUSTICE DAVID STEEL: Yes, Mr Meeson.

MR MEESON: Sir, this morning our first witness is
Mr Tanton.

MR JAMES MICHAEL TANTON (sworn)

Examination by MR MEESON

MR MEESON: Mr Tanton, can you tell the court your full
name, please.

A. James Michael Tanton.

Q. Thank you. Can you tell me what your current position
is?

A. Well I am retired but I was previously a ship surveyor
with the Maritime and Coastguard Agency of the
Department for Transport.

Q. Can you give us a very brief indication of your
qualifications and experience?

A. I have an honours degree in naval architecture. I have
held various managerial capacities in the shipbuilding
and ship repair industry. On the demise of the
industry, I was fortunate to be given a post with the
Department for Transport as a ship surveyor where
I served for the last 18 years until my retirement.

Q. Thank you. What I want to try and do -- could you be
given two bundles, bundle AG15 and AG15.1, please.

1 A. Yes, I have them.

2 Q. Could you turn to page 235 of bundle AG15.

3 A. Yes, I have it.

4 Q. That is a heading, "11. Surveys and Classification".

5 If you turn through to page 246, there is another

6 section, section 12, called "Development of Regulations

7 since 1974". Are you the author of those sections of

8 the joint report?

9 A. Yes, I am.

10 Q. Do those sections in there still accurately reflect your

11 views on those two topics?

12 A. Yes, they do.

13 Q. Looking in bundle AG15.1, first of all at page 55.

14 A. I have it.

15 Q. There is there an appendix 11, and on page 134 an

16 appendix 12.

17 A. Yes.

18 Q. Do those two appendices go with sections 11 and 12 of

19 the main report?

20 A. Yes, they do.

21 Q. Are you the author of those?

22 A. Yes, I am.

23 Q. We have another bundle, AG14, which also has another

24 report of yours in. Just so I can make sure I have got

25 this correct myself, is that report there the same as

1 the report that has now been incorporated into AG15?

2 A. Yes.

3 Q. So we do not really need to look at AG14?

4 A. No.

5 Q. Thank you. Still in bundle AG15.1, we also have

6 a tab 15.2, where there is a document called

7 "Supplementary Notes on Stability", which runs through

8 from pages 1 to 8 and then has a number of documents

9 appended to it. On page 8 your name appears. Is this

10 another document that you have prepared?

11 A. It is.

12 Q. Then at 15.3 I think we have some documents that go with

13 that report; is that right? Basically the stability

14 book?

15 A. Well, they were not actually attached directly to my

16 report but they are relevant to it.

17 Q. They are relevant to it. Okay, thank you. And then at

18 15.4 we have another document called "A note on Factory

19 Deck Drainage". Is that a note that you prepared as

20 well?

21 A. It is.

22 Q. Then AG15.5, I think you have prepared there -- is this

23 right -- a summary of effectively section 11 of the main

24 report?

25 A. Correct. 11 and 12.

1 Q. 11 and 12?

2 A. Yes.

3 Q. And then for completeness, at AG15.6, there is a note
4 called "Notes on the Duff and Offal Chutes" with again
5 your name on it at page 3. Is that another note that
6 you have prepared?

7 A. It is.

8 MR MEESON: Sir, a lot of this material is available if you
9 or your assessors want to look at it in any detail.
10 I was not proposing to go through it in any great detail
11 because some of it is rather dense, if I can put it that
12 way. So what I was intending to do was to have
13 Mr Tanton summarise the important features on this area
14 of the evidence about the regulatory regime and then
15 perhaps concentrate on some his other work about duff
16 and offal chutes, if that is acceptable.

17 MR JUSTICE DAVID STEEL: Yes, of course. I have not myself
18 read these various dividers in the second volume of 15
19 and therefore would welcome a summary, and no doubt
20 questions will be directed to those parts which are
21 particularly pertinent to our investigation.

22 MR MEESON: A lot of it is work that needed to be done and
23 there is a lot of explanation, but I think the key
24 features are really the end results, particularly in
25 relation to the regulations. It may be that there is

1 a very helpful table where Mr Tanton has compared and
2 contrasted the regulations applying in 1974, on all
3 different subjects, with the regulations that apply now,
4 so that one can see how matters have moved on.

5 MR JUSTICE DAVID STEEL: Well that obviously would be
6 helpful. We must not forget there are vessels
7 presumably which were built on the old regime still
8 being used. Anyway, there it is. You take your own
9 course, Mr Meeson, and we will see how we get on.

10 MR MEESON: Mr Tanton, perhaps we can start with the
11 regulatory regime and your summary at AG15.5. You
12 explain there that you were asked to produce a report on
13 the regulations governing fishing vessels in force at
14 the time of the design and building of the Ranger
15 C-Class and also covering the short period whilst the
16 Gaul was in service.

17 A. Correct.

18 Q. You then explain that that report now appears in
19 section 12 of AG15. You then say:

20 "I was later asked to extend this report by
21 recording the surveys and inspections which were carried
22 out on the ship to confirm compliance with the rules and
23 regulations of the several authorities involved."

24 Then you say:

25 "The research required to produce these reports

1 showed that there was little legislation in force during
2 the relevant period, 1969 to 1974. The only statutory
3 requirements applicable to fishing vessels of the size
4 and type of Ranger Castor were sections of the Merchant
5 Shipping Regulations governing the provision of life
6 saving and fire extinguishing appliances, navigation
7 lights, radio communication equipment, the control of
8 oil pollution, the carriage and completion of log books
9 and the requirement to carry out musters and drills.

10 "There were no statutory requirements in force
11 governing structural strength, weathertight integrity,
12 stability, freeboard, machinery or electrical
13 installations, nor was it necessary to issue any form of
14 safety certificate."

15 Can I ask you this question: many people will have
16 heard of the load line convention and the requirement of
17 merchant ships which go to sea to have a load line. Did
18 that convention apply to fishing vessels?

19 A. No, it did not. There were two reasons for that.
20 Firstly, a fishing vessel normally takes on its maximum
21 draught whilst it is at sea on the fishing grounds, and
22 that would make it effectively impossible to police the
23 assignment of a freeboard to establish whether the ship
24 was overloaded or not.

25 The second reason why the load line regulations do

1 not apply to fishing vessels is that for the purpose of
2 fishing, they have to open their hatches at sea several
3 times during the course of their voyages, and that would
4 normally be contrary to the intent of the load line
5 conventions.

6 Q. When you investigated this, were you surprised to find
7 that there was very little statutory regulation of
8 fishing vessels at that time?

9 A. Well, I knew that enormous efforts had been made -- were
10 being made at that time to introduce some statutory
11 regulations governing fishing vessels, but I was -- yes,
12 I was surprised at the paucity of Merchant Shipping
13 Regulations which applied specifically to fishing
14 vessels.

15 Q. In particular, one may have thought, perhaps, that rules
16 governing such matters as structural strength,
17 weathertight integrity and stability might be matters
18 that one would think were equally applicable to fishing
19 vessels as to any other sort of vessel going to sea?

20 A. Yes, you would.

21 Q. You then go on to explain that:

22 "The UK Government had for some years been actively
23 supporting efforts at an international level to agree on
24 some recommendations for improving the safety of fishing
25 vessels and by 1969 the department was already very

1 heavily committed to consultations with representatives
2 of all sections of the UK fishing industry over the
3 development of a regulatory framework to be applied to
4 fishing vessels of over 24 metres in length."

5 That obviously coincides with the period when the
6 Gaul was built?

7 A. It does.

8 Q. Then you say:

9 "A comprehensive set of requirements was finally
10 agreed and came into effect with the issue of the
11 Fishing Vessels (Safety Provisions) Rules in 1975, just
12 over a year after the loss of the Gaul. These rules
13 absorbed the existing sections of the Merchant Shipping
14 Regulations which applied to fishing vessels and also
15 covered almost all other aspects of the safety of the
16 ships and of those on board. The only items not
17 included were standards of crew accommodation, radio
18 requirements and the certification of officers. These
19 aspects were regulated by later separate statutory
20 instruments."

21 So is the position that at the time the Gaul was
22 built and then operated, there were hardly any
23 regulations that applied to her but very shortly
24 afterwards this area was fully regulated, if I can put
25 it in that way?

1 A. Correct. Had the Gaul survived, it would have been
2 absorbed into what were then, in 1975, new fishing
3 vessel regulations.

4 Q. And would those have applied retrospectively to a vessel
5 that was already in service?

6 A. They would.

7 Q. Even such matters as structural strength and watertight
8 integrity and stability?

9 A. Correct.

10 Q. You then go on to explain that:

11 "Almost all distant water fishing vessels registered
12 in the UK were classed for insurance purposes with
13 Lloyd's Register of Shipping."

14 DR ALDWINCKLE: Excuse me for interrupting. Usually when
15 new rules are introduced by classification, the
16 structure is not retrospectively applied -- usually.
17 The only exceptions being the bulk carriers in recent
18 times for the transverse bulkheads. Thank you.

19 MR MEESON: Before we come on to classification, so we are
20 clear about this, the statutory regulations which came
21 in in 1975 did apply retrospectively, I think was your
22 evidence?

23 A. They would have, that is correct.

24 Q. So in that respect, they were different to the way
25 classification societies carried on their work?

1 A. Correct. Existing vessels were given a period during
2 which they could satisfy the regulations. It was not
3 applied on a specific day. They were given a period in
4 which they could, if necessary, make amendments and
5 provide themselves with stability information, make
6 structural adjustments, if it was thought necessary, or
7 whatever else was required in order to comply with the
8 1975 rules.

9 Q. Presumably there was some form of time limit during
10 which that had to be done, was there?

11 A. Correct.

12 Q. You have mentioned that almost all distant water fishing
13 vessels registered in the UK were classed with
14 Lloyd's Register, and you say the Ranger Castor was no
15 exception. You were here yesterday, I think, when we
16 heard evidence from Lloyd's Register about how their
17 rules operated?

18 A. I was.

19 Q. Is there anything that you would wish to add to what was
20 said by Lloyd's Register themselves?

21 A. No, I think it was a fair summary of the Classification
22 Society's rules in the area of fishing vessels.

23 Q. Thank you.

24 MR JUSTICE DAVID STEEL: Can I just understand. You have
25 told us there were no statutory requirements relating to

1 structural weathertight integrity and so on, but Lloyd's
2 have their own rules relating to those topics. Was the
3 effect that completion and building of the vessel in
4 accordance with Lloyd's requirements in fact would have
5 met these statutory requirements if they had been
6 applicable to the vessel?

7 A. That is correct, sir, yes. We have always accepted the
8 Classification Society rules and regulations as being
9 adequate for the purpose of statutory requirements.

10 MR JUSTICE DAVID STEEL: What was the point, therefore, of
11 leaving them out of the statutory requirements?

12 A. The wording in the 1975 Fishing Vessels (Safety
13 Provisions) Rules was very briefly to say that the
14 strength of the vessel should be adequate and that the
15 requirements of a classification society, compliance
16 with those requirements would be deemed to be adequate
17 for statutory purposes.

18 MR JUSTICE DAVID STEEL: I am sorry, I do not think I have
19 made my question clear, I do apologise. You have told
20 us in effect the fishing industry was exempt from the
21 statutory requirements up to 1975 relating to such
22 matters as structural strength and weathertight
23 integrity.

24 A. It was not so much that they were exempt, sir, it was
25 that there were no requirements.

1 MR JUSTICE DAVID STEEL: Okay, there were no requirements.
2 But in fact the vast bulk of these distant water fishing
3 vessels were classed with Lloyd's and therefore, in
4 a sense by default, met the statutory requirements.
5 Have I understood that correctly?
6 A. After 1975, when there were statutory requirements, the
7 department accepted the Classification Society standards
8 as adequate. Prior to 1975, there being no statutory
9 requirements governing those aspects which were class
10 matters, the department had no authority, really, over
11 the structural integrity of fishing vessels.
12 MR JUSTICE DAVID STEEL: I had better come back to this on
13 another occasion, I think. I am not making myself very
14 clear. Thank you. I understand what they call the
15 structure of the rules and the structure of class.
16 Thank you.
17 MR MEESON: Mr Tanton, I think perhaps what people find
18 surprising is the fact that, if you like, as far as the
19 government was concerned, they seemed to be not
20 interested at all in regulating fishing vessels prior to
21 1975.
22 A. I think the opposite was the case, sir. They had for
23 many years been conscious of the losses of fishing
24 vessels, and they had been putting considerable pressure
25 on the industry to agree on a set of statutory

1 requirements which would regularise the various safety
2 aspects of fishing vessels. That had not only been
3 a national endeavour but it had been done in conjunction
4 with the international community through the
5 Inter-Governmental Maritime Consultative Organisation.

6 Q. Thank you. You then go on, in your note at page 2, to
7 say:

8 "The ship was issued with a stability booklet which
9 showed that the criteria recommended by the
10 Inter-Governmental Maritime Consultative Organisation
11 were met provided the ship was loaded in accordance with
12 the prescribed conditions illustrated in the booklet and
13 provided also that due notice was taken of the guidance
14 given regarding the control of all weathertight closing
15 appliances, especially in bad weather. A special
16 warning was included in the booklet not to allow the
17 accumulation of water on the factory deck."

18 And then you say that you prepared a separate report
19 about that stability information book, which we have in
20 15.2. Perhaps if we could look briefly at that.

21 I am sure the commissioner has come across approved
22 stability books in other cases. Was there a requirement
23 for the department for the Ranger Castor, which became
24 the Gaul, to have an approved stability book?

25 A. Not an approved stability book, in that there was

1 a stamp on the cover which said, "This document has been
2 formally approved". I would prefer if we used the word
3 "assessed", in order that the department could be
4 satisfied that the content of the book complied with the
5 recommendations of IMCO.

6 Q. Was that a statutory scheme or was that some form of
7 voluntary scheme?

8 A. At the time of the building of the Gaul, it was
9 voluntary. It was a recommendation rather than
10 a statutory requirement.

11 Q. So good practice would mean that a shipowner would first
12 of all seek to have a stability book to put on board his
13 vessels, and secondly to have it assessed by the
14 department?

15 A. Correct.

16 Q. But presumably, it would have been possible -- or there
17 would have been no breach of a regulation if this vessel
18 had gone to sea without any stability book at all?

19 A. Well that is strictly true, but there were other
20 pressures on -- if that is the correct term -- on the
21 owners to provide the ship with stability information.
22 This particular series of Ranger C-Class vessels were
23 grant aided. The White Fish Authority were responsible
24 for the administration of those grants, and it is my
25 understanding that one of the requirements for the

1 receipt of a grant was that fishing vessels would have
2 on board stability information.

3 The other authority was the United Kingdom Trawlers
4 Mutual Insurance Company, who I understood also made it
5 a condition that stability books of ships insured with
6 that company also had stability information on board.

7 Q. I do not know whether you can answer this or not, but
8 are you aware of whether -- or the proportion of vessels
9 of this sort of size that would have been in receipt of
10 a grant from the White Fish Authority? Would it have
11 been most of them or ...

12 A. I would think practically all of them, at that period.

13 Q. Because that was at a time when the government could and
14 did support the fishing industry?

15 A. That is correct.

16 Q. So looking at it if you like from perhaps
17 a non-technical position, although there were no formal
18 statutory regulations requiring stability information to
19 be provided, in practice, if I have understood your
20 evidence correctly, the position would be that these
21 vessels would be provided with such information because
22 their owners would have been obliged to have had that
23 work done and put the books on board if only to receive
24 the grant to make the vessel economical to build?

25 A. I doubt whether any owner would want to send one of his

1 ships to sea without the stability having been
2 thoroughly investigated.

3 Q. But I am thinking in terms of perhaps an irresponsible
4 owner. He would be somebody who, if he were to obtain
5 a grant to build the vessel, which he would almost
6 certainly want to do, would in the end have to comply
7 anyway; is that a fair summary?

8 A. Statutorily he would certainly have had to comply on the
9 introduction of the 1975 Fishing Vessels (Safety
10 Provisions) Rules, because that was one of the rules
11 that was included.

12 Q. Yes, but prior to that, in practice, because he would
13 have been obtaining a grant from the White Fish
14 Authority, he would have, in practice, had to have
15 provided stability information?

16 A. Correct.

17 Q. Whether he wanted to or not?

18 A. Correct.

19 Q. Are you aware of the extent of the fleet that was
20 entered with the UK Trawlers Mutual?

21 A. No.

22 Q. You have no feel for that at all?

23 A. No. Several hundred I would put it at.

24 Q. If we turn in your report to 15.2, where you have
25 provided what you have described as supplementary notes

1 on stability, I think you have explained in that note
2 that there was a Board of Trade recommended code of
3 safety which suggested that stability information should
4 be provided, and then you have explained about the White
5 Fish Authority and the matters that you have told us
6 about now.

7 I think this is the case as well, is it not: that
8 you have looked carefully through the various copies of
9 the stability books that have been found relating to the
10 Ranger C-Class vessels and the Gaul in particular; is
11 that right?

12 A. Yes.

13 Q. Am I right that that was a bit of an exercise in trying
14 to work out which book was which and which one may have
15 been on board and which one may not have been on board?

16 A. Correct.

17 Q. Is this right: that there were some revisions to the
18 stability book --

19 A. Yes, there were.

20 Q. -- during the course of the vessel's life?

21 A. There were.

22 Q. From your researches, are you able to find out whether
23 the owners removed the old stability books before
24 putting new ones on board or whether they just put a new
25 one on board?

1 A. The only evidence I can offer is that during an
2 interview with Skipper Suddaby, he did chance to say
3 that, when asked whether there was a stability book on
4 board, he said, "Yes, there were several of them."
5 I cannot remember the exact words but that was the
6 impression I think he gave the inquiry.

7 Q. And I think you refer to on page 8 of your note, where
8 you have looked through the transcripts and you have
9 said:

10 "Day 6: transcript page 77: paragraph 2. When asked
11 if he had seen a stability book for Gaul, Mr Suddaby
12 said that there were quite a few on board."

13 That is the second bullet point under paragraph 47.

14 A. That is right, that is the section which I thought
15 indicated that perhaps the incorrect booklet had
16 remained on board. It may well have been superseded but
17 there was no evidence that the old one had been removed.

18 Q. Can you briefly tell us in what respects the stability
19 books had changed? How important would it have been to
20 have removed the old ones?

21 A. Well, I found that the first set of stability books
22 which were issued to the department for assessment had
23 no hydrostatics or stability curves included. That must
24 have been just a simple oversight. But I was concerned
25 because it may be that the booklet which had been issued

1 to the ship at the same time might also have been
2 missing those documents.

3 The major problem, however, was there was
4 a supplementary sheet of notes specifically for the
5 benefit of the skipper, advising him about certain
6 safeguards that he needed to take, like closing
7 watertight doors and making sure there were no free
8 surface effects, particularly on the factory deck, and
9 there was some debate as to the content of that note.
10 I think eventually the note was added to the stability
11 book, but we are not entirely sure at what stage.

12 Q. Thank you. And I think you have indicated in your note
13 about this text. At paragraph 20 you said:

14 "With hindsight it is unfortunate that these special
15 notes were at that time issued as a separate document
16 rather than as an integral part of the stability
17 booklet."

18 A. Correct.

19 Q. And you say:

20 "The current policy is to include such information
21 in an early section of the booklet. This has two
22 advantages: firstly, it avoids the danger of loose
23 sheets of paper being lost, and secondly, it enhances
24 the value of the booklet by drawing attention to those
25 aspects of stability which are of particular importance

1 in connection with the operation of the ship."

2 You say:

3 "There is evidence that these special notes became
4 a part of the final edition of stability books which
5 were issued to the remaining three sister ships after
6 the loss of the Gaul."

7 A. Yes.

8 Q. Is that the point that you were just making?

9 A. Yes.

10 MR JUSTICE DAVID STEEL: The special notes which were added
11 to the stability material as a separate document rather
12 than as an integral part of the stability booklet
13 included, did it, the special notes relating to:

14 "... the need for care in the use of liquids to
15 minimise free surface effects, the importance of closing
16 all exposed openings in bad weather..."?

17 A. Correct.

18 MR JUSTICE DAVID STEEL: Which was delivered in a separate
19 sheet on 17th March 1972?

20 A. Correct.

21 MR JUSTICE DAVID STEEL: And does it also include the
22 proposed text referred to in paragraph 19 by way of
23 addition of a warning note as to the serious impact of
24 weight and free surface of water in the factory deck?

25 A. Yes.

1 MR JUSTICE DAVID STEEL: So all those warnings were added by
2 separate special notes in separate documents, albeit
3 part of the stability material?

4 A. Correct.

5 MR JUSTICE DAVID STEEL: Thank you.

6 MR MEESON: If we turn through to page 32 and 33 of this
7 bundle, we have there something that says, at the top,
8 in capital letters:

9 "This notice has been requested by the Department of
10 Trade and Industry to be passed to all skippers."

11 Then it says:

12 "Ranger Castor: Special Notice to Skippers regarding
13 maintenance of adequate stability."

14 Is this the document that you were referring to?

15 A. Yes, that is right.

16 Q. Then I think the matters of particular concern are those
17 on page 33; is that right, where it says "Bad Weather
18 Precautions" and "General Precautions"?

19 A. That is correct.

20 Q. Under "Bad Weather Precautions" it says:

21 "In severe weather it is the skipper's
22 responsibility to ensure that all hull, deck and
23 superstructure openings are closed as far as is
24 practicable. In emergency conditions all openings must
25 be closed, particularly watertight doors, hatches and

1 ventilation trunks, and only opened at the skipper's
2 discretion."

3 Do you know what is meant by "emergency conditions"
4 there?

5 A. Well, if they had an abandon ship scenario or if there
6 was some urgent repair that was required to be
7 undertaken on deck where men had to go out of the
8 enclosed superstructure.

9 MR JUSTICE DAVID STEEL: It seems something rather like
10 closing the stable door after the horse has bolted to
11 say close all openings when there was an order for
12 abandoning the ship. It cannot mean that, can it?

13 A. It primarily means whether, at the discretion of the
14 skipper, it is necessary for men to go out onto the
15 deck.

16 MR JUSTICE DAVID STEEL: Emergency conditions must mean in
17 this context -- it is a very strange word to use --
18 seriously bad weather conditions.

19 A. Oh indeed, yes.

20 MR JUSTICE DAVID STEEL: Not emergency conditions.

21 A. Perhaps the wording is inappropriate, sir, but yes.

22 MR JUSTICE DAVID STEEL: While I have interrupted, so this
23 is a document that emerges on the ship from the shore at
24 some stage and is simply handed to the skipper, is it?

25 A. Yes.

1 MR JUSTICE DAVID STEEL: It is not inserted into a stability
2 booklet, it is just an instruction emanating from the
3 shore?

4 A. It would have been in this particular case, yes. Today,
5 we would expect that sort of note to appear as an
6 integral part of the stability book.

7 MR JUSTICE DAVID STEEL: That I understand. But in those
8 days, at that time, in respect of this particular ship,
9 this was a separate document which was treated as
10 a skipper thought appropriate. And is there any
11 suggestion that this was clipped together with, or
12 inserted into, the stability booklet of the Gaul?

13 A. There is no indication of that, sir, no. It was just
14 a separate document.

15 MR JUSTICE DAVID STEEL: Thank you.

16 MR HOPPER: I think if you look at the letter on page 31, it
17 is effectively telling the owners of the vessel what to
18 do with that. I think that letter and the notice are
19 the same date, are they not, Mr Tanton?

20 A. Yes.

21 MR HOPPER: It simply says to hand this notice to the
22 skipper?

23 A. Yes.

24 MR MEESON: And then the second precaution is where it says
25 "General Precaution", and it says:

1 "In view of the serious effect of the weight and
2 free surface of water which can build up in the factory
3 deck it is essential to keep this water to a minimum at
4 all times."

5 Do you see that?

6 A. Yes.

7 Q. Obviously it is very difficult, looking back at this,
8 but do you think that wordings such as those that are
9 used here are entirely satisfactory to bring home to the
10 skipper of a fishing vessel, whose primary concern is to
11 catch as much fish as possible, the seriousness of these
12 two issues?

13 A. I think we have heard that in order to qualify as
14 a skipper they have to attend various training courses,
15 which includes instruction on stability aspects,
16 including also the effects of free surface. So I think,
17 basically, all officers on board would know the dangers
18 of having a free surface anywhere in the ship.

19 This note, I suppose you could argue, might have
20 been a little clearer as to what is meant by "serious",
21 but it just brings to the attention of the officers that
22 they have to watch the presence of any free surface
23 anywhere in the ship and not allow it to accumulate.

24 Q. Right.

25 MR JUSTICE DAVID STEEL: I am so sorry to interrupt. Can we

1 go back to paragraph 18 when you refer to this
2 17th March -- the notations there come from document 3A,
3 do they? I follow. Sorry, I am just finding it rather
4 difficult to follow this material. So document 3A
5 contains as a separate note the various recommendations.
6 Again, I am not sure I am following.

7 Paragraph 18, you identify the recommendations that
8 were made specifically but separately from the stability
9 booklet. Where are these recommendations? Can I see
10 them?

11 MR MUNYARD: Sir, it is page 13 in the same section.

12 A. Letter dated 5th December.

13 MR JUSTICE DAVID STEEL: I have got that. Where does that
14 deal with the need for care in the use of liquids?

15 A. I do not think that particular section appears in this
16 letter. But the point that the department headquarters
17 specifically asked was that the note which was already
18 in the stability book should also appear in the Special
19 Notice to Skippers. I think you will find that in
20 a correspondence a bit earlier.

21 MR COOPER: Sir, maybe page 22 will help you. I think the
22 notice was originally introduced in relation to the
23 earlier vessels and then carried across to the
24 information for the Ranger Castor later on.

25 A. Yes. The letter dated 29th March is the one, on

1 page 22.

2 MR JUSTICE DAVID STEEL: So we are back to paragraph 19,
3 therefore I am not understanding the relevance of
4 paragraph 18.

5 A. Yes.

6 MR JUSTICE DAVID STEEL: Where is the original version of
7 these special notes? I am not understanding.

8 A. The original version of --

9 MR JUSTICE DAVID STEEL: "This original version of these
10 special notes covered the following topics ..."

11 Where is it?

12 A. I think you will find it on page 20, sir. You will see
13 that that particular final paragraph was missing from
14 the text on page 21 but it was included in the text on
15 page 25.

16 MR JUSTICE DAVID STEEL: Okay. I will have to read it
17 again. Thank you.

18 MR MEESON: Sir, I was trying to concentrate on, rather than
19 go right through the minutiae of the history of the
20 Ranger C-Class vessels, to try and concentrate on the
21 Gaul, where I think the relevant part is really picked
22 up at paragraph 32, which is then the document that we
23 have just seen, the Special Notice to Skippers.

24 You say, in paragraph 33:

25 "The DTI copy of the endorsed booklet is noted as

1 currently being in circulation. It can be identified by
2 the existence of the stamps and initials on parts A, B,
3 C and D and also by the manuscript words 'file copy' on
4 the front page."

5 Then you say at 34:

6 "It is noted that the copy of the stability booklet
7 presented at the original formal investigation does not
8 have the four endorsement stamps, one on each part
9 document. It is probable therefore that this document
10 was provided by the builders and was a copy of edition
11 2. This version of the booklet was allocated the
12 reference 'Document 28' at the original formal
13 investigation and was paginated for ease of reference
14 with numbers 251 to 300."

15 I think that is a document that we have now in
16 15.3 --

17 A. That is correct.

18 Q. -- where the document says "OFI 28" and then there is
19 written on it in manuscript, which looks to me like the
20 writing of the late Mr Brice, "Approved by DTI", and it
21 says, "Ranger Castor stability data and tank
22 capacities".

23 That is the document that we are looking at?

24 A. Yes, correct.

25 Q. Is this right: that the document that the original

1 formal investigation was working to, apart from the
2 absence of stamps, is the same as the version in the
3 department's files?

4 A. A copy of this book is in the department's files, yes.

5 Q. And there is no material difference between the copy
6 that we have at 15.3 and the copy that was in the
7 department's files?

8 A. No, except that it is an early version and this was
9 subsequently amended.

10 Q. Right.

11 A. An error was found in this information, as you probably
12 know, Mr Meeson, as a result of the loss of the Gaul.

13 Q. Yes. As a result of the loss of the Gaul, is this
14 right, investigations obviously focused on stability,
15 and the department discovered that the hydrostatic
16 curves produced by the builders themselves contained an
17 error?

18 A. The stability curves did, yes.

19 Q. The stability curves?

20 A. Yes.

21 Q. As a result of which, is this right, that for the sister
22 vessels, after the loss of the Gaul, the stability books
23 had to be revised?

24 A. Correct.

25 Q. In paragraph 35, you say:

1 "On 8th December 1972 the owners forwarded to the
2 DTI a copy of the Special Notice to Skippers regarding
3 maintenance of adequate stability and confirmed that
4 a copy had been handed to the skipper of Ranger Castor.
5 These notes were accepted by the DTI as being
6 satisfactory and this document was before the OFI."

7 Then you go on in 36 summarising the position:

8 "During the short period in service between
9 August 1972 and February 1974, the Gaul had on board
10 a copy of a stability booklet, though there is no
11 confirmation as to which edition was in use. From
12 December 1972 to February 1974, the booklet in use on
13 board should have been the corrected edition 3, accepted
14 and endorsed by the DTI. There should also have been on
15 board the separate two-page special notice to the
16 skipper. Both the stability booklet and the special
17 notice to the skipper contained the warning note about
18 dangers of allowing free surface of water to develop on
19 the factory deck."

20 So is this right: that if Skipper Nellist had found
21 these documents on board and read them, he would have
22 been aware of the requirement to keep to a minimum free
23 surface -- the accumulation of water on the factory deck
24 so as to avoid free surface?

25 A. Correct.

1 Q. Then you explain in the remainder of your report the
2 revision that we discussed a moment ago. And then you
3 have helpfully recorded for us, in paragraph 47, some
4 references from the transcript, dealing with certain
5 matters concerning stability. Perhaps if we can go
6 through those. You say:

7 "Day 6: transcript page 77: paragraph 1. The
8 regular skipper of Gaul, Mr Suddaby, was asked whether
9 he had made a detailed study of the stability
10 characteristics of the Gaul to which he replied that he
11 had not."

12 The next reference is the reference we have already
13 looked at, to there being quite a few stability books on
14 board. Then you say:

15 "Day 6: transcript page 78: paragraph 2. Mr Suddaby
16 was asked if he had studied the notes in the stability
17 booklet about filling number 2 double bottom tank with
18 water ballast, to which he replied, 'No, I do not think
19 I did'. It is not clear how many of the ship's officers
20 were aware that this tank had been converted to a fuel
21 oil tank."

22 Was that an important matter as far as you are
23 concerned or not?

24 A. Yes, it was.

25 Q. Why was that?

1 A. Well, there could have been conditions obviously of
2 which the officers might not have been aware in which
3 the emptying of that tank from fuel oil might have
4 seriously influenced the stability of the ship. It was
5 there originally in the design intended for water
6 ballast, to be used in conditions of, say, severe icing
7 or for other reasons of maintaining a suitable trim.

8 Q. And is this the point: that if you have a ballast tank,
9 then you might know when -- or you might address your
10 mind to when it should be filled for the purposes of
11 trimming or reducing the centre of gravity in certain
12 conditions?

13 A. Correct.

14 Q. But if it is a fuel oil tank, you might think that it is
15 a tank where you just take fuel out as and when you need
16 the fuel?

17 A. Yes, correct.

18 Q. Without addressing your mind to the effect that that may
19 have on the overall stability of the ship?

20 A. Yes. It was also of concern that there was no
21 alteration or amendment to the stability book to take
22 account of this change.

23 Q. And then you refer to Day 6, transcript page 78,
24 paragraph 4:

25 "When asked whether he had noted the warning in the

1 stability booklet about the dangers of allowing water to
2 accumulate in the factory space, Mr Suddaby said,
3 'I read it but I did not take a lot of notice of it'.
4 It is evident that the warning was included in both the
5 stability book and in the Special Notice to Skippers."

6 That would suggest that this may not have fully
7 penetrated the consciousness of the regular skipper?

8 A. Correct.

9 Q. Then you say -- again Day 6, page 78, paragraphs 5 and
10 6:

11 "At the time of handing over Gaul to Skipper Nellist
12 there does not appear to have been a discussion with
13 Skipper Suddaby about the stability characteristics of
14 the ship."

15 I think we have heard other evidence -- you may not
16 have been here -- that as far as one can tell, apart
17 from putting the stability booklet and the special
18 notice on board the vessel, Skipper Nellist does not
19 appear to have been given any instructions by anybody
20 about the stability characteristics of the vessel.

21 A. I could not find any evidence to that effect.

22 Q. "Day 7: transcript page 76: paragraphs 1 to 6.

23 Mr Rounsevell, on behalf of the Ranger Shipping Company,
24 confirmed that number 2 double bottom tank had been
25 converted by the owners into a fuel oil tank."

1 So that is confirmation of the point that you were
2 making earlier?

3 A. Correct.

4 Q. Is there anything else that you think we should be aware
5 of about the stability issues that you have covered in
6 your main report?

7 A. I do not think there are, no.

8 Q. Then if we could turn back to 15.5, page 3 --

9 MR JUSTICE DAVID STEEL: Can we just take stock? The Gaul
10 had a stability booklet?

11 A. Correct.

12 MR JUSTICE DAVID STEEL: It did not have to have a stability
13 booklet as a matter of law, but as matter of practice it
14 did because of the requirements of underwriters and the
15 requirements of the White Fish Authority?

16 A. Yes, and the good sense of the owners.

17 MR JUSTICE DAVID STEEL: And the good sense of the owners.
18 The stability booklet contained in it an express
19 reference to the need to avoid free surface water on the
20 factory deck?

21 A. It did.

22 MR JUSTICE DAVID STEEL: It was later supplemented by what
23 I might call a written notice to the skipper, approved
24 by the department, emphasising that point and one or two
25 other matters like the closing of weathertight hatches?

1 A. I think it did not happen later. I think it happened
2 coincident with the issue of the stability book.

3 MR JUSTICE DAVID STEEL: But that notice was later added to,
4 or amended, by a further reference to the requirement to
5 keeping free surface out of the factory deck?

6 A. Correct.

7 MR JUSTICE DAVID STEEL: The stability booklet was incorrect
8 in two respects. Firstly, it had an error about the
9 influence of the foredeck on righting levers?

10 A. Yes.

11 MR JUSTICE DAVID STEEL: And secondly, at some stage, the
12 original owners for "operational reasons" had wanted to
13 convert number 2 double bottom from the water ballast
14 tank to a fuel oil tank?

15 A. Correct.

16 MR JUSTICE DAVID STEEL: The Gaul was converted in that
17 respect at some stage by the owners?

18 A. That is my understanding, yes.

19 MR JUSTICE DAVID STEEL: But no amendment was made to the
20 stability book in that respect?

21 A. I have not been able to find an amended stability book.

22 MR JUSTICE DAVID STEEL: Is that a fair summary of your
23 findings?

24 A. Yes.

25 MR JUSTICE DAVID STEEL: Thank you.

1 MR HOPPER: Could I ask one question. The stability booklet
2 that I am looking at here, Mr Tanton, is significantly
3 different to the later stability booklets which were
4 much more user friendly to the skippers and mates having
5 to use them. The later books show profiles of the ship
6 with different forms of loading. It seems to me, with
7 respect to whoever prepared them, that these early
8 versions are not very helpful to skippers. Would you
9 agree with that?

10 A. Well, the booklet I have has got the profile of the
11 ship. I think the originals were actually coloured to
12 show different dead weights on board. Maybe it has not
13 been included in the copy you have. But the practice
14 was certainly followed by Brooke Marine of including in
15 the book a number of different loading conditions, and
16 the profile of the ship was coloured to indicate where
17 they were.

18 MR MEESON: Sir, if one takes OFI bundle 1 and turns to
19 page 251, I think one then sees --

20 MR HOPPER: This is a part of that.

21 MR MEESON: I think there may be an incomplete part. I do
22 apologise, I had not noted that.

23 MR HOPPER: Thank you very much.

24 MR MEESON: OFI bundle 1, page 251, and then if one follows
25 that through to, for example, page 259, there are

1 various profiles with coloured markings to show what is
2 in what tank. I do not know if that helps Mr Hopper.

3 MR HOPPER: Yes, I thought there was something missing.

4 Thank you very much.

5 MR MEESON: The next matter that you deal with in your
6 summary note is the difference between a survey and an
7 inspection from the department's point of view. As an
8 ex-surveyor and inspector, I suppose you would be well
9 qualified to explain to us, in simple language, what the
10 difference is.

11 A. Well, I have done both. Do you wish me to do that?

12 Q. Yes, please. Rather than me read out what you have
13 written, perhaps you could just tell us in your own
14 words.

15 A. Yes. There was a distinction. A survey would be
16 carried out on a ship at the invitation of the owner,
17 with the objective of either issuing the first statutory
18 certificate, maybe a safety equipment certificate or
19 a load line certificate or safety construction,
20 whatever, or to renew that certificate on its expiry or
21 to carry out an intermediate survey of the ship to
22 ensure that the condition remained satisfactory.

23 There would always be some form of certificate
24 issued or endorsed, if it was an intermediate survey,
25 and a fee would be charged for that work.

1 The department are also, however, charged with
2 carrying out random inspections of all ships under
3 powers granted under the Merchant Shipping Acts. These
4 are not associated with the issue of a certificate.
5 They are done purely to ensure that the condition of the
6 ship on that day continues to be acceptable to the
7 department.

8 If, during an inspection, unsatisfactory conditions
9 are found on board, then the surveyor has authority to
10 issue an improvement notice or a prohibition notice. In
11 some cases he actually has the power to detain the ship
12 until he is satisfied that it is seaworthy. And the
13 ultimate power that the surveyor has is to withdraw the
14 certificate that is relevant to the defect. There are
15 no charges levied for these inspections unless a return
16 to the ship at some later stage is required to check
17 that the remedial work has been completed or to lift
18 a detention or for the purpose of re-issuing the
19 certificate.

20 Q. I do not know if you can answer this, but in the Hull
21 Marine office in 1974, do you know roughly how many
22 surveyors there would have been?

23 A. Well, I was not there at the time but I know a man who
24 was and he has told me.

25 Q. Right. How many did he tell you?

1 A. Ten.

2 Q. What geographical area did the Hull Marine office cover
3 at that time?

4 A. As I recall, it was from the Humber as far as just south
5 of Whitby, and inland covering small passenger vessels
6 as far as the boundary with Lancashire.

7 Q. Prior to 1975, was there a dedicated fishing vessel
8 surveyor in that office?

9 A. I am informed that there was not.

10 Q. I think we have heard some suggestions that surveyors
11 might hang around the docks looking for ships to come in
12 to go and walk around. Is that how the inspection
13 regime worked, or not?

14 A. Well, that is a rather derogatory expression, sir. We
15 were not so fortunate as to have people who could afford
16 the time to hang around.

17 Q. No.

18 MR JUSTICE DAVID STEEL: Can I just make sure this is of
19 significance. Is there any evidence of a Merchant
20 Shipping Act inspection, prior to her loss, of the Gaul
21 or any of her sister ships?

22 A. No. Only the initial one when the ships were first
23 built.

24 MR JUSTICE DAVID STEEL: That was a survey, however?

25 A. No, that was an inspection, sir.

1 MR JUSTICE DAVID STEEL: Was it?

2 A. Yes.

3 MR JUSTICE DAVID STEEL: Thank you.

4 A. There being no regulatory framework, there was no call
5 for an actual survey. It is a bit pedantic.

6 MR JUSTICE DAVID STEEL: I understand.

7 MR MEESON: Can you just, so that people can understand
8 that, explain to us the circumstances in which an
9 inspector might decide to visit a particular ship?

10 A. At that time?

11 Q. At that time.

12 A. I think it would depend very largely on the availability
13 of the surveyor. It would happen if the office ever
14 received an anonymous complaint from a member of a crew
15 about conditions on board; it there had been an
16 accident; if there had been a fire. There were a number
17 of circumstances where the chief surveyor in the office
18 would allocate a surveyor particularly to go down to
19 a specific ship for some purpose.

20 Q. There would normally be some initiating reason to carry
21 out an inspection?

22 A. At that time, yes.

23 Q. Would it have been likely that a ship that was less than
24 two years old would have been subject to a random
25 inspection by the department?

1 A. It is unlikely. May I just add that there was
2 a requirement under the Merchant Shipping Regulations to
3 inspect life saving appliances and fire extinguishers as
4 part of the ongoing -- to ensure that those particular
5 items were being maintained as new, effectively.

6 Q. You have explained at page 5 of your report the role of
7 the White Fish Authority in the UK Trawlers Mutual
8 Insurance and Protection Company, and you explain that
9 the White Fish Authority's primary role was to ensure
10 the quality of fish being delivered to the fish and chip
11 shops.

12 A. Correct.

13 Q. Is that right?

14 A. Yes.

15 Q. But in doing that, it obviously had an important role --
16 is this right -- in the sort of fishing vessels that
17 were going to be used and designed?

18 A. Correct.

19 Q. You have explained that their surveyors had wide powers
20 to enhance specifications, increase proposed scantlings
21 or require alternative or additional equipment, and that
22 their authority extended from the time of construction
23 through to a period of five years from the date when the
24 vessel had entered service. And you said:

25 "During this initial five year period White Fish

1 Authority surveyors would carry out occasional
2 inspections on grant aided vessels to ensure that no
3 unauthorised modifications had been made and to confirm
4 that the ships were being maintained and operated to the
5 authority's satisfaction."

6 You say:

7 "There was an informal arrangement whereby any
8 observed deficiencies were reported to the owners and
9 these were immediately rectified."

10 Are you aware of whether the White Fish Authority
11 had any powers if the owners did not rectify
12 deficiencies?

13 A. No. I asked that question and it seems that they did
14 not.

15 MR JUSTICE DAVID STEEL: Can I just go back -- I am so
16 sorry -- to a question I asked you a few moments ago
17 about whether there was any evidence of a Merchant
18 Fishing Act inspection prior to her loss. Your answer
19 was:

20 "No, only the initial one when the vessel was first
21 built."

22 A. Yes.

23 MR JUSTICE DAVID STEEL: Which was, as you put it, not
24 a survey but an inspection because there was no
25 regulatory framework. That is what you said.

1 A. Perhaps I could just correct that, sir. There was
2 a regulatory framework in that there were regulations
3 requiring life saving appliances to be provided. The
4 point I should have made, really, was that there was no
5 requirement for the vessel to have a safety equipment
6 certificate because it was not engaged on an
7 international voyage. To be precise, therefore, you
8 could not really call it a survey; it was more an
9 inspection. And indeed the only document that was
10 issued after that initial survey was called a record of
11 inspection. The survey 183.

12 MR JUSTICE DAVID STEEL: I was looking at that. I just want
13 to make absolutely plain, the only Board of Trade
14 inspection, whether required or not, resulted in the
15 safety equipment record of inspection for the Gaul
16 issued in July 1972?

17 A. Yes.

18 MR JUSTICE DAVID STEEL: There was no other inspection, or
19 of her sister ship?

20 A. Not that I know of and I do not think one would have
21 been required.

22 MR JUSTICE DAVID STEEL: Thank you. I think we will take
23 our morning break.

24 (12.00 pm)

25 (A short break)

1 (12.15 pm)

2 MR HOPPER: Could I just ask, Mr Tanton, for clarification
3 on one thing? It is this question of number 2 double
4 bottoms. The stability booklet, any one of these pages
5 here, 273 or thereabouts, where the ship shows the
6 number two tank as water ballast; correct? Number 2
7 double bottom tank is water ballast.

8 A. That is what I found, yes.

9 MR HOPPER: In your own report -- I know it is not your
10 calculations, but the DOT loading condition is a bit
11 ambiguous because it actually lumps that double bottom
12 as part of the fuel oil capacity, but then when you look
13 at it, it has got "WB" alongside the number 2 double
14 bottoms. When I raised it with Mr Suddaby yesterday, it
15 was about 248 tonnes of oil. I am not sure whether
16 I have got water or oil in number 2 double bottom.

17 A. I think I can explain that. The calculations which were
18 part of the 1974 formal investigation, those
19 calculations were carried out knowing that that tank was
20 at that time used for fuel oil. The figures for dead
21 weight which the owners gave to the department would
22 have assumed that that tank was either full or part full
23 of fuel oil.

24 What I am saying is that the original stability book
25 that was put on board showed that tank to be a water

1 ballast tank, as it then was when it was completed by
2 Brooke Marine. Have I not made that clear?

3 MR HOPPER: I think you have made it as clear as you can for
4 the moment. Thank you.

5 MR MEESON: Mr Tanton, you also discussed briefly in your
6 report the role of the UK Trawlers Mutual Insurance and
7 Protection Company, and you say:

8 "The demise of the fishing industry on the Humber
9 led to the closure of the company in the early 1980s and
10 practically all the technical records of the
11 organisation have been destroyed. Nevertheless, it is
12 recalled that, for insurance purposes, the company had
13 a comprehensive set of requirements with which all ships
14 insured through that company had to comply. To a large
15 extent these technical safety requirements mirrored
16 those at the Board of Trade and the Classification
17 Society but in some respects they went further,
18 anticipating requirements introduced much later into
19 statutory regulations."

20 You give as an example the use of fire protection in
21 high risk fire areas. Then you say:

22 "The company employed surveyors who, whilst
23 principally concerned with the examination of damage and
24 claims adjusting, would take note of any aspect of
25 safety seen on board any ship they chose to board which

1 they felt needed remedial action."

2 Are you aware whether insurance company surveyors
3 would randomly visit vessels or would only go when there
4 was some insurance issue to be dealt with?

5 A. I think the latter.

6 Q. You finish by summarising three particular points which
7 you think the court might want to take note of, which
8 are basically areas which have been re-examined in
9 relation to the findings of the original formal
10 investigation. The first matter that you deal with is
11 a question of freeing ports.

12 Sir, what I propose to do with freeing ports is to
13 put that issue to one side, pending further information
14 from Lloyd's as to what their calculations show, and
15 then come back to that, perhaps slotted in at a later
16 stage.

17 MR JUSTICE DAVID STEEL: Sure.

18 MR MEESON: Secondly, you say:

19 "The scantlings of Gaul were approved by Lloyd's for
20 a maximum draught of 16 feet. The stability booklet
21 shows that in certain loading conditions this draught
22 would be exceeded."

23 A. Yes.

24 Q. Could you explain to us what the relevance of that is,
25 or the importance of that?

1 A. Well, having approved the structural drawings for
2 a maximum draught, one would not expect the ship to be
3 loaded beyond that draught.

4 MR JUSTICE DAVID STEEL: Is that a mean draught or --

5 A. Yes, a mean draught.

6 MR JUSTICE DAVID STEEL: Thank you.

7 MR MEESON: If the draught was going to be greater, would
8 you expect the scantlings to be greater?

9 A. Correct. What I do not know, Mr Meeson, is whether
10 there was sufficient margin on the Lloyd's approved
11 scantlings to accommodate a larger draught.

12 MR JUSTICE DAVID STEEL: Can I just make sure I understand.
13 If you look at OFI1, page 265, condition 7 -- are you on
14 the right page?

15 A. Yes.

16 MR JUSTICE DAVID STEEL: You are saying that this is an
17 example where the mean draught is 8 inches in excess of
18 16 feet?

19 A. Correct.

20 MR JUSTICE DAVID STEEL: But the scantlings were for
21 16 feet?

22 A. Correct.

23 MR JUSTICE DAVID STEEL: Thank you.

24 MR MEESON: Would the 8 inches make much difference?

25 A. I think you would really have to ask Lloyd's that, but

1 it certainly would make a difference to the department's
2 view of the safety of the ship. If I may just amplify
3 that. If the ship had been assigned a freeboard mark,
4 that freeboard mark would have been determined by the
5 16 feet limit set by scantlings. And if a department
6 surveyor had seen that ship loaded to 16 feet 8 inches,
7 it would have been a contravention of the load line
8 rules. So the same principle applies.

9 Q. Right. Can I just ask you this: in terms of the
10 practical effect, there is no evidence of structural
11 failure from the wreck?

12 A. None whatsoever.

13 Q. So I am just wondering whether this point, albeit it may
14 be a technical point, is really of any relevance in our
15 consideration of what happened to the Gaul on her last
16 voyage?

17 A. I do not think -- there is no evidence that it
18 contributed to the loss.

19 Q. You then refer at the bottom of the page to say:

20 "The current investigation has focused some
21 attention on the design and operation of the duff and
22 offal chutes, particularly as they were both found to be
23 in the open position on the wreck. The drawing of these
24 disposal chutes has been examined and it may be of
25 interest to the court to know that the weight of waste

1 material required to open the hinged flap has been
2 estimated to be about 35 lbf."

3 Is that right?

4 A. Yes.

5 Q. And then at 15.6 we have your notes on the duff and
6 offal chutes from which that conclusion is reached.

7 Is this examination of this aspect a matter that you
8 have discussed with the other experts in this case?

9 A. I have.

10 Q. And does this note represent your views or the joint
11 views of everybody who has looked at this?

12 A. I believe I am at liberty to say that it was a joint
13 agreement.

14 Q. Thank you. You explain about the drawings, and you
15 explain that the draughtsman's calculations on the
16 drawings are incorrect because he has failed to take
17 account of the weight of the flap itself?

18 A. Correct.

19 Q. It seems to be a rather fundamental error, if I may be
20 permitted to say so.

21 A. You may.

22 Q. You say that part of the problem of getting an exact
23 result is that of course one does not know the weight of
24 the flap because the dimensions given in the drawing, as
25 I understand it, would mean that the flap could not

1 close. So there is not enough room for the flap given
2 the dimensions of the drawing on the hole?

3 A. Yes, the experts committee spent a lot of time trying to
4 work out what size the flap actually was. The drawing
5 is not very good.

6 Q. No. You also consider, in paragraph 6 of your note on
7 duff and offal chutes at page 2 of 15.6, you say:

8 "The design of the hinge is considered too elaborate
9 for the purpose of operating the flap."

10 Could you explain what you had in mind by that
11 comment?

12 A. Well, it just occurred to me that what was really
13 required for this hinge was something really simple and
14 not too tight in its bearings because of the environment
15 in which the flap had to operate. It seemed too
16 sophisticated for that particular job. The machined pin
17 was fitted quite accurately into a brass bush and being
18 mild steel it struck me as being subject to corrosion.

19 Q. So the use of mild steel in what was inevitably a very
20 wet seawater-affected area was not, perhaps, the most
21 sensible choice of materials; is that right?

22 A. Well, it is easy to say things like this with hindsight
23 but it certainly would not have been my choice for
24 material.

25 Q. You say that it is likely to corroded. What would be

1 the effect of corrosion on that spindle, on the hinge?

2 A. The entire non-return flap would seize up in time.

3 Q. You say it is not clear how the spindle could be

4 repaired or replaced should the need arise. So if it

5 did seize up in that way, so that it was not free to

6 flap up and down, what could be done about it to ease

7 it, if anything? Was there any remedial action that

8 could be taken?

9 A. Apart from forcing it, you mean?

10 Q. Yes.

11 A. Well, one would replace the pin with something more

12 suitable. But to do that you would have to burn off the

13 balance weight, as far as I can see, because there was

14 no other way of getting the pins out.

15 Q. If that was the case, was there any means of ensuring

16 that the pin was greased to protect it from that

17 corrosive environment?

18 A. There was no indication on the drawing that there was

19 a grease nipple on either pin.

20 Q. It would seem, then, from your evidence on this, that it

21 was almost inevitable that this thing was going to be

22 seized up after a while?

23 A. I am afraid that is the conclusion we came to.

24 Q. If it was seized in the closed position, it would mean

25 that it just could not be used at all?

1 A. Well, obviously you could force it open by applying
2 force to the balance weight, which was outside the
3 actual chute.

4 Q. It would make more sense -- if every time you wanted to
5 get rid of some duffs you had to put the duffs in and
6 then force the counterbalance weight to force the flap
7 open, that would be fairly irritating for the person
8 having to do that job, would it not?

9 A. Yes, it would. But I think I must say that this ship
10 was relatively new, and I would not have expected it to
11 have degenerated to a seized position over a period of,
12 say, 18 months. I think we are maybe talking over two
13 or three years.

14 Q. Right. Okay. You also say that the spindle is in
15 a square section and inevitably the corners of the
16 square would become rounded off over time?

17 A. I believe so, yes, with the impact of the flap moving up
18 and down.

19 Q. And what would the effect of that be on the mechanism of
20 the flap?

21 A. It would mean that the hinge was no longer connected to
22 the flap.

23 Q. And what would that do to the flap?

24 A. The flap would remain in the open position.

25 Q. So the flap would just flap down and stay there; is that

1 right?

2 A. Correct.

3 Q. Do you have any opinion on the length of time that that
4 wear and tear might take place or is it one of those
5 things that would depend how often it is used?

6 A. I am afraid so.

7 Q. Apart from the question of freeing ports which I think
8 we will leave over until we have had a response from
9 Lloyd's that you can then consider -- and we might have
10 to have you back again to consider freeing ports -- is
11 there any other aspect of the work that you have done
12 that you think the court should be aware of that we have
13 not covered so far?

14 A. No, I do not think so.

15 Q. Thank you. If you wait there, others will have some
16 questions for you.

17 Sorry, there is one matter I did forget to deal
18 with, and that is I think you have an opinion on the
19 photograph AGP5 where there are the wires on the dogs
20 underneath the fish hatches; is that right?

21 A. Yes.

22 Q. What is your opinion as to what those wires may have
23 been for?

24 A. Well, I was very interested to hear Skipper Suddaby's
25 view yesterday because I had held exactly the same

1 opinion. The problem with these hatches, which are
2 secured using dogs, is very similar to the problem with
3 any watertight closing appliances fitted with dogs: you
4 often find that the handle of the dog, or the dog
5 itself, can turn into a position where, when the hatch
6 or door is being closed, the dog fouls the edge of the
7 opening in which it is supposed to fit and you cannot
8 close the hatch or the door.

9 I have tried many times during the course of my work
10 as a surveyor to encourage manufacturers of hatches and
11 doors to fit a short length of sprung steel immediately
12 adjacent to the dog so that when the dog is in the open
13 position it can be retained in that position, secured
14 lightly by this spring clip, and I failed. For years
15 I failed. I have never seen one. I have described them
16 often enough but I have never actually seen the idea
17 taken up.

18 What I think I was looking at here is a very simple,
19 rudimentary and not necessarily very successful way of
20 achieving the same objective. When these hatches close
21 they tend to judder occasionally. The hydraulic system
22 sometimes has air locks in it, and the shaking of the
23 hatch as it closes can sometimes slightly displace the
24 dog, particularly because they are usually quite loose
25 and free, I would stress, so that the corner of the dog

1 would foul the edge of the opening. And someone has to
2 go down and turn the dog so that the hatch can close
3 properly.

4 What I think the crew member has done there is he
5 has tried to restrain the dogs from moving so that they
6 would obstruct the opening.

7 Q. Thank you. That is very clear.

8 MR JUSTICE DAVID STEEL: Mr Meeson, you have not asked
9 Mr Tanton to deal with 15.4. Is that deliberate?

10 MR MEESON: No, it is an oversight.

11 15.4 is a note on factory deck drainage, where you
12 have explained the drainage arrangements, and in
13 particular you have explained about the Turo pumps that
14 we have heard a lot of evidence about, particularly
15 their propensity to get blocked with fish and fish
16 pieces.

17 You also then refer here to:

18 "On Day 8 of the 1974 formal investigation,
19 Mr Chalmers, the engineer superintendent of the Ranger
20 Fishing Company [the former owners] said that there was
21 a factory deck suction just forward of the engine room
22 casing on the port side and another suction forward of
23 the casing round the liver oil plant room on the
24 starboard side. Neither of these are shown on any of
25 the builder's drawings nor are they listed on the

1 Lloyd's initial survey report."

2 You then say:

3 "It is known that the owners were concerned about
4 the accumulation of water on the factory deck in these
5 areas after the first ship in the series had completed
6 its first trip."

7 You attach to this some correspondence that has been
8 found in the microfiche records that we have. In
9 particular, if we turn on to page 6, where there is
10 a letter dated 10th November 1971 from Ranger Fishing to
11 Brooke Marine, referring to the Ranger Cadmus, and it
12 says:

13 "Our representative has recently returned from two
14 weeks at sea on board Ranger Cadmus during which time
15 the vessel was fishing commercially in the Barents Sea
16 area.

17 "We have now had an opportunity to study his report,
18 and it is apparent that certain features in the design
19 and construction of this vessel will need investigation
20 and possible alteration."

21 And then discusses how that might be resolved. But
22 they go on to say:

23 "In particular, however, we feel you should be aware
24 that the factory deck drainage system is not adequate,
25 and that considerable quantities of water are able to

1 collect forward of the port and starboard engine room
2 casings. This is not only having a serious effect on
3 the conveyor belts, causing them to slip with consequent
4 loss of production, but the water is of sufficient
5 quantity to adversely affect the seakeeping
6 effectiveness of the ship as a whole.

7 "We regard this matter as most serious, and look
8 forward to your early proposals to rectify it in the
9 ships now under construction, and your further proposals
10 for its rectification in the Ranger Cadmus on her return
11 to base in approximately two and a half months time."

12 Then there is another letter, again about the
13 Ranger Cadmus, on the next page, 15th December 1971,
14 where they first of all refer to the list observed on
15 the Ranger Cadmus, and then in the second paragraph they
16 say:

17 "In the meantime the vessel is now fishing in the
18 White Sea and is suffering from the affects of windage,
19 light displacement and loose water on the factory deck.
20 This matter is being investigated and a remedy has been
21 found for removing the water from the factory. The
22 matter of light displacement will be dealt with by
23 ourselves, most probably by the ship taking on
24 additional bunkers when this combination of
25 circumstances arises. However, there is little doubt

1 that with the area of superstructure represented by this
2 design of ship, a substantial angle of heel can be
3 produced by wind force alone.

4 "I would therefore ask you to look into the
5 possibility of high speed transfer for fuel from one
6 side to the other, at the same time of course bearing in
7 mind the fact that the ship may only be on one bearing
8 [by which I think they mean heading] of say an average
9 of 3 [something] hours at one time. What we have in
10 mind is the possible transfer of the after deep tanks
11 from one side to the other, and which could, at best,
12 provide a shift of ballast of say 120 tonnes.

13 "We would be glad to have your comments on this,
14 both in regard to the effect that this transfer may have
15 on say an angle of heel induced by the wind of
16 15 degrees, and also whether a suitable pump could be
17 installed to carry out this function."

18 There is then on the next page another letter, dated
19 29th March 1972, which says:

20 "On the completion of voyage one of the
21 Ranger Cadmus, the ship's officers reported an
22 accumulation of water on the factory deck to a depth of
23 one foot at the aft end of the athwartship washplate
24 when the vessel was trimmed by the head."

25 Is it right that what you believe resulted from this

1 was this additional drainage into the engine room bilge
2 system?

3 A. Yes.

4 Q. And that this was then fitted on the Gaul; is that
5 right?

6 A. Yes.

7 Q. Do you know why -- since the suggestion is that they be
8 corrected for consequent ships, why it does not appear
9 on the builder's drawings for the Gaul?

10 A. I have no explanation of that. It certainly should have
11 been, and I think Lloyd's ought to have been notified as
12 well.

13 Q. But are you satisfied that that did exist on the ship?

14 A. Well, I have not personally seen it, but it does seem to
15 tie up with the correspondence, that they had solved the
16 problem -- that Ranger Fishing Company had solved the
17 problem themselves. It ties in with Mr Chalmers'
18 evidence, that there were what he said there were:
19 a number of suction on the factory deck wings.

20 Q. Is that right, that they are fairly forward in the
21 factory deck space?

22 A. I believe that they would be sited slightly aft of --
23 two, one each side, would have been sited slightly aft
24 of the coaming across the ship, at frame 45, and that
25 another pair, one port and one starboard, would have

1 the Gaul's tragedy.

2 Is it right that the only regulations that applied
3 to fishing vessels at the time of the Gaul's voyage were
4 four rather miscellaneous regulations relating to
5 anchors and chain cables, wages and accounts, provisions
6 and water and metrification?

7 A. No, there was a section in the Merchant Shipping
8 Regulations appropriate to vessels of what was called
9 class 10, which were fishing vessels, and that covered
10 such things as life saving appliances, fire
11 extinguishers, the prevention of pollution by oil, the
12 requirement to carry a log book on board and the
13 requirement for the skipper to undertake musters and
14 drills.

15 Q. With the exception, then, of life saving equipment and
16 associated regulations such as musters and drills, it is
17 right to say that there were no regulations governing
18 the safety of fishing vessels at the time of the Gaul's
19 last voyage?

20 A. No other regulations, correct.

21 Q. In view of the black record of loss of life and serious
22 injury occurring on fishing vessels, and the total
23 losses of fishing vessels which were appreciated by the
24 late 1960s, was not this fact rather a lamentable one?

25 A. I do not think that is for me to say. That is a

1 government decision?

2 Q. The fact that by the end of the 1960s, it was
3 undoubtedly appreciated that in the ten-year period up
4 to 1966 some 90 deep sea trawlers had been involved in
5 serious casualties or become total losses; do you recall
6 that statistic?

7 A. I have seen the statistics to that effect, yes.

8 Q. And there had been an addition to those total losses and
9 serious casualties some 1,000 plus of minor casualties?

10 A. That is possible.

11 Q. This is admittedly historical, but it is relevant
12 historical background to the situation of the Gaul in
13 early 1974. Was not this black record one key reason
14 why government regulation had become necessary?

15 A. Absolutely.

16 Q. In 1968 there had been these three tragic total losses
17 caused by ice?

18 A. Yes.

19 Q. And that, together with the record I have just
20 mentioned, triggered the government, very properly, to
21 set up a committee under Sir Deric Holland-Martin to
22 investigate trawler safety?

23 A. That is correct.

24 Q. He produced a most painstaking report on the subject of
25 trawler safety in, I believe, July 1969?

1 A. I believe that was the time, yes.

2 Q. Was not a central conclusion of Sir Deric's committee
3 that there should be statutory requirements imposing
4 a duty of seaworthiness on British trawler vessels?

5 A. It was central.

6 Q. It was central?

7 A. To that report, yes.

8 Q. Precisely. Indeed, you have done all the hard work for
9 us, but I would like to draw attention, if convenient,
10 in bundle 14 at page 141, to that report, and it is
11 recommendation number 20:

12 "The Board of Trade should seek powers to lay down
13 statutory requirements on trawlers' weathertight
14 integrity and structural strength, by applying to them
15 certain of the requirements for merchant ships contained
16 in the International Convention on Load Lines."

17 In short, the desire was to impose on owners the
18 duty of ensuring the vessels' watertight integrity?

19 A. Correct.

20 Q. Still in this section, at page 163, paragraph 92:

21 "The matters covered by Conditions of Assignment are
22 all basic features affecting the seaworthiness and
23 safety of the ship and crew; in particular, the
24 requirements relating to weathertightness are relevant
25 to stability. Keeping a ship's superstructure

1 weathertight may help to preserve positive stability at
2 large roll angles, since flooding of the superstructure
3 could lead to capsizing. We have ourselves seen trawler
4 superstructure doors which were anything but
5 weathertight. We were surprised to find that British
6 fishing vessels are not required to comply with any
7 statutory requirements on seaworthiness, and we consider
8 that the minimum standards in this field laid down for
9 merchant ships in the Load Line Rules -- and backed up
10 by regular surveys by independent surveyors -- could
11 usefully be applied to deep sea trawlers."

12 And then the recommendation follows from that.

13 The load line convention that the committee has
14 referred to was one which, if statutorily imposed, would
15 have obliged owners to make their trawlers seaworthy; is
16 that right?

17 A. Yes.

18 Q. I have used the word "seaworthy" compendiously. Rules
19 requiring them to achieve weathertight integrity of --

20 A. We must not forget that many of these vessels were
21 classed with Classification Societies and their rules
22 covered some of this particular ground.

23 Q. I will come on to that in just one second. But the
24 committee deemed a statutory obligation necessary?

25 A. Yes.

1 Q. Going back, if we may, to page 141, to look at the 24th
2 proposal that was made:

3 "Trawlers should be regularly surveyed and issued
4 with certificates of compliance with the statutory
5 requirements on stability and seaworthiness."

6 I should read on.

7 "25. The Board of Trade should consider delegating
8 part of the survey work to approved classification
9 societies and perhaps to the mutual trawler insurance
10 companies in some of the fishing reports."

11 So far as the 24th proposal is concerned, that was
12 obviously deemed prudent and necessary. What I would
13 like you to agree, if you do agree, is that at the time
14 this report was produced, Classification Society
15 governance of trawlers, fishing trawlers, was very much
16 a fact of life and had been a fact of life for many
17 years?

18 A. I agree.

19 Q. And Classification Society governance of these ships had
20 not proved effective?

21 A. Well, I do not think you can blame Lloyd's for icing
22 conditions in the North Atlantic.

23 Q. But at all events, do you consider that the committee
24 addressing trawler safety in 1969 was simply envisaging
25 the enactment of a requirement for regular surveys which

1 went no further than the existing pattern of periodic
2 surveys which class societies already provided?

3 A. Oh, I would not accept that. I think the intention of
4 the department was much more far reaching than you
5 indicate.

6 Q. Indeed. I am grateful to hear you say that. But the
7 intention would have been to bolster the regularity of
8 surveys that was already provided by classification
9 societies on a one year or two year continuous survey
10 basis?

11 A. Yes.

12 Q. Thank you. So much for the history. You explain in
13 your report that in your opinion, there were two reasons
14 for the state of affairs of non-regulation of the
15 trawler industry as at the time of the Gaul's voyage.
16 Partly you attribute it to the government's
17 laissez-faire attitude to regulating the industry
18 itself; is that right?

19 A. That certainly -- yes, that is right.

20 Q. That is what you say?

21 A. Yes.

22 Q. And also you blame, in part, the congenital resistance
23 of the trawler industry itself to change?

24 A. Yes.

25 Q. Are those two factors, in your judgment, the reason why

1 we had the state of affairs in February 1974 of no
2 legislation covering the seaworthiness of these ships?

3 A. No. No. I think it was merely an impediment to
4 progress, but progress was being made.

5 Q. Why did it take more than five years to get any
6 legislation onto the statute book? This may be
7 something you cannot answer.

8 A. No, I can give you an idea why. It is of prime concern
9 always to the department to engage in the utmost
10 consultation with any industry over the introduction of
11 new legislation, and it simply took that long to get
12 agreement on all the myriad aspects that were involved.

13 Q. Very well. Can you look at a different bundle, OFI1,
14 page 46. I am sure you will be familiar with this
15 document when you see it. It is Mr Pearson's survey
16 report dated 8th June 1973 on the Ranger Castor.

17 A. Okay, I have got it.

18 Q. It contains a declaration in tiny print at the bottom of
19 the page that the items detailed in the report comply
20 with the requirements of the Merchant Shipping (Cargo
21 Ship Construction and Survey) Rules 1965 applicable to
22 this ship.

23 It is a fact -- and I am sure you are fully aware of
24 it -- that that Merchant Shipping Regulation in fact did
25 lay down safety requirements, and indeed seaworthiness

1 requirements, for many classes of merchant ships but
2 specifically excluded fishing vessels?

3 A. It excluded fishing vessels, yes. I know why this is
4 here.

5 Q. Can you help us?

6 A. Lloyd's simply used a form that they would normally use
7 for cargo ships. They did not have separate forms for
8 fishing vessels. They should have put an ink line
9 through it, that is all.

10 Q. Well, they should have done, and in one sense it was for
11 the benefit of the Gaul that they used this form?

12 A. I do not think it made any difference, really.

13 Q. Well, would the detail we see on the next page, the
14 standard format of items to be examined, be required
15 under that Merchant Shipping --

16 A. Yes, it could well be, yes. Yes. There were many
17 common features on cargo ships and fishing vessels which
18 obviously prompted Lloyd's to use the same form.

19 Q. Very well. You have gone through exhaustively with
20 Mr Meeson this morning the position relating to the
21 stability booklet and also your report. If we can look
22 at your bundle 15.2, page 7 -- sir, I have noticed that
23 I am overrunning. It is a matter for you. It is
24 a convenient moment.

25 MR JUSTICE DAVID STEEL: If you would like to take a break

1 now, we will do so. Thank you. 2 o'clock.

2 (1.03 pm)

3 (The short adjournment)

4 (2.07 pm)

5 MR SALOMAN: Mr Tanton, you can put to one side bundle 15.2.

6 Could you open 15.4. You have helpfully tabulated the
7 quantities of water inflowing into the factory space for
8 processing and cleaning. The total is 46 tonnes per
9 hour; do you see that?

10 A. Yes.

11 Q. And that comprises water to the Baader machines, to the
12 fish bins and to the fish chutes.

13 This is solely inflow used for processing and
14 cleaning the machines, the bins and the chutes?

15 A. Correct.

16 Q. Have you made any allowance for water which might be
17 used from the donkey or hose that was attached to the
18 fire main?

19 A. No.

20 Q. So insofar as that hose was used, that would be an
21 additional quantity of water?

22 A. There is some doubt about whether a fire hose was
23 actually used as a supplementary form of cleaning.

24 Q. Certainly, but that is a matter of factual evidence on
25 which there are different statements from different

1 witnesses.

2 A. Yes.

3 MR JUSTICE DAVID STEEL: What do you understand to be the
4 output of the fire main or the hose on the donkey?

5 A. I have no figures for it, sir.

6 MR JUSTICE DAVID STEEL: Thank you.

7 MR SALOMAN: At any rate, if the water was left running
8 after processing had finished -- and by that I mean left
9 running on the machines and possibly from the hose
10 attached to the fire main -- and the two Turo pumps were
11 left on and were running effectively, there is
12 sufficient pumping capacity to get rid of the water
13 inflow?

14 A. More than enough, yes.

15 Q. More than enough?

16 A. Yes.

17 Q. If they are working effectively?

18 A. Yes. Could I go back to your previous question,
19 Mr Saloman?

20 Q. Yes, do.

21 A. Perhaps this question ought to have been addressed to
22 the mate or the skipper, but is it not possible that
23 this donkey that you refer to, was that not used for
24 helping the fish out of the chutes and cleaning them in
25 the fish bins? I think it may well be included in the

1 figures here.

2 Q. Well, that is really my question, as to whether you made
3 any allowance for water flowing from the main hose.

4 A. I am sorry, I did not enquire into the source of these
5 particular -- well, as far as the Baader machines are
6 concerned, yes, they were individually piped up from the
7 pumping system, the factory deck pumping system.

8 Whether the fish bins and the fish chutes were fed from
9 the same system or from the fire main would be
10 a question you would have to address to the mate.

11 Q. Or address to somebody else?

12 A. Or somebody, yes.

13 Q. But not you?

14 A. Not me, please.

15 Q. Very well. The factory deck drainage is a topic which
16 you have given some evidence on at page 6 of this
17 section, arising from the letter at page 6. It is
18 Mr Rounsevell's letter, and he has told us that the
19 factory deck drainage system was not adequate in
20 November 1971, and that prompted further correspondence.

21 And at page 8, this letter of 29th March 1972:

22 "... the ship's officers reported an accumulation of
23 water on the factory deck [of the Ranger Cadmus] to
24 a depth of one foot at the aft end of the athwartship
25 washplate when the vessel was trimmed by the head.

1 "At that time there was no method by which the water
2 could be pumped clear of this area, and in the interests
3 of the safety of the vessel, Ranger fitted additional
4 suction and isolating valves to overcome this problem.

5 "This modification was carried out on both the
6 Cadmus and the Calliope ..."

7 I just want to be quite clear about the location of
8 these extra drain wells. You have provided a useful
9 drawing at page 4 of that section. The drain hats that
10 we can see to the right of the bulkhead were original
11 drain hats?

12 A. I understand, sir, yes.

13 Q. Similarly, the two immediately to the left of that
14 bulkhead, were they also original?

15 A. No, as it says --

16 Q. They were fitted later?

17 A. -- I believe they were fitted later.

18 Q. Right. I think we are completely agreed as to the
19 location of those?

20 A. I think they are the ones that are referred to in this
21 letter from Ranger Fishing Company.

22 Q. Yes. What about the two at the end, on the left-hand
23 side, which you have put at slightly different positions
24 on respectively the port and starboard side?

25 A. Yes.

1 MR JUSTICE DAVID STEEL: What was the question?

2 MR SALOMAN: There is a document in OFI bundle 1 which

3 indicates the location of these drain hats and I just

4 wondered whether you had taken that into account or for

5 some reason discounted it. It is at document 29,

6 page 246. There will also be in due course a plan which

7 you will want to look at in the second volume of AG16.

8 A. Are you in the stability book?

9 Q. No, this is not the stability book.

10 A. I am in the wrong file then.

11 Q. It should be OFI1.

12 A. Yes. Page what?

13 Q. Page 246, top numbering.

14 A. Did you say there was a drawing?

15 Q. No, not at this stage. It is a document.

16 A. I have got it, yes.

17 Q. The document is an agreed statement that was prepared

18 for the first formal investigation in 1974. It starts

19 at page 241. I do not know whether this is a document

20 you have ever considered, but at page 246 they do give

21 the positions of these various suction. I am reading

22 from the first main paragraph:

23 "Two 90 tonnes/hour each electrically driven Turo

24 pumps were fitted at the after end of the factory deck

25 to discharge the factory drain water directly overboard.

1 In addition, four 2-inch bore bilge suction were fitted
2 at the forward end of the factory deck -- two suction
3 on the port side and two suction on the starboard side.
4 On each side one suction was arranged immediately
5 forward of 14-inch high breakwater and one suction
6 immediately aft of the breakwater. The breakwater was
7 positioned at frame 45 ..."

8 That is what you mentioned this morning?

9 A. Yes.

10 Q. "... for the full breadth of the factory deck. In
11 addition, two 2-inch bore bilge suction were provided,
12 one on the port side at frames 29/30 and one on the
13 starboard side at frames 31/32."

14 A. Yes, I have seen this document.

15 Q. Yes. I just wondered why you had situated your
16 starboard drain hat where you did. There may have been
17 a reason for it. But you have situated it significantly
18 aft of the port drain hat. On the face of things, one
19 would expect, if this document is right, to find the
20 starboard drain hat somewhat further forward even than
21 the port one?

22 A. I would ask to you take this sketch as a diagrammatic
23 arrangement, that there would be a hat somewhere in that
24 vicinity.

25 Q. That is fine. Right. The drawing that we have lends

1 support to the document that I have just read.

2 A. Okay.

3 Q. Those are the positions.

4 On the matter of the duff and offal chutes, by your
5 calculations the flap would still need 35 lb weight to
6 shift it?

7 A. About that, yes.

8 Q. In the light, at any rate, of Mr Scott's evidence -- did
9 you hear Mr Scott give evidence?

10 A. I did.

11 Q. There is at least the possibility that the flaps on the
12 Kurd and the Kelt were seized in the open position.

13 A. He said that.

14 Q. Yes. You said, in your evidence, that the spindle in
15 the square section could wear down.

16 A. The square section is a short part of the spindle which
17 was used to connect the hinge to the, on the one hand,
18 counterbalance weight, and on the other hand, to the
19 flap itself. The spindle was actually circular in
20 section.

21 Q. Yes. The corner section would be squared and those
22 corners, as I understand your evidence, could wear
23 away --

24 A. Yes.

25 Q. -- and become round?

1 A. They were short sections of the length of the spindle
2 which were used for connecting purposes.

3 Q. And would not the time that this wear down would take to
4 occur depend on the use?

5 A. Absolutely.

6 Q. The more the use, the more the wear down?

7 A. Absolutely, yes.

8 Q. Would you agree with Mr Lowes of Lloyd's that the
9 prudent course is to inspect these flaps regularly
10 between every voyage?

11 A. That would be an operational matter, yes.

12 Q. Precisely because such items can develop defects such as
13 seizure relatively quickly?

14 A. Well, they are certainly in a corrosive atmosphere and
15 they are used for some rather unpleasant material, which
16 is sticky and could easily adhere to any metal.

17 Q. Precisely. Seizure can and sometimes does occur in
18 these parts quite rapidly whatever one's hopes and
19 expectations based on the age of the ship?

20 A. That is true.

21 Q. One certainty is that there is no grease nipple fitted
22 to facilitate the lubrication of these parts of the
23 chutes?

24 A. There is none shown on the drawing.

25 Q. And quite apart from the wearing of that section of the

1 spindle that you have just described to me, the flaps
2 could get seized open, or indeed presumably closed by
3 the ordinary effects of water and rust?

4 A. Yes.

5 Q. And certainly if they were deliberately secured open,
6 that operation would facilitate their seizure over time?

7 A. I do not think that they would need to be deliberately
8 held open for them to seize up. I do not think it would
9 make any difference.

10 Q. I am just putting to you that if they were, and they
11 were held fixed in a secure open position, but
12 nonetheless subject to water and fish remnants, then
13 seizure will occur that way as well as the other way?

14 A. Well, it is true that the more you use something, the
15 less likely it is to seize up.

16 MR SALOMAN: Thank you very much, Mr Tanton.

17 Examination by MR MUNYARD

18 MR MUNYARD: A few more questions, please, Mr Tanton.

19 I would like you, please, to turn to volume AG15.1.
20 That is the appendices volume. It is page 249, please.
21 Sorry, it is AG15. It is section 12, AG15. Wrong
22 volume.

23 While that is being obtained, you told us earlier --
24 you have it, I am grateful. You told us earlier in your
25 evidence, I think to Mr Saloman, that the department

1 always did its utmost to consult with owners in their
2 efforts to bring about changes in practices and
3 procedures.

4 A. It is the department's policy, yes.

5 Q. Yes, of course: it is the policy. But it is right, is
6 it not, that at every stage, even in consultation, you
7 found the owners reluctant to agree to changes in
8 practices?

9 A. No, I would not say at every stage. There are always
10 occasions when one has to persuade people of the value
11 of what you would like to see in the regulations, and
12 there is bound to be occasional differences of opinion
13 on the value of what it is you are trying to achieve.

14 Q. I am sure that is right, but I think you put it slightly
15 differently. Would you look, please, at
16 paragraph 12.3.10 on page 249. AG15.

17 A. I think that is not my page 249. I have got a hydraulic
18 system -- I have got it.

19 Q. Good. Is this your comment:

20 "Many hours of consultation with industry
21 representatives have preceded every aspect of the
22 regulations and there is hardly a requirement that has
23 not been subjected to various degrees of resistance in
24 the course of its progress on to the statute book."

25 A. That is correct.

1 Q. That is when you were attempting to consult with the
2 industry prior to the introduction of regulations?

3 A. Well, I think it is a fairly general problem.

4 Q. You have answered my next question, thank you. Whether
5 you were dealing with them in relation to regulations or
6 earlier before the 1975 regulations came in, would that
7 also be true of your dealings with the owners prior to
8 the introduction of the regulations?

9 A. I am not really able to quantify the extent of the
10 difficulties that the department faced, but certainly
11 they were very successful.

12 Q. And certainly there was always a degree of resistance?

13 A. I think it is fair to say that, yes.

14 Q. Thank you. You told us that you were yourself a marine
15 surveyor before you retired.

16 A. That is correct.

17 Q. And I think you were based for some of your career in
18 Hull itself?

19 A. As a surveyor?

20 Q. Yes.

21 A. The whole of the time.

22 Q. The whole of your career?

23 A. Yes.

24 Q. So you yourself were on the dockside, I presume, in
25 Hull?

1 A. Correct.

2 Q. Over the period of time that you were there, what
3 proportion would you say of the whole fleet were fishing
4 trawlers, in broad terms?

5 A. Well, whilst I have been a surveyor we have always had
6 the benefit of an individual fishing vessel surveyor.
7 I have tended to therefore restrict my work to the
8 occasions when either he was overloaded or off ill or on
9 holiday.

10 Q. Right. But are you able to help us, in broad terms,
11 with the proportion of the whole fleet that were fishing
12 vessels? Were they almost entirely fishing vessels or
13 not, and if so, what proportion?

14 A. Sorry, are you talking about the total workload in the
15 department's offices in Hull?

16 Q. No, I am talking about the number of vessels in Hull.
17 How many were fishing vessels and how many were other
18 kinds of merchant vessels?

19 A. What time? What year?

20 Q. During the periods that you were there, in particular
21 around the time that we are most concerned with, in the
22 early 1970s.

23 A. Of course I was not a surveyor then. But during the
24 time that I have been a surveyor, the number of fishing
25 vessels that we have been involved with has not only

1 decreased in number but has decreased very significantly
2 in size. The majority of work done by our fishing
3 vessel surveyor has been on the middle and near water
4 fleets. There were about half a dozen deep sea fishing
5 vessels in 1982 when I joined and two now.

6 Q. Are you able to help as to the proportions, the numbers,
7 back in the early 1970s?

8 A. The dock was full of ships in those days. You could
9 walk the whole length of the dock from one fo'c'stle
10 head to the next.

11 Q. Can you help us on what proportion of those vessels
12 would have been fishing vessels?

13 A. I would say, in numbers, pure numbers, they would be
14 about equal. There would be about as many merchant
15 ships using the ports of Hull, Grimsby and Immingham as
16 there were fishing vessels.

17 Q. During the time that we are concerned with, are you able
18 to assist us with the amount of times when the
19 Department of Trade and Industry inspectors conducted
20 random inspections?

21 A. Just clarify again. Are you talking about during my
22 service or previously?

23 Q. No, during the early 1970s. Are you able to give us any
24 idea as to how frequent random inspections of the
25 fishing fleet vessels would have taken place?

1 A. Prior to the introduction of the 1975 fishing vessel
2 rules, I would guess that those inspections would be
3 infrequent and mainly prompted by accidents, complaints
4 from crew and -- possibly that is all.

5 Q. That is all. Can you tell us, was there a specific
6 avenue through which crew could make anonymous
7 complaints?

8 A. The telephone.

9 Q. Was there any organisation, any kind of office that they
10 could go to?

11 A. They would ring up the offices of the department in
12 Hull. We might get a letter occasionally. I have known
13 people correspond directly. I have even known letters
14 come to us through the port chaplain or from the
15 Seafarers Union.

16 Q. Apart from those occasions and accidents, fires, that
17 sort of thing, you cannot think of any other occurrence
18 that might have prompted that random inspection?

19 A. Not prior to the introduction of the fishing vessel
20 rules.

21 Q. In 1975?

22 A. Right.

23 Q. All right, thank you.

24 A. Sorry, can I just qualify that?

25 Q. Certainly.

1 A. As I have said earlier, there were certain aspects of
2 fishing vessel safety which were covered by merchant
3 shipping rules. Life saving appliances, fire
4 extinguishers and facilities on board for preventing
5 pollution by oil, for example, they would be -- it would
6 be necessary for those items of safety equipment to be
7 regularly inspected, but I think you are talking about
8 random inspections.

9 Q. Indeed.

10 A. Just to check on the status of the ship generally.

11 Q. Indeed, yes. Status, and insofar as it was obvious to
12 any inspector or surveyor, the seaworthiness of the
13 ship?

14 A. Yes. May I say that it is difficult to carry out an
15 inspection on a vessel for which there are no
16 regulations. We tended to leave that aspect of the
17 seaworthiness and safety of the ships to the
18 classification societies, who had their own rules in
19 force at the time.

20 Q. The classification societies, of course, only attended
21 on the vessels by the invitation of the owners?

22 A. Yes, but they were periodic. It was not just whenever
23 they felt -- you know, the owners thought, "We had
24 better have a Lloyd's man down". There were intervals
25 of about a year when they had to go.

1 Q. Indeed. But in between those intervals, the
2 Classification Society surveyors would only inspect
3 a vessel by invitation?

4 A. Yes.

5 Q. Thank you. Two final matters, please. One is the
6 suction pumps that you have just been asked about. I am
7 not going to take you back to your drawing, but do you
8 have any indication, for example in records from either
9 the ship builders or others, repair yards or whatever,
10 that those additional pumps were actually installed on
11 the Gaul?

12 A. I do not think they were pumps. I think they were
13 sumps.

14 Q. Sumps, very well.

15 A. And I think they were placed in the approximate
16 positions I have indicated by the Ranger Fishing Company
17 in North Shields.

18 Q. So you think they were done by the then owners
19 themselves?

20 A. They have said in the correspondence I have found that
21 we have resolved the problem.

22 Q. Indeed, we have seen that.

23 I would also like you, please, to look at a letter
24 from the department to Rangers. This is in Volume 15.2
25 at page 17. Do you have that, Mr Tanton?

1 A. Yes, I have it in front of me.

2 Q. It is a letter dated 15th March 1972 to Mr Rounsevell of
3 the Ranger Fishing Company. It is from a CF Howard from
4 the Department of Trade and Industry at Sunley House.
5 He writes as follows:

6 "Dear Mr Rounsevell, I hear from Mr Donaldson of
7 Brooke Marine Ltd that your company is bothered about
8 the reference in my letter of 21st February confirming
9 the acceptability of the stability criteria submitted
10 for the Ranger Cadmus, and in Instruction No 7 of its
11 enclosed Special Notice to Skippers, to the necessity
12 for the closure during severe weather of hatchway
13 covers, doors, deadlights et cetera to safeguard
14 stability."

15 It then goes on -- and this is what I want to ask
16 you about really:

17 "This is an obvious sort of point, but it is of
18 particular importance in some smaller or older vessels
19 especially side trawlers though less vital in the case
20 of modern stern trawlers with more freeboard and
21 different arrangements. I am sure you will understand
22 that our standard form of the Notice to Skippers
23 required to be drafted to cover all possible types of
24 fishing vessel and that overemphasis in some cases on
25 safety precautions is no more than a very necessary

1 warning in other cases where experience has shown us
2 that a good deal of ignorance or carelessness exists.
3 In the case of Ranger Cadmus and her three sister
4 vessels, provided the necessity for weathertightness is
5 fully stressed in those respects in which it is
6 significant, I am quite content to leave the wording of
7 the instructions to you."

8 Do you agree that that conveys to the then owners of
9 the Ranger vessels that the stability booklet
10 requirements, the information that was to be provided on
11 board the ship, was of perhaps less importance in
12 relation to a ship of that class, both because of its
13 size and type, and that the owners really were being
14 asked to pay perhaps more than lip service but they were
15 not being urged to express a sufficient degree of
16 urgency to their skippers about these stability
17 requirements?

18 A. I am sorry, I cannot read that in at all, no. Of course
19 neither of us have the benefit of knowing precisely what
20 it was that the company was bothered about. It does not
21 say specifically what it was that they did not like.

22 Q. Well, I think you have actually produced a lot of
23 correspondence at certain stages.

24 A. What I suspect is that the original suggestions or
25 recommendations from the department as to what these

1 special warning notes should comprise had been developed
2 principally for side trawlers, and it may be that on
3 reflection, some of them may not have been totally
4 appropriate to stern trawlers, tween deck type stern
5 trawlers.

6 I know that there was some revision to the original
7 proposed wording of these warning notes, but I do not
8 detect any relaxation in the fundamental requirements
9 for precautions to be taken over closing appliances
10 et cetera.

11 Q. Do you think that an owner receiving this letter might
12 nevertheless have detected a degree of relaxation on the
13 part of the department?

14 A. Well, whether he did or not, it did not benefit him in
15 any way because the department were very specific about
16 what they would have liked to have seen in this note.

17 MR MUNYARD: Thank you, Mr Tanton.

18 MR COOPER: No questions, thank you, sir.

19 Further examination by MR MEESON

20 MR MEESON: Mr Tanton, you were asked some questions by
21 Mr Saloman about the Holland-Martin report. Could you
22 be given bundle AG14, please.

23 A. I have it.

24 Q. And turn to page 163.

25 A. Yes, I have it.

1 Q. I think you were asked about the recommendation that the
2 Board of Trade should seek powers to lay down statutory
3 requirements on seaworthiness of deep sea trawlers.

4 A. Yes.

5 Q. What I think for completeness perhaps one should look at
6 is paragraph 93, where the committee records that:

7 "In concluding our discussion of trawlers'
8 weathertight integrity we point out that, although there
9 are no legal requirements at present in this field, many
10 vessels are in fact regularly examined by independent
11 surveyors under voluntary arrangements. All trawlers in
12 Hull, and a substantial number in Grimsby and Fleetwood,
13 are insured with owners' mutual insurance companies, and
14 the general seaworthiness of these ships is inspected
15 regularly by insurance company surveyors."

16 And then they discuss Lowestoft. Then they say:

17 "In view of these arrangements and in the light of
18 our own observations, we are confident that the great
19 majority of trawlers in the deep sea fleet are
20 maintained in a properly seaworthy state, and we believe
21 that many owners will welcome the additional safeguards
22 we have proposed in the form of statutory rules and
23 surveys."

24 I think that reflects perhaps the explanation you
25 gave us earlier, that although there was not a statutory

1 regime, there was in practice a regime to ensure the
2 condition of the ships?

3 A. Absolutely, yes.

4 Q. Then on the question of structural strength,
5 paragraph 95 the committee says:

6 "Although there are no statutory requirements on the
7 design and maintenance of the hull structure of fishing
8 vessels, over four fifths of the deep sea fleet consists
9 of vessels voluntarily 'classed' with Lloyd's Register
10 of Shipping. Vessels which are 'classed' have their
11 structure designed in compliance with a detailed set of
12 rules laid down by Lloyd's Register (or another
13 classification society), whose surveyors oversee
14 construction in the shipyard, and inspect the ship
15 periodically in service as a condition of retaining it
16 in class."

17 Then they go on a little later to say:

18 "The figures show no statistical evidence of lack of
19 structural strength in trawlers which are classed, and
20 indeed the fishing fleet compares favourably with the
21 merchant fleet where structural and machinery failures
22 are concerned."

23 At paragraph 96 they say:

24 "In view of the present generally satisfactory
25 record of trawlers' structures, and the practice of the

1 majority of British trawler owners of classing their
2 vessel with Lloyd's Register of Shipping, it appears to
3 us that the structural strength of fishing vessels is
4 adequate."

5 Is this the position as you understand it: that as a
6 result of that report, yes, a lot of recommendations
7 were made for regulation, but in practice, the effect of
8 those regulations was merely to confirm the pre-existing
9 approach that had been adopted by owners, classification
10 societies and the insurance companies?

11 A. Yes, I am convinced that that is the case.

12 MR JUSTICE DAVID STEEL: Can you help me as to the extent to
13 which you are speaking from your own personal knowledge
14 about the survey of vessels in Hull in 1973 by surveyors
15 employed by the Hull Mutual?

16 A. Having worked in Hull virtually all my life, and
17 particularly in the fishing sector, I have a number of
18 contacts who are still alive who were employees of the
19 UK Trawlers Mutual, and I have had the pleasure of some
20 lengthy discussions with them about the way they
21 operated.

22 MR JUSTICE DAVID STEEL: Well, since you are well informed
23 on this, could you tell me how many surveyors were
24 employed by the Hull Mutual in 1973?

25 A. Just on survey work, two.

1 MR JUSTICE DAVID STEEL: Two. When it says here that these
2 two surveyors regularly examined trawlers in Hull with
3 a view to establishing their seaworthiness, how regular
4 was regular?

5 A. Well, it was a full-time job, sir.

6 MR JUSTICE DAVID STEEL: How often was an individual trawler
7 inspected?

8 A. I cannot tell you. I do not know from personal
9 experience.

10 MR JUSTICE DAVID STEEL: Have you seen any evidence that the
11 Gaul was ever inspected by a surveyor employed by the
12 Hull Mutual?

13 A. Unfortunately all the Hull Mutual trawlers' documents
14 have been destroyed, so no, I have no evidence.

15 MR JUSTICE DAVID STEEL: Destroyed when?

16 A. When the firm closed. I think it was in 1985 or 1986.

17 MR JUSTICE DAVID STEEL: But not when these matters were
18 investigated in 1974?

19 A. No, that is true.

20 MR JUSTICE DAVID STEEL: And what is meant by an inspection
21 of general seaworthiness?

22 A. Well, one would principally be concerned to keep water
23 out of the ship. That has always been my prime concern
24 as a surveyor. So it would be principally looking at
25 hatches and doors, vents, air pipes, all the various

1 items which were discussed with the Lloyd's surveyor
2 yesterday.

3 MR JUSTICE DAVID STEEL: If Mr Scott's description of the
4 sister ship of the Gaul is correct, can you explain how
5 the Hull Mutual surveyors did not spot it?

6 A. Well, you have given me an opportunity, sir, to make
7 some comments about Mr Scott's evidence, if I may.

8 MR JUSTICE DAVID STEEL: Before you make comments about
9 Mr Scott's evidence, perhaps you could just answer the
10 question.

11 A. Yes, I will do that. Mr Scott's evidence suggests to
12 the court that fishing vessels generally, and these
13 sister ships in particular, were in an appalling
14 condition.

15 MR JUSTICE DAVID STEEL: I do not think he said anything
16 about fishing vessels in general, but let us stick to
17 the particular vessel he looked at, the Kelt.

18 A. Yes. He said that they were in an appalling condition.

19 MR JUSTICE DAVID STEEL: As I invited you initially -- we
20 will come back to whether he is reliable -- let us
21 assume that if what he found is true, can you explain
22 how that was not spotted by the Hull Mutual surveyors?

23 A. If I believed that it was true, sir, I would have great
24 difficulty in understanding what the UK Trawlers
25 surveyors were doing.

1 MR JUSTICE DAVID STEEL: Right.

2 A. My difficulty, sir, is that I do not believe that it is
3 true. I think --

4 MR JUSTICE DAVID STEEL: I will allow you to tell me what
5 makes you so sceptical about Mr Scott's evidence, which
6 presumably you heard given, and presumably you drew your
7 points to the attention of Mr Meeson.

8 A. Well, these are personal views which I have not
9 expressed to anybody prior to now.

10 MR JUSTICE DAVID STEEL: Just hang on before you embark on
11 this. You are a member of the group of experts in this
12 case, who presumably have been giving assistance to the
13 Attorney General?

14 A. Yes, that is correct.

15 MR JUSTICE DAVID STEEL: And are the matters that you are
16 now about to comment on matters which you have brought
17 to the attention of Mr Meeson?

18 A. These have been discussed in very general terms by my
19 colleagues on the experts committee.

20 MR JUSTICE DAVID STEEL: Well then I will not invite you to
21 embark on them unless Mr Meeson thinks it is
22 appropriate, and I do not think that I think it at the
23 moment is appropriate. Anyway, thank you for that.

24 DR ALDWINCKLE: Mr Tanton, we have discussed the question of
25 the additional suction drainage from the factory deck.

1 We went through a letter that went from Rangers to the
2 shipyard asking them to consider this and we have found
3 the plans which show the additional suction from the
4 factory deck. My question --

5 A. I have not seen a plan. I have seen a description. But
6 yes.

7 DR ALDWINCKLE: Maybe I am jumping the gun as far as the QC
8 is concerned. But the question is this: the original
9 drawings submitted to Lloyd's for bilge pumping and
10 piping approval for the first ship of the four in series
11 would have been approved. If these improvements or
12 enhancements had been made, have you any evidence that
13 those enhancements were submitted to Lloyd's Register
14 for approval, and have you seen a plan approving those
15 additional enhancements?

16 A. No, neither.

17 DR ALDWINCKLE: Which I think is important.

18 The second question I have is perhaps not related,
19 but it is related to ingress of water. On certain ship
20 types, chemical tankers, they have to perform damage
21 stability calculations, and a manual has to be submitted
22 for approval by the Maritime Authority of the flag
23 concerned. My question is this: do you believe that the
24 ship type such as Gaul should perform damage stability
25 type calculations for possible scenarios that this type

1 of vessel could find itself in other than just looking
2 at intact stability?

3 A. I think in the particular context of the possible
4 flooding of tween deck spaces, yes, there would be some
5 merit in that. But I do not think that there is a lot
6 of evidence of fishing vessels being lost due to
7 collision damage causing flooding of the fish hold or
8 whatever.

9 DR ALDWINCKLE: I am not talking about collision, I am
10 talking about ingress of water by whatever means.

11 A. You mentioned damage, sir; I thought you meant damage
12 anywhere in the ship.

13 DR ALDWINCKLE: The traditional wording is damage stability.
14 It is really stability associated with conditions beyond
15 the intact condition. That is what I am talking about.

16 A. Yes, flooded stability.

17 DR ALDWINCKLE: Yes.

18 A. I think there will be considerable merit in that.

19 DR ALDWINCKLE: Thank you.

20 MR HOPPER: I see that you have not seen that plan that we
21 have had a chance to look at in the last hour or so, the
22 plan of the new supplementary bilge suction in the
23 factory deck.

24 A. No.

25 MR HOPPER: If I may ask some way through the court if you

1 could look at it and give us an opinion, maybe through
2 one of your colleagues, but my first impression of it is
3 it does not really address the problem, and I would
4 appreciate any comments that you have.

5 A. Well, it is very interesting to hear that there is
6 a drawing. We have looked high and low and have not so
7 far been able to find one.

8 MR MEESON: It may be slightly unfair on the witness to
9 bounce this on him, so as I am probably going to call
10 him back to deal with tween ports at some stage, perhaps
11 when he has had a chance to look at it he can deal with
12 it. Because you have been giving evidence I have not
13 shown you this plan so you are a bit in the dark.

14 MR HOPPER: Sorry, I do apologise for embarrassing
15 everybody.

16 The only other thing I wanted to -- it is a comment
17 as much as anything. In your research, did you come up
18 with any date or period when the study of stability, or
19 the teaching of stability became part of the course for
20 skippers and mates? I have a feeling that it would be
21 after 1968 when the three ships were lost at Iceland in
22 icing conditions.

23 A. I think you are right, yes.

24 MR HOPPER: The point of that is that we are only really
25 a few years down the road to the Gaul and many of the

1 skippers in command at that time -- I am not saying all
2 of them -- may well have not had the benefit of that
3 stability training, and therefore putting a stability
4 manual of the type you have shown us today on board
5 those vessels would be something of a token gesture to
6 meet the regulations whilst not really helping anybody
7 to understand the concept of stability and the risk to
8 vessels. Would you agree with that?

9 A. Yes, I would agree. But I think we have heard testimony
10 from the skipper and mate of the Gaul that they had had
11 some education in stability in connection with their own
12 certificates.

13 MR HOPPER: Yes. I am probably making a general point that
14 it could well be that the culture of stability and its
15 implications had not fully percolated through the
16 industry at all levels, including the management.

17 A. Yes. I am not familiar with what supplementary training
18 and education the UK Trawlers Mutual Insurance Company
19 arranged for older mates and skippers, but there may
20 have been something.

21 MR HOPPER: Thank you. The final question is: we heard
22 a figure, four fifths of the deep sea trawler fleet were
23 Lloyd's Registered ships. That figure surprised me. Is
24 it one that you would concur with?

25 A. Yes, it seems reasonable.

1 MR HOPPER: Thank you.

2 MR MEESON: Sir, I wonder if I may be permitted to ask
3 Mr Tanton about the consistency between Mr Scott's
4 evidence of seized closing appliances and an inspection
5 regime by the UK Trawlers Mutual?

6 MR JUSTICE DAVID STEEL: Yes, of course, although I will be
7 uneasy if you are going to invite him to make
8 observations that perhaps should have been put to
9 Mr Scott. But let us come to that if necessary.

10 MR MEESON: Do you have any views as to how it can be that
11 the state of affairs found by Mr Scott can be consistent
12 with an inspection regime by UK Trawlers Mutual
13 surveyors?

14 A. Well, Mr Scott said in his own evidence that he had no
15 previous experience whatsoever of fishing vessels. He
16 had plenty of experience on cargo ships, and I just feel
17 that it must have been a bit of a culture shock for him
18 to set foot on the Kurd, as I believe it was, the first
19 ship, because there is a world of difference between
20 a 60,000 tonne dry cargo ship and a stern trawler.

21 These are robust, hard-working ships. The men who
22 sail in them are there to catch fish, and when they get
23 the occasional break, they are exhausted. They would
24 not necessarily have the same facilities for onboard
25 maintenance that you might expect from an ordinary

1 merchant ship. But that nevertheless does not mean to
2 say that no maintenance whatsoever was done by the crew.
3 Skipper Suddaby has made it quite clear that they take
4 this very seriously. But the majority of maintenance
5 work is done by dedicated shore-based maintenance staff,
6 principally prior to a vessel's departure. And I would
7 submit that Mr Scott did not see those particular ships
8 immediately prior to departure.

9 To suggest that anyone on the fish dock in Hull
10 would allow a ship to go to sea in an unseaworthy
11 condition does those men a disservice.

12 Q. So is this right: that you will believe that the
13 condition that Mr Scott saw the Kurd in would not
14 necessarily be the condition that it would have gone to
15 sea in some weeks later?

16 A. Most definitely.

17 MR MEESON: Thank you.

18 MR JUSTICE DAVID STEEL: Perhaps I could just ask this: if
19 your faith in shoreside inspection and maintenance is
20 justified, can you give any explanation as to why the
21 flaps on the duff and offal chutes on the Gaul are fixed
22 in the open position?

23 A. The short answer, sir, is no, I cannot. I believe that
24 is crucial to this whole investigation.

25 Further examination by MR SALOMAN

1 MR SALOMAN: Mr Tanton, I would like to take you back, if
2 I may, to page 163 of bundle 14, to consider
3 a passage --

4 A. Sorry, what page?

5 Q. Page 163 of bundle 14.

6 A. Yes, I have it.

7 Q. To discuss a passage at paragraph 93, which Mr Meeson
8 read to you and with which you avidly agreed:

9 "In concluding our discussion of trawlers'
10 weathertight integrity we point out that, although there
11 are no legal requirements at present in this field, many
12 vessels are in fact regularly examined by independent
13 surveyors under voluntary arrangements. All trawlers in
14 Hull, and a substantial number in Grimsby and Fleetwood,
15 are insured with owners' mutual insurance companies, and
16 the general seaworthiness of these ships is inspected
17 regularly by insurance company surveyors."

18 Just keep that passage in mind and read on to 95,
19 another passage which was read to you:

20 "Although there are no statutory requirements on the
21 design and maintenance of the hull structure of fishing
22 vessels, over four fifths of the deep sea fleet consists
23 of vessels voluntarily 'classed' with Lloyd's Register
24 of Shipping."

25 Can you help me firstly with this concept of

1 voluntary arrangements. My understanding is that the
2 evidence we have heard has been for the owners' mutual
3 insurance companies to require their member companies to
4 be classed.

5 A. Yes.

6 Q. That is the evidence we have heard in this hearing.

7 A. Yes.

8 Q. Other than that requirement for classification,
9 insurance companies do not, as we have understood the
10 evidence, carry out surveys of the ships on any regular
11 basis; is that not right?

12 A. I would be surprised if that were the case.

13 Q. Well, is that not right, that -- I think Mr Lowes
14 yesterday was telling us that you might get insurance
15 companies looking at ships through their assessors for
16 inspections arising from damage claims.

17 A. Hmm.

18 Q. Did you hear him give that evidence?

19 A. Yes.

20 Q. Apart from insurance company inspections to check damage
21 claims responding to claims on the insurance policy,
22 there were no regular insurance company inspections of
23 these ships; is that not right?

24 A. Well, as I said, all the evidence has been destroyed so
25 I cannot prove to you, nor can I satisfy myself, about

1 the extent to which surveyors from the insurance company
2 would board fishing vessels. I do recall personally
3 seeing them do so.

4 Q. It is wholly possible that your sightings of insurance
5 company surveyors was on the occasion of damage
6 inspections?

7 A. No -- certainly on most occasions that was the case, but
8 it was not exclusively for that purpose.

9 Q. But those occasions would be inspections arising after
10 the event of a particular incident?

11 A. Not necessarily. They were not -- I think they had
12 certain proactive interest in the safety of the ship in
13 order to prevent loss from occurring.

14 Q. I am trying to understand how this can possibly be
15 coherent and correct. The insurance companies, mutuals,
16 required the ships to be classed?

17 A. Correct.

18 Q. The class system imposed duties of regular periodic
19 surveys?

20 A. Yes.

21 Q. There would be no need for the insurance companies to
22 operate a parallel system of inspection with the class
23 system, would there?

24 A. Yes, there would.

25 Q. Why?

1 A. I think it would be to the benefit of the industry to
2 maintain a proactive approach, both from the insurance
3 company surveyors and also, if I might suggest it, from
4 the White Fish Authority surveyors as well, particularly
5 during the initial five-year life of a ship that had
6 been grant-aided.

7 Q. While it might have been for the benefit of the industry
8 if that had happened, you cannot tell us what sphere of
9 survey work was carried out by insurance company
10 surveyors, whether that was a different sphere as
11 carried out by Lloyd's or the same sphere?

12 A. They were able, through experience, to inspect any part
13 of any ship, if they so chose. It did not have to be in
14 parallel with or duplicating the work of the
15 Classification Society. They had total powers to go on
16 board and examine any part of a ship.

17 Q. They had powers, but they had no duties?

18 A. Duties in the sense that it was part of their
19 employment, yes, they had. It was, however -- and
20 I would mention this word again -- it was a voluntary
21 arrangement. It was something which, if they felt
22 concerned about some aspect of safety on a fishing
23 vessel, they would make it known to the owner or to his
24 superintendent, or if they felt it correct protocol they
25 would go direct to the Classification Society and raise

1 it with them.

2 Q. But that would be an ad hoc arrangement for a particular
3 purpose?

4 A. Yes.

5 Q. There would be no other basis for insurance companies'
6 intervention?

7 A. No.

8 Q. Thank you very much. Now let us go on to the next point
9 that arises from that, which is the reference to
10 Classification Society surveys. What this passage at
11 paragraph 95 says is that forfeits were voluntarily
12 classed with Lloyd's Register of Shipping; forfeits of
13 trawlers, that is.

14 A. Right.

15 Q. The flaw of classification societies' surveys is surely
16 the one that has already arisen in discussion with
17 Mr Lowes yesterday, that these are only done at annual
18 or biannual occasions.

19 A. Correct.

20 Q. Do you suggest that it is sufficient for a fishing
21 vessel to have her deck closing appliances and her shell
22 plating closing appliances inspected once only per 12
23 months?

24 A. They were inspected every time they came into port by
25 the owner's own superintending staff.

1 Q. Sir, that is the issue that we have been debating for
2 the last two weeks.

3 A. True.

4 Q. You do not suggest that the class periodic annual or
5 biannual survey would be sufficient in itself, or do
6 you?

7 A. Sufficient for classification purposes, I am sure it
8 was.

9 Q. Sufficient to ensure the safety of the ship?

10 A. No. No, no. These ships were looked at every time they
11 came in for that very reason.

12 Q. You agreed with me this morning -- unless I much
13 misunderstood your evidence -- that the purpose of the
14 Holland-Martin report was to point out that it was
15 a more regular inspection procedure that was required
16 for fishing vessels than had existed hitherto.

17 A. I think the Holland-Martin report in that context was
18 really looking for some statutory regulations that gave
19 the department some teeth.

20 Q. Does it not say that -- it certainly required regular
21 surveys by independent surveyors to be applied to
22 fishing vessels?

23 A. Yes.

24 Q. And I thought you agreed with me this morning that
25 Lloyd's class surveys had been operating for many moons

1 before the Holland-Martin committee reported.

2 A. Correct.

3 Q. And the logic of his recommendation for regular surveys
4 is that they would be more regular than those that
5 pertained at the time of his report?

6 A. Well, I interpret the Holland-Martin report in that
7 context as requiring some statutory powers to be
8 available to the department.

9 Q. Yes, because the class system was not adequate in
10 itself?

11 A. No, I do not think that follows necessarily. There
12 seemed to the department to be a great need for
13 statutory powers to regularly survey and inspect fishing
14 vessels and to issue fishing vessel safety certificates.

15 Q. The second vice of the classification system which no
16 doubt the committee had in mind is that after the
17 periodic visit, if a defect arises, it is incumbent on
18 the owners to report it to class?

19 A. Correct. If it is a class issue, yes.

20 Q. And if the owner does not report it to class, the
21 vessel's safety could be at risk?

22 A. Yes, but I do not think that you would class every
23 defect, however small, as being necessarily the subject
24 of a report to the Classification Society.

25 Q. No. Would you say a seized duff and offal chute flap

1 was a defect too trivial to report?

2 A. No, I think it would have been corrected by the
3 superintendent giving orders to the repair firm.

4 Q. And if it was not corrected and the ship set to sea
5 without correcting it, would that be a reportable
6 defect?

7 A. I find it difficult to conceive that that would happen,
8 Mr Saloman.

9 Q. Well, it is because you are assuming that the world of
10 owners' maintenance of fishing vessels is a perfect
11 world.

12 A. No, I just think that the skipper himself would not take
13 a ship to sea if it was unseaworthy.

14 Q. But you have just told us that the skippers are very
15 busy men. In the previous voyage when they have left
16 the ship, they rely on the shore to maintain the ship.

17 A. Yes, that is correct.

18 Q. You cannot blame the skipper if he sets to sea in a ship
19 which has not been maintained by the shore staff
20 adequately, can you?

21 A. No, I was not apportioning any blame to the skipper,
22 I was simply pointing out that there were a number of
23 employees whose duty and responsibilities were to ensure
24 that each ship was seaworthy before it left.

25 Q. Well, we agree with that. We have discussed the need

1 for independent surveyors. Can we return to the subject
2 of these owners trawler mutual companies. Who owns
3 these companies?

4 A. It was a mutual company.

5 Q. Are these companies not in effect run, and possibly
6 owned, by the members of the trawler owning companies
7 themselves?

8 A. That is correct, yes.

9 Q. It is an insurance company that is run for the benefit
10 of the member owners?

11 A. It was a mutual insurance company administered
12 privately, but certainly at the instigation of the
13 fishing vessel owners, yes.

14 Q. So it is unlikely that the committee were contemplating
15 that the mutual insurance companies themselves would be
16 able to independently survey these ships; they were
17 contemplating class societies and bodies like that?

18 A. Not exclusively, no. As I have said, they had two at
19 least of their own surveyors.

20 Q. Who were these surveyors?

21 A. Did you want them by name?

22 Q. Yes.

23 A. Mr Morris and Mr Holcroft, I believe, were their names.

24 MR SALOMAN: Thank you very much.

25 MR JUSTICE DAVID STEEL: I understand the Hull Mutual, if

1 that is the right expression for it, disintegrated in
2 the 1980s. The White Fish Authority has now changed its
3 name to something else.

4 A. Yes, it is the Sea Fish Industry Authority.

5 MR JUSTICE DAVID STEEL: Have you taken steps to obtain
6 copies of the surveys they got?

7 A. I went to the offices of the senior marine surveyor of
8 the Sea Fish Industry Authority, as it remains in Hull,
9 and I asked him particularly that question, but the only
10 documents he had were relating to the financial aspects
11 of the grant and loan scheme, and he had no reports
12 going back to that period of the surveys carried out on
13 the Gaul.

14 MR JUSTICE DAVID STEEL: Did he have examples of surveys
15 carried out on other ships?

16 A. I did not ask him, sir, but I can.

17 MR JUSTICE DAVID STEEL: But so far as the Gaul is
18 concerned, no such survey is available now and no such
19 survey was produced in 1974?

20 A. Beyond the survey that was carried out when the ship was
21 under construction, if any, I would suggest not. It was
22 too new a vessel.

23 MR JUSTICE DAVID STEEL: So you would not have expected the
24 Sea Fish Authority to have inspected the Gaul after
25 building?

1 A. Well, I asked him if he had anything and he said that he
2 had not.

3 MR JUSTICE DAVID STEEL: So we can rather put that aside?

4 A. Yes.

5 (The witness withdrew)

6 MR JUSTICE DAVID STEEL: Let us have a break.

7 (3.15 pm)

8 (A short break)

9 (3.30 pm)

10 MR JUSTICE DAVID STEEL: I am very sorry, I should have said
11 that Mr Tanton was free to go. I do apologise.

12 MR MEESON: I do not think he is going very far.

13 MR JUSTICE DAVID STEEL: That I understand. There are more
14 matters for him to cover --

15 MR MEESON: Yes. He will be back.

16 MR JUSTICE DAVID STEEL: -- both on the freeing ports and on
17 the bilge pumping arrangement as installed, on which
18 point it would be of some interest to me, maybe even to
19 my assessors, as to whether the bilge arrangements or
20 the amended bilge arrangements for the factory deck
21 would in fact have been approved by Lloyd's if it had
22 been submitted to them.

23 MR MEESON: Well --

24 MR JUSTICE DAVID STEEL: We have some doubts, I am bound to
25 say. It looks rather like another of those examples of

1 things that are needed in an emergency, so that by the
2 time you have opened the valves, told the chief engineer
3 to turn on the bilge pump, you will be down. There it
4 is. Maybe we have misread it.

5 Yes, Mr Meeson?

6 MR MEESON: My next witness appears to be Mr Thresh.

7 MR TERENCE THRESH (sworn)

8 Examination by MR MEESON

9 MR MEESON: Mr Thresh, can you tell the court your full
10 name, please.

11 A. Terence Thresh.

12 Q. Can you give us briefly a summary of your experience?

13 A. All experience?

14 Q. I said briefly.

15 A. I was at sea from school in 1950 for 29 years, 20 years
16 of it skipper, then I came ashore as manager of the same
17 company, manager of the same vessels with the same
18 company, and was involved in consultancy work for the
19 company when the number of ships we had reduced, and
20 finished up as general manager of the company before
21 retiring.

22 Q. Thank you. I think you have a presentation for us; is
23 that right?

24 A. Yes, sir.

25 Q. To really sort of summarise, I think, if I can describe

1 it, the sort of fishing aspects of this investigation;
2 is that correct?

3 A. Yes.

4 Q. In which case, perhaps I may be permitted to sit down
5 and let you get on with your presentation.

6 MR JUSTICE DAVID STEEL: Just so there is no
7 misunderstanding about it, the company that you served
8 with and came ashore with is Boyd Lines?

9 A. Yes, that is right.

10 MR JUSTICE DAVID STEEL: Thank you.

11 A. I am fairly conscious of the fact that some of the
12 evidence I have been listening to in the court, it
13 seemed to me that in fact the witness and the counsel
14 were on different topics, and a lot of misunderstandings
15 have arisen, a lot of it with the colloquial terms of
16 the fishermen in this area, and that I can understand.
17 So I thought it would be rather useful to give a short
18 presentation on the operation of a trawl and all the
19 bits and pieces, and then run some clips so that people
20 can understand at least a little bit of what we are
21 talking about.

22 MR JUSTICE DAVID STEEL: Yes, thank you.

23 A. In the first topic I will show a series of stills, which
24 we have got on disk, and talk through them, talk to the
25 stills on the screen.

1 Then for number two, we will examine the evidence
2 regarding the seabed fishing evidence and give an
3 opinion on what supports the theory, according to the
4 people who think so, that the ship was fishing: ramp
5 gates, fish hatches, net store hatches, et cetera. And
6 then (b) what does not say the vessel was fishing: nets
7 and door pieces, et cetera, all of which we have on
8 tape.

9 Then for number three, I would like to talk about
10 the weather, sea conditions and everything that we would
11 encounter on the North Cape Bank at the time of the
12 year.

13 And then for number four, I will talk about snagging
14 cables and how we get rid of them, because I am
15 conscious of the fact that many skippers have sat here
16 and talked about stopper chains and things. I do not
17 think really more than ten people in the court
18 understand what they are talking about.

19 Then the last one is Mr Long's theory.

20 MR JUSTICE DAVID STEEL: Thank you.

21 A. If we can start with the stills, Experts 57, please.

22 Should I have this on my screen, sir?

23 MR JUSTICE DAVID STEEL: You should. You also should have
24 a laser pen.

25 A. Yes, I have, thank you.

1 I thought I would show this because we have seen the
2 underwater evidence of the winch, but this is
3 unfortunately not a very good drawing of the winch
4 itself. Nevertheless, it is sufficient for me to talk
5 through it.

6 It is laid transversely on the deck, as we all know,
7 and if we look at the extremities, we can see what we
8 term as the whipping drums. You understand the whipping
9 drum?

10 MR JUSTICE DAVID STEEL: Do not assume I understand
11 everything, I am afraid, Mr Thresh, but do use your
12 laser pen just to point to the item because it is very
13 small on the screen and it is actually quite difficult
14 to see it.

15 A. There we are (indicated). These are the whipping drums
16 on the outer sides of the main barrel shaft. The whole
17 barrel shaft is turning in the middle. The whipping
18 drum is intended for crew members to take a loose wire,
19 wrap it round the whipping drum and pull back, and the
20 friction of the wire on the drum tends to heave the
21 items up.

22 These two main drums here are the two warp drums,
23 which we will be seeing on the underwater survey.
24 Immediately inboard of those two warp drums are the
25 cable drums. And then inboard of them, once again,

1 either side of the gearbox housing, there is two gilson
2 drums. So that is the complete assembly of the winch.

3 Each drum is controlled by an air clutch and an air
4 brake. There is the brake handles of all the
5 different -- and the clutches are in the middle on the
6 barrel shaft to engage into each of the drums as and
7 when required. I think that is all we need on that one.

8 Experts 58, please. This is a profile drawing of
9 the -- I think it is the main warp drum, is it? Main
10 barrel shaft, yes. On the outer edge here, there is
11 what is known as a brake race. It is about, I would
12 imagine, 150 mm in width. And on that runs the ferodo
13 line outer parts of the brake, which are round here, to
14 apply the braking power. To draw these two halves
15 together we have got the cylinder here that draws this
16 mechanism together at that point. When it opens, it
17 falls down, so that it does not fall off altogether,
18 onto an adjustment screw there and there.

19 In addition to that, there is a fine adjustment on
20 the wheel, on the corner here. So once you have applied
21 whatever power you need, there is a fine adjustment, as
22 it were, with the wheel.

23 Experts 59, please. This is the same sort of
24 arrangement. Well, it is slightly different, as you can
25 see underneath here, but this is one of the arrangements

1 for the smaller barrels, the auxiliary barrels.

2 Experts 60, please. I know people have seen films
3 of fishing vessels many times, but what they have not
4 seen is the actual trawl sinking to the seabed. These
5 photographs were taken in the flume tank belonging to
6 the Sea Fish Industry Authority, and they very kindly
7 loaned it me for the afternoon to do these tests and
8 take the photographs.

9 So this thing here shows the trawl sinking to the
10 seabed. The trawl is over here somewhere, and these are
11 the trawl doors at the mouth; cables and all the rest of
12 it. We will talk about the other components later on,
13 but I just wanted to show what the trawl looked like --
14 what the doors looked like at least -- when sinking
15 towards the seabed.

16 If you look, really, at the action of the warp and
17 the backstrop behind, it is really like the principle of
18 a kite, which is basically all it is, operated by
19 hydrodynamics rather than aerodynamics.

20 Experts 61, please. On this one we have just about
21 got the doors on the seabed. You can see the starboard
22 one over there just about touching the seabed, and this
23 one here has still a little way to go.

24 Experts 62, please. This is the port side door on
25 the seabed, running along the seabed. The way this tank

1 operates, the water flow goes past the net, or the door,
2 as the case may be, with huge fans at the end of the
3 tank. The trawl remains static, and the seabed revolves
4 on a belt system. So the belt is passing past the door
5 and so is the water acting on the door.

6 One thing I would like to you look at on this one is
7 this red wire here that flicks over the top there. That
8 is known as the independent piece. The reason for that
9 terminology is that, as you can see, at that point it is
10 independent of any weight. The warp is under tension
11 there, the cable is under tension, and the backstop,
12 but the independent wire has no weight on it at all. It
13 is simply there to be used in the hauling and shooting
14 procedure.

15 Experts 63, please. We have now got the Dan Leno on
16 the seabed. The cable from the door, the Dan Leno, the
17 legs going to the net, the ground wire and the headline
18 leg.

19 Experts 64, please. This now shows the trawl itself
20 towing along the seabed. There is the foot rope, the
21 bottom part of the net, rolling along the seabed. And
22 the headline floats up here holding the mouth of the
23 trawl open. So that is more or less what the trawl
24 looks like on the seabed.

25 This trawl, this particular model, is not quite the

1 same as the one that would be fished by the Gaul; it is
2 shorter in the wings there and there (indicated).

3 If we can go back to the previous one, please,
4 Experts 63. Yes, the legs from here to here are much
5 shorter. That is about 20 feet on the Gaul to that
6 point, and there, that would be the leading end. You
7 will see this on some clips of film later on, a similar
8 net of about the same length. This is an enhanced trawl
9 made for a bigger ship.

10 Experts 65, please. This now shows the doors
11 hauling, just as it would be on a trawler at sea. The
12 doors are coming up towards the ship in the top --
13 obviously the scale is that the door is right down there
14 and the ship is right up there; it would not be the same
15 as that, but the appearance is the same. This is
16 precisely how the trawl doors come out of the water when
17 they arrive at the ship.

18 I have taken these photographs in the tank because
19 the main purpose of it was not to show all these things
20 but to show how the different components are
21 disconnected during the hauling and shooting procedure
22 that we can see very slowly in the tank. On a clip of
23 film you would miss precisely what people were doing,
24 but it is very important; it is part of the Long theory
25 and the getting the gear on board and all that. So

1 first of all, in the tank, I thought I would show you
2 what is connected to where.

3 Experts 66, please. This is just like a ship at
4 sea, in effect. This bar here would represent the warp
5 sheave. So we have now got the port side trawl door
6 hanging up at sheave, just as it would at sea. The warp
7 is still tight to the winch, along here, and down here
8 we have got the backstrop, the independent wire --
9 obviously you would not be able to pull that tight by
10 hand just as this gentleman is doing here. But there is
11 the independent piece, there is the backstrop, and the
12 object of the exercise is to disconnect at this point.

13 Experts 67, please. Right, we have now disconnected
14 the independent wire from the door, hooked it into the
15 inhauler wire -- the cable inhauler wire that now leads
16 to the winch on the first inboard drum from the main
17 warp drum. Now this is coming tight, and it is held on
18 until we can disconnect the backstrop from the junction
19 between the independent wire and the ground cable.

20 Experts 68, please. He is now doing this operation.
21 He is disconnecting the backstrop from the door. This
22 is under tension, the cable is under tension, and he is
23 disconnecting this, which is not under tension now
24 because the weight of the ground cable has been
25 substituted through the independent wire to the inhauler

1 wire. This operation, incidentally, would take place at
2 the top of the ramp, on top of the fish hatches, just to
3 give you some idea of where all this is going on.

4 Experts 69, please. It is not a very good image,
5 this, because basically, this Dan Leno on the mouth of
6 the trawl at this point would be coming up the stern
7 ramp of the trawler. So I think, really, this part of
8 it is not so important. The whole purpose of these
9 photographs was to show the disconnection of the
10 independent wire from the door.

11 Experts 70, please. That is just another shot of
12 the Dan Leno going over the bar. At this point,
13 unfortunately, to spoil the image, the technician had
14 stopped the water flow in the tank so that it was easier
15 for the single man to pull the trawl on board. Of
16 course, it would not be like this at all; it would be
17 under tension trailing astern of the stern ramp.

18 Experts 71, please. Then we just laid the things --
19 I did not know we were going to do anything in here and
20 I thought it was a good idea to lay the Dan Leno and
21 headline rig on the deck so that you could see what it
22 looks like. I have already mentioned that the distance
23 between the Dan Leno and mouth of the trawl is much
24 shorter on the Gaul's net.

25 Experts 72, please. Now we are looking back towards

1 the trawl. You can see that the wings here of the
2 net -- the top wings here of the net are quite long.
3 That is the trawl now lying on the deck, the bobbins all
4 round here.

5 I have marked something here because it comes into
6 the equation later on. I think it says "bobbin inhauler
7 wire would be hooked in here to hook bobbins tight to
8 arena", because when the Dan Lenos are tight to the
9 winch, we have still got -- these bobbins are just near
10 the top of the ramp and they have got to be brought
11 further forward along the deck until they are tight
12 round the arena, and this is where the hooks are hooked
13 in. Two men take wires to the whipping drums that
14 I described earlier on to heave the bobbins along the
15 deck.

16 Experts 73, please. I do not know why I put this
17 one in, actually. I just like to see fish coming on
18 board, I think. But this was intended to show the use
19 of the triple purchase tackle block. I did not have
20 another drawing of it at that time, but this is
21 basically what happens. You have got a running block
22 here, a double block at the top and a standing wire
23 going down to the winch. Basically, this can heave
24 in -- it just reduces the weight to a third. So if we
25 have got 30 tonnes of fish, the winch is only pulling

1 10 tonnes at this point.

2 Experts 74, please. This is the Dan Leno and the
3 headline leg and tow leg arrangement; the swivel and
4 links and the other shackle. Now all of this can be
5 seen on the seabed at a later part of the presentation.
6 Someone has very kindly drawn on for me -- this was
7 known as a figure 8 link, which was passed round the
8 cable and could slide up and down the cable. When the
9 trawl has been paid away, the cable runs through that
10 link, carries on running down through the link, until
11 that link comes to the junction between the ground cable
12 and the independent wire again, and then the backstop,
13 which is this, is then clipped into it. So that is how
14 the connection is made between the backstop of the door
15 and the link that is hanging round the cable.

16 I have shown this one particularly like this because
17 on the seabed evidence that we are going to look at
18 later we can see this Dan Leno, the swiveller links and
19 this particular swivel hanging round it; of course
20 disconnected because it is up near the winch.

21 Can I have Experts 221, please. This is just
22 another drawing of the trawl. I think it was given by
23 Mr Long at an earlier part of the investigation. It was
24 probably the best thing that was available at that time.
25 But I think we have probably -- it just goes to show

1 linearly that that is where the warp is, the door, the
2 ground cable, the Dan Leno, the trawl. So that is what
3 it all looks like when it is towing along the seabed.

4 I think we can now look at some live clips of
5 fishing action taken on board two of our previous ships.

6 MR HOPPER: Could I ask you a question, Mr Thresh?

7 A. Yes, of course.

8 MR HOPPER: Just going back to the winches, you showed the
9 brake system and you showed a pneumatic --

10 A. Cylinder.

11 MR HOPPER: -- cylinder for closing the brakes.

12 A. Yes.

13 MR HOPPER: Is there a failsafe on top of that, or does it
14 purely rely on the pneumatics?

15 A. No, you have got the hand wheel, which is a parking
16 system for the brake. Regrettably, I cannot find anyone
17 who can tell me the actual workings of this brake.

18 I have tried the winch makers, I have tried all sorts of
19 people. But from experience -- I mean I was on
20 a hydraulic, but from experience, there has to be
21 a parking position for it.

22 You are not going to steam all the way home from the
23 fishing grounds with the air on your brakes to stop them
24 running out, so there has to be a failsafe, and I think
25 it is the hand wheel, which you screw it on. I may be

1 wrong, but I also think that is the towing position. So
2 you have got it tightened up by the handle in the very
3 old-fashioned way that we had on the conventional side
4 trawlers.

5 MR HOPPER: Do you actually tow on the air brake or on this
6 extra brake?

7 A. The answer to that question, Mr Hopper, is I do not
8 know. I think you should be towing on the brake at the
9 band brake itself --

10 MR CRAVEN: Excuse me, it is on the air brake.

11 A. It is on the air brake, is it? So the air just keeps on
12 the cylinder all the time?

13 MR CRAVEN: Yes.

14 A. How do you adjust the pull-out, if you want to adjust it
15 so that it will pull out if anything goes wrong?

16 MR CRAVEN: Well, then you go back to the hand wheel.

17 A. But at the point that the warp starts to pull out, you
18 have got the air still on the cylinder, presumably.

19 MR CRAVEN: Yes.

20 A. What then do you do?

21 MR CRAVEN: Well, you ship up and then heave what is being
22 pulled out back.

23 A. No, that was not really my question. So when the door
24 is up to the stern of the ship --

25 MR CRAVEN: I am talking about while you are towing.

1 A. No, I know. I will go back to that one. When the door
2 comes to the ship, and you unship the clutch, what is
3 holding the door in that position on the stern with an
4 air brake?

5 MR CRAVEN: Well, you take the air off once the door is up.

6 A. So then we are on the parking brake, the hand wheel?

7 MR CRAVEN: You are turning the door then. Excuse us, this
8 is two skippers.

9 MR JUSTICE DAVID STEEL: This could take some time.

10 MR HOPPER: I only just wanted to know if there was a
11 failsafe.

12 MR CRAVEN: Sorry to interfere.

13 MR HOPPER: I just wanted to know if there was a failsafe --

14 A. Mr Hopper, it is the right question. I was expecting
15 the question, actually, and I hoped I was not going to
16 get it because I have not been able to establish how
17 pneumatic brakes work, so I am not quite as expert as I
18 thought I was.

19 MR HOPPER: We will leave you to it then.

20 A. Okay. Can we have Arctic Raider, please. Stop, please.

21 I put this little piece of clip on because I wanted
22 to show people that there were different types of ramp
23 gates on the different trawlers. This ship was built in
24 1968 in Poland, and their idea of ramp gates are as
25 follows. There are large holes in the thing and, like

1 everyone else, closing manually at the stern, and the
2 large gap underneath. They were actually worse than
3 useless, and yet, in effect, they got damaged with the
4 sea coming on board at one stage when we had them
5 closed, and it took us about 12 hours to get them
6 disconnected and taken out of the way. So they were not
7 a very successful arrangement.

8 This one is something that you have not seen on any
9 of the films yet. It was something peculiar at first to
10 our company. I do not know whether it travelled around
11 the dock, I really do not know. But it is a swinging
12 gate pivoting here and swinging along (inaudible). That
13 was to stop people walking backwards down the ramp, and
14 at the same time it could swing outwards when the trawl
15 was coming in or out. We can see the net hatch there
16 open, opening out to port as it turns up, very large
17 hatch on the after deck.

18 Carry on, please. Can we stop there, please.

19 I wanted to show this little piece because, as you
20 can see, the weather is extremely fine, but even so,
21 when you are heaving on the warps, before the wind, you
22 can see there is quite a froth building up at the stern
23 of the ship. This, of course, is much exacerbated when
24 the weather is a lot worse, or when you come past. Thank
25 you.

1 This was a photograph of our sister ship. The two
2 ships were identical, built in Poland. I actually made
3 a movie of hauling. This is a part of it. The rest
4 disappeared in the SFIA -- and I have not been able to
5 get it back, Mr Hopper.

6 Once again, you can see the trawler. You can see
7 more or less -- I am showing that because it shows how
8 the trawl is still turning astern of the ship at that
9 point. It is probably going about 2 knots at this
10 moment.

11 Some of the things we have seen already in the tank
12 now we can see them in real time. The trawl door is now
13 up at the stern. The guy is disconnecting the
14 independent wire -- or he will do in a moment. He will
15 connect it to -- we have not got that bit,
16 unfortunately. But there is the independent wire here,
17 on the other side.

18 Can we stop there, please. We now switch to -- this
19 is only about force 5, if that, actually. Once again,
20 we are hauling before the wind. And you can see the
21 amount of water that comes on the deck in relatively
22 fine weather when you are hauling. The obvious reason
23 for that is because the ship is virtually stopped in the
24 water as you are heaving on the winch. The engines are
25 just keeping you on the same spot, as it were. So the

1 waves are then washing straight up the ramp in that
2 manner.

3 When the weather is worse -- at this point, in bad
4 weather, there would be nobody standing on the deck --
5 that is just hauling normally -- because there is
6 a danger that we would get swilled along the deck
7 forward. So the object would be to stand in the sides
8 here, out of the way, until the doors came up and then
9 the ship started to make forward motion again. And
10 then, of course, the amount of water coming up the ramp
11 would decrease rapidly. Thank you. Could we carry on,
12 please.

13 I am showing this piece because I want to get to the
14 point when the Dan Leno starts to come along the deck
15 with the trawl, which will be pretty soon.

16 This ship operated slightly differently with her
17 sheaves in that they moved across hydraulically and we
18 tipped the cables out of those sheaves onto the deck.
19 So it was something different to the normal ship. Can
20 we stop there, please.

21 The distance between the Dan Leno here and the wing
22 end would be roughly the same as what would be on the
23 Gaul. So this is precisely what would happen on the
24 Gaul whilst they were hauling. The Dan Leno goes up to
25 the winch, which it does on this ship. Just carry on

1 a bit more, please. Stop there, please.

2 The Dan Leno, as you can see here, is almost up to
3 the winch, and then we do the second operation, which is
4 to put the bobbin inhauler wire into the bunt ends at
5 both sides. Then they heave on these, bringing the rest
6 of the bobbins forward, which are still down the ramp
7 over here, tight round the arena. At the same time, the
8 man in the middle pulls a headline up over the top of
9 the arena.

10 So that is the same sort of operation exactly as
11 would be happening on the Gaul. Carry on, please.

12 MR HOPPER: Would you explain the purpose of that gate?

13 A. Yes. The gate, as I said before, it pivots at that
14 point there and swings backwards and forwards. It is
15 just a different means -- instead of having a strop
16 across here that they clip up every now and then, that
17 gate is permanently hanging there. You will see,
18 looking at the height of a man, there is no way he is
19 going to inadvertently back himself down the ramp, which
20 has happened over the years. So the gate has to swing
21 backwards and forwards, not too easily, so that when the
22 trawl comes in, the fish, which you will see in
23 a moment, the gate swings this way, and when you are
24 paying out it swings the other way.

25 Does that answer your question?

1 So we have now got the bobbins tied round the arena,
2 and the next operation is to fleet in the bellies with a
3 strop and a gilson wire there. So that is heaving the
4 bellies up and taking little fleets off the trawl.

5 Carry on, please. Stop please.

6 This is now what we are talking about, the becket
7 that is passed round and round the cod end. We are now
8 at the top of the cod end. They have wrapped the becket
9 round and they are going to hook -- I am not quite sure
10 how big the bag is, whether it is going to be a single
11 wire or a triple purchase wire, but we will see in a
12 moment. Well, she never had a triple purchase wire,
13 this ship. They have now hooked the stronger wire into
14 there and heaved the fish on board. Thank you.

15 All trawlers do this same thing; they have all got
16 to put a strop round the cod end in this fashion and
17 heave the fish on board.

18 Stop please. This chap here, he is putting a strop
19 round the top of the cod end because when the cod end
20 comes on the deck and goes over the fish hatches, which
21 are here, and passes over the top of them, the hatches
22 are lifted, the cod end is released, and this guy who
23 has put the strop round there will put the tipping
24 gilson, the famous 5-tonne gilson which goes up to the
25 mast, into that strop there. Carry on, please.

1 He is just doing that now.

2 MR HOPPER: You did not report this, Terry.

3 A. I tried to but my heart was not in it.

4 Stop there. So this is the situation when we are
5 tipping the fish down into the -- there is the tipping
6 gilson. In this case we are using the starboard side
7 one, but in the Gaul -- I think, if I remember rightly,
8 these two winches on this ship were both the same power
9 so we could use either/or, or both if necessary.

10 So there is the tipping gilson going up to the
11 A frame down to its lead block and down to the winch in
12 the strop, heaving the cod ends towards that to tip the
13 fish into the hatch. The heaving-in wire that is still
14 attached is just to keep the tension on it so that the
15 bag does not double over on itself. So just slack this
16 away as they are heaving up.

17 MR HOPPER: Just for the record Mr Thresh, the tipping
18 gilson is the one I think Mr Long suggested for clearing
19 a telecommunications cable?

20 A. Yes. Or in the case of the Gaul, of course, it was the
21 port side one, which was the stronger of the two cargo
22 winches.

23 Carry on, please. Can we just stop there. It has
24 gone anyway. I was just about to say that -- thank you,
25 that is fine. We were asked to believe that all the

1 operations that we have seen recently all took part with
2 the vessel at anchor to a cable in a force 9 gale with
3 water coming along the deck at about 20 miles an hour at
4 about 3 or 4 feet deep. I think everyone would agree it
5 would be virtually impossible.

6 In addition, we have got the door up at the end
7 here, according to the theory, and the cable is
8 stretched across the ramp this way and outboard that
9 way. So part of the cable would in fact be across the
10 ramp, and you could not have got the gear inboard in the
11 first place. Thank you.

12 Can we have Arctic Ranger, please. This is much the
13 same sort of thing that we have seen on the
14 Arctic Raider -- stop. I just wanted to show the triple
15 purchase block up there. There is the single running
16 block at the bottom and the double block at the top and
17 that is heaving the fish in. Basically I think that was
18 all I needed to show on that clip. Thank you.

19 You can see they have already got the tipping wire
20 clipped in as well, ready for action. I will just leave
21 it running for a moment because I just wanted to show
22 the shooting procedure.

23 Hold it there, please. This ship, of course, was
24 built after the Gaul, and this was a very useful
25 innovation. This is the ramp gate. It is a single one

1 and it recesses down into the stern ramp. It is very
2 quick in operation. I think there is a lever on the
3 side here somewhere and you just flick it up, so it is
4 very easy in this particular ship to be protected the
5 whole time. It slopes slightly outboard to absorb the
6 force of the water. It is a very good type of gate.

7 The later ones after that came up out of here rather
8 like the Kappin. For those who had the benefit of going
9 to the Kappin, she had exactly the same as our other
10 ship at that time where the ramp gate came up out of the
11 deck vertically and just had a roller around the top.
12 That was just the type before it. I thought that was
13 better, actually.

14 Carry on, please. In this ship, she has a very
15 small after deck, and in consequence they get the
16 bobbins and everything to pull out when they put the cod
17 end in the water. They heave all the net towards aft so
18 that it is all gathered near the top of the ramp. You
19 will see when the cod ends go into the water here and
20 the hook is tripped, the wash of the ships passing
21 through the water will pull the whole trawl into the
22 water.

23 The way these people stand is enough to give the
24 Health and Safety Executive a fit. I think that is
25 fine. Thank you very much.

1 So that is the hauling and shooting operation, so
2 you are all now instant skippers.

3 MR JUSTICE DAVID STEEL: Having got that far, we may take
4 a break, Mr Thresh, thank you very much.

5 Is 9.30 viable? If there is a problem about that,
6 perhaps somebody would say so now.

7 MR MEESON: 9.30 is fine.

8 MR JUSTICE DAVID STEEL: 9.30 tomorrow and we will finish
9 some time late lunchtime. Thank you very much.

10 (4.10 pm)

11 (The court adjourned until 9.30 am
12 on Friday, 30th January 2004)

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