

**REPORT OF THE RE-OPENED FORMAL  
INVESTIGATION INTO THE LOSS OF  
THE FV GAUL**

**THE HONOURABLE MR JUSTICE DAVID STEEL**



# FORMAL INVESTIGATION REPORT

THE MERCHANT SHIPPING ACT 1995

FV GAUL

RE-OPENED FORMAL INVESTIGATION

The Hon Mr Justice David Steel

The Assessors:

Dr David Aldwinckle

Peter Craven

Alan Hopper

LONDON: TSO



Published by TSO (The Stationery Office) and available from:

**Online**

[www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop)

**Mail, Telephone, Fax & E-mail**

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)

Textphone: 0870 240 3701

**TSO Shops**

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

18-19, High Street, Cardiff CF10 1PT

029 2039 5548 Fax 029 2038 4347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

**TSO Accredited Agents**

(see Yellow Pages)

*and through good booksellers*

Published for the Department for Transport, under licence from the Controller of Her Majesty's Stationery Office.

© Crown Copyright 2004

Copyright in the typographical arrangement rests with the Crown.

This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.

For any other use of this material, please write to The HMSO Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax: 01603 723000 or e-mail: [hmsolicensing@cabinet-office.x.gsi.gov.uk](mailto:hmsolicensing@cabinet-office.x.gsi.gov.uk).

ISBN 0 11 703444 4

Printed in Great Britain using material containing 55% post-consumer waste, 20% industrial waste and 25% ECF pulp.

N174460 c6 12/04



*FV GAUL alongside January 1974*

*Courtesy of Commercial Fishing magazine*

*FV GAUL alongside January 1974*

*Courtesy of Commercial Fishing magazine*



## **The Parties**

The Parties to this re-opened Formal Investigation were:

The Attorney General	Represented by	Nigel Meeson QC Jo Cunningham
	Instructed by	The Treasury Solicitor
	Experts	Tony Bowman TMC [Marine Consultants] Ltd Terry Thresh MARIN Dr Vincent Cardone, Oceanweather Inc. Woods Hole Oceanographic Institute Dr Alan Judd M-Scan Ltd Kalagate Imagery
The Crew [save for the Master & Mate]	Represented by	Tim Saloman QC Ruth Hosking
	Instructed by	The Max Gold Partnership
	Experts	Graham McCombie
The Master & Mate	Represented by	Terry Munyard
	Instructed by	Birnberg Peirce & Partners
	Experts	Burness Corlett & Partners
Department for Transport	Represented by	Nigel Cooper
	Instructed by	Jackie Duff
	Experts	Jim Tanton

## **The Secretariat**

My thanks and those of the Assessors to all those who made the smooth running of the Inquiry possible:

Laurance O’Dea	Solicitor to the Inquiry
Christine Cacace	Assistant
Graham Wilson	MAIB Technical Advice & Support
Mandy Harrison	Secretary & Witness support
Will Handley	GAUL Technical Support and Liaison
Steve Watts	GAUL Technical Support
Richard Hulme	GAUL Technical Support
Dave Woods	Technical support and Webmaster
	2112 Court technical equipment
Sophie Quick & Jacqueline Gleghorn	Wordwave International Transcripts
Sara Rowson	Reception

## GLOSSARY OF ABBREVIATIONS

BBC	British Broadcasting Corporation
BMT	British Maritime Technology
BUT	British United Trawlers
CCTV	Closed Circuit Television
CO <sub>2</sub>	Carbon Dioxide
CP	controllable pitch
DB	Double Bottom
DES	Department of Education and Science
DfT	Department for Transport
DF	direction finding
D/L	Deckie Learner
DOT	Department Of Trade
DNA	Deoxyribonucleic Acid
EPIRB	Emergency Position Indicating Radio Beacon
FREDYN	Computer model developed by MARIN to simulate the seakeeping and manoeuvring behaviour of ships subjected to wind, waves and/or flooding.
FV	Fishing Vessel
GA	General Arrangement
GFA	Gaul Families Association
GPO	General Post Office
GZWT	The collective call sign for vessels insured by the UK Trawlers Mutual Insurance Co. Ltd.
HMS	Her Majesty's Ship
HMSO	Her Majesty's Stationery Office
HNOMS	His Norwegian Majesty's Ship; (The correct term in Norwegian is KNM, which denotes Kongelige Norske Marine)
HP	Horse Power in imperial units
IMCO	Inter-Governmental Maritime Consultative Organisation [now IMO]

Kg	kilogramme
kHz	kiloHertz
KW	kilowatt
LBV	Little Benthic Vehicle (a type of miniROV used during the 2002 underwater survey)
Length oa	length overall
Length bp	length between perpendiculars
LORAN	Long Range Navigation; a terrestrial radio-navigation system using ground-based transmitters
MAFF	Ministry of Agriculture, Fisheries & Food
MAIB	Marine Accident Investigation Branch
MARIN	MAritime Research Institute Netherlands
MOD	Ministry of Defence
MP	Member of Parliament
MPSV	Multi Purpose Support Vessel
NATO	North Atlantic Treaty Organisation
NCO	Non Commissioned Officer
NMI	National Maritime Institute
NPL	National Physical Laboratory (of which NMI was part)
NRK	Norsk Rikskringkasting (Norwegian Broadcasting Corporation)
OFI	Original Formal Investigation
PAN	A very urgent message transmitted concerning the safety of a ship, aircraft or person
psi	pounds per square inch
QC	Queen's Counsel
RCC	Rescue Co-ordination Centre
RFA	Royal Fleet Auxiliary
RFI	Re-Opened Formal Investigation
RINA	Royal Institution of Naval Architects
RN	Royal Navy
ROV	Remotely Operated Vehicle



rpm	revolutions per minute
SIS	Secret Intelligence Service
SNAME	The Society of Naval Architects & Marine Engineers
SOC	Southampton Oceanography Centre
SOSUS	SOund SURveillance System
UK	United Kingdom
US	United States
USCG	United States Coastguard
USN	United States Navy
USS	United States Ship
USSR	Union of Soviet Socialist Republics (This reflects the name in use in 1974)
U/W	Underwater
VHF	Very High Frequency
WO	Warrant Officer
Y-ARD	Yarrow Admiralty Research Department

## GLOSSARY OF TERMINOLOGY

A-Frame	– the frame structure, located above the fish loading hatches, so called because it is shaped like a capital letter A.
alga	– a simple plant lacking a true stem, root or leaves, such as seaweed
Andanese lights	– lights to show whether vessel is fishing.
athwartships	– at right angles to the fore–and–aft line or centreline of the vessel
auger	– A rotating helical shaft used to convey material
automatic pilot	– a device which will steer a ship at a fixed heading
Baader	– a manufacturer of food processing and factory machinery
beam	– the widest part of the vessel.
Beaufort wind scale	– used to gauge wind speed using observations of the wind effects on objects.
benthic	– of or relating to or happening on the bottom under a body of water
bilge	– the lower internal spaces within the hull, into which water drains
bilge well	– a partial depth well for the purpose of collecting bilge water
BLOM	– Blom Maritime AS. Experts in maritime measurement and gauging
BLOM photogrammetry	– technique where 3D coordinates and geometric entities can be extracted from digital images
bobbin	– steel spheres on foot rope of trawl to hold the net hard down on the seabed
bobbin rail	– an upright barrier running the length of the trawl deck on both sides to which the spare bobbins are attached
buoyancy	– the resultant of upward forces, exerted by a liquid upon a floating body equal to the weight of water displaced by this body, i.e. the ability of an object to remain afloat
brackish	– slightly salty
bridge	– the area of superstructure on the upper deck where a vessel is conned and navigated from
broach	– an uncontrollable turn across the front of a wave when in a following sea

bulkhead	– an interior wall in a vessel. Sometimes bulkheads are also watertight, adding to the vessel’s safety
bulwark	– an upright protective barrier around the perimeter of the weather deck
centrifugal	– literally, moving away from a centre; typically relating to the force which appears to cause a body travelling round a central point to fly outwards from its circular path
centripetal	– force acting equal and opposite to the centrifugal force but not necessarily in the same line but parallel
Class/classification	– Ship classification covers the development and worldwide implementation of published Rules and Regulations which will provide for:- 1. the structural strength and scantlings of all essential parts of the hull and its appendages; 2. the propulsion and steering systems; and 3. the effectiveness of those other features and auxilliary systems, e.g. anchors and cables. The term is also sometimes used to denote that the vessel currently meets the above requirements, i.e. “the vessel is in Class”.
class “C” lifeboat	– a small rigid open boat with a transom stern for general and emergency use
Classification Society	– establishes and applies technical requirements for the design, construction and survey of ships and other marine related facilities
clip	– a handle used on hinged watertight doors or hatches to force the door or hatch against its gasket (also referred to as a dog or securing cleat)
coaming	– an upright barrier
codend	– the end of the trawl net which collects the fish, sometimes known as the bag
cofferdam	– the void or empty space between two bulkheads separating adjacent compartments
con	– to guide or direct a ship by giving orders to a helmsman
controllable pitch propeller	– has blades that can be rotated on the propeller boss in order to vary the thrust
danleno bobbin	– large bobbin at either end of the foot rope
davit	– a light crane on a ship’s side for lowering and lifting a lifeboat

deadlight	– a steel plate fitted over a porthole to protect it
Decca	– a radio system used to determine a ship’s position at sea. It is based on the phase difference between the waves received from two transmitting stations and the receiving station on board ship, as oppose to Loran , in which time difference is used
Deckie learner	– an apprentice or trainee deckhand on board a fishing vessel
demersal	– fish living close to the seabed, i.e. bottom feeding fish such as cod
derrick	– a crane consisting of a large beam, the foot of which rests at the base of a mast or post
Deoxyribonucleic Acid (DNA)	– a substance carrying genetic information that is found in the cell nuclei of nearly all organisms.
diatom	– a single-celled alga which has a cell wall of silica
disabled (crew)	– inability to carry out any of their duties
dodging	– hove to (head to seas, holding position)
dog	– a handle used on hinged watertight doors or hatches to force the door or hatch against its gasket (also referred to as a clip or securing cleat)
dogged	– the status of a dog on a watertight door hatch when the dog is in the closed position
double bottom	– the term for all watertight spaces contained between the external bottom plating of the hull and the internal tank top and margin plates
downflood	– the action by which an otherwise watertight vessel begins to flood due to water ingress through openings in the hull or superstructure
drain hat	– a small receptacle, shaped like an inverted top hat, fitted to the tank top or a deck for the purpose of freeing that space of water without detriment to the completeness of the watertight inner bottom
duff	– a marine sponge-like organism, found on the seabed over wide areas of the sub-arctic, particularly in the Barents Sea
dynamic positioning	– computer controlled arrangement of propellers which allows a vessel to remain precisely over one spot on the seabed
dynamic similarity	– scaling effects between model and actual vessel

echosounder	– an electrically operated instrument that emits a sound from a vessel’s submerged surface and then measures the time interval until return to echo – which is recorded, and a graduated scale used to convert the interval into depth
electrolytic action	– a chemical reaction produced by passing an electric current through a conducting liquid, or by placing two different metals in contact, when the metal items are immersed in sea water
factory deck	– the deck containing the factory space on board a vessel, where the fish processing activities are undertaken. On GAUL, this was also referred to as the main deck
fine on her bow	– the relative position of an object, when another ship is a few degrees to one side of the ship’s head (bow)
fish loading hatch	– hatches located beneath the A-Frame, used for discharging the contents of the codend down into the factory area for processing
fishmeal	– A nutritive mealy substance produced from surplus or discarded fish or fish parts and used as animal feed and fertiliser
flight deck	– jargon for trawl deck on a large stern trawler
flotsam	– debris floating on the water surface.
following sea	– sea with waves approaching from the stern of the vessel.
foot rope	– the wire rope across the bottom of the mouth of the trawl net
forecastle deck	– the forward weather deck on a vessel, extending aft from the stem of the vessel, typically to forward of the superstructure
flora	– the plants of a particular area or period of time
frame	– a transverse structural member, sequentially numbered from aft to forward
freeboard	– the height of the freeboard deck above the waterline
freeing port	– a large drain hole in the bulwarks
free surface	– any body of liquid which has an unconfined upper surface, free to remain parallel to the horizontal as the ship rolls and pitches, is said to have a free surface. Free surface has a detrimental effect on the transverse stability of a vessel, and leads to reduction in metacentric height
gallows	– strong fittings placed on the side of a vessel, generally formed by an H bar, with bracket attachments to the deck.

The purpose of the gallows is to raise the trawl doors when working the trawl, with each gallow provided with a heavy steel pulley at the top through which the trawl warp is rove

gasket	– a sheet or ring of rubber sealing the junction between two surfaces
Gilson	– the wire used for hauling on board and emptying the codend
goal post mast	– a mast in the shape of a football goalpost
hatch locking pins	– removable pins which could be inserted through holes in the bobbin rails to top the open fish loading hatches closing
hawse	– the part of the bow where the hawsepipes are located, the cylindrical or elliptical pipes through which the anchor cable runs
head seas	– waves coming from the front [bow] of the vessel.
heaving to	– to slow or stop the forward motion of the vessel, such as when in heavy seas.
hindcast	– a method of computing sea states in the past, using complex analysis of wind fields, pre-existing sea states and local observations
hopper	– a container that tapers downwards and empties its contents at the bottom
hydraulic	– relating to or operated by a liquid moving in a confined space under pressure
hydrodynamic	– behaviour of a fluid in motion
hydrographic	– relating to the science and practice of surveying oceans and seas, and their charting
hydrostatic	– behaviour of a fluid not in motion
hydrostatics	– branch of statics dealing with fluids in equilibrium – that is, in a static condition; often used to denote the data representing the geometrical properties of the underwater form of a vessel for a range of waterlines, presented either in tabular form or as a set of curves
hypothermia	– the condition of having an abnormally low body temperature
implode	– to collapse inwards
in hauler	– a winch or rig used for hauling on board a rope or other gear
intact condition	– the condition of vessel without hull structural damage

Jonswap Spectrum	– used to describe the component frequencies and wave heights in a given sea state
knock-down	– a wave impact causing a sudden violent roll to at least 90°
Kort nozzle	– a duct surrounding the ship’s propeller that improves thrust
lay and dodge	– to alternate between laying and dodging
laying	– not under power
lee	– area sheltered from the wind
list	– to lean over, or tilt, to one side
load line	– a line marked on the side of a vessel, representing the maximum draught to which a vessel may be loaded in specified circumstances
Mayday	– an international radio distress signal used by ships and aircraft
membrane	– a thin skin-like sheet of material or structure
metacentric height	– the distance of the metacentre above the centre of gravity of a ship; the metacentre is a theoretical point, representing the point of intersection of the vertical through the centre of buoyancy of the ship in equilibrium, with the vertical through the new centre of buoyancy when the vessel is slightly inclined; the greater the value of the metacentric height above the vessel’s centre of gravity, the more stable the vessel is considered to be
microbiology	– the scientific study of micro-organisms, organisms so small, they can only be seen with a microscope
mucus	– relating to or covered with mucus, a slimy substance produced by the mucous membranes and glands of animals for lubrication, protection, etc
net arena	– the steel enclosure on the trawl deck used for storing the working trawl net when not in use
non-return valve	– a valve which is designed to allow fluid to pass through the valve in one direction, but not allow any fluid to either return and flow through the valve in the other direction
offal	– the internal organs of an animal, considered inedible and therefore thrown away as worthless or unfit for use
organism	– an individual animal, plant or single-celled life form
outhauler	– a winch or rig used for hauling outward a rope or other gear

pelagic	– fish living close to the surface, i.e. surface feeding fish such as herring
photogrammetry	– method of obtaining three-dimensional geometric data for a given object by means of mathematical interpretation of a series of two-dimensional images of the object, taken from different perspectives
plankton	– tiny organisms living in the sea or fresh water
plug hatch	– a hatch which fits into an opening
pneumaflex coupling	– a low pressure, air-driven, highly elastic torsionally and vibration-damping coupling combined with a pneumatically operated friction clutch. This reliably separates or connects the power flow between an engine and the drive unit.
propeller pitch	– the distance a vessel would advance with one turn of the propeller, if there were no slip
pulled away	– lost to the force of the sea
quarter	– the side of the vessel aft of the beam
quartering seas	– seas which comes over the quarter of the vessel.
range of intact stability	– the range of heel angles over which the fully closed-up vessel will retain positive stability
scantlings	– the dimensions of all structural parts of a ship, such as frames and girders, used in building a vessel. The various classification societies publish rules determining the scantlings to which builders must adhere
schedule	– the set of regular reports made by distant water trawlers, coordinated and consolidated to provide details of a given group of vessels' current positions and activities.
scupper	– a hole in a waterway or bulwark, for allowing water on a deck to flow overboard
scuttling	– the action of deliberately causing a vessel to be lost, usually through sinking, by opening the seacocks or by cutting holes through the ship's bottom or sides
securing cleat	– a handle used on hinged watertight doors or hatches to force the door or hatch against its gasket (also referred to as a dog or clip)
shipwright	– a man skilled in the building and repairing of ships
shot her trawl	– lowered her trawl into the water to begin fishing



side scan sonar	– a device which uses sound waves to produce a side view of objects on the seabed
silica	– a compound of silicon and oxygen that occurs as quartz and is found in sandstone and many other rocks
sill	– an upright barrier across the lower edge of a doorway to prevent the ingress of water
slush pumps	– pumps capable of dealing with water containing parts of fish
splice	– a method of joining rope by interweaving the strands; a join made in rope by this method
stability	– the characteristics of a vessel to remain upright and return to the upright during rolling or being knocked over by waves. In practice it refers to the complex calculations that are required to determine the effect on these characteristics as a result of changes in loading of the ship
Statutory	– required or permitted by law, e.g. Statutory regulations
stay	– a wire supporting a mast
stem	– the forepart of a ship
substrate	– the material or substance on which an enzyme acts; a surface on which an organism grows or is attached; an underlying layer
sump	– a small well fitted in a compartment, usually at the aft end, to facilitate drainage of bilge water
superstructure	– any structure extending above the upper or main deck, either as a continuation of the main framing such as a bridge, or a decked structure on the freeboard deck extending from side to side of the ships
transom	– the flat surface forming the aft end of a ship
transverse	– across the vessel from side to side
trawl deck	– the aft weather deck, used for trawl recovery and deployment operations
trawl door	– a large steel or wooden board used as one of a pair to keep the mouth of the trawl open
Turo	– the trade name for the submersible solid handling waste disposal pumps manufactured by EGGGER, and installed on the GAUL
viscous scaling	– see footnote 38 Para 17.6
warp	– a fibre or wire rope

- watertight – impervious to the passage of water, as applied to ship’s structure, closures and joints. A watertight opening is so constructed that when closed, it will prevent water under pressure from passing through, and normally incorporates a gasket
- watertight integrity – closures and features that prevent the ingress of water or flooding from any source to certain compartments which are all essential to the safety of the vessel
- weather deck – a deck exposed to the elements
- weathertight – capable of being sealed to exclude water in normal sea conditions. A weathertight opening is typically designed to keep out rain and spray only



# FV GAUL

## RE-OPENED FORMAL INVESTIGATION

### Contents

#### Part 1

1.	<b>Introduction</b> .....	1
	A brief historical account of the loss of the GAUL, the concerns that have persisted over the years, the finding of the wreck in 1997, the decision to re-open the Formal Inquiry and the detailed surveys in 1998 and 2002 and the investigative work that followed.	
2.	<b>The Vessel</b> .....	10
	A description of the GAUL (formerly the Ranger Castor) with special reference to the features that were important in determining why she was lost and how far the GAUL met the regulatory measures that were in place at the time she was built. See also Appendix 04 <b>Particulars of the GAUL</b> .	
	Regulatory Regime .....	16
	Freeing ports .....	18
	Stability Information .....	20
	Factory deck drainage .....	24
	Duff and offal chutes .....	26
3.	<b>Gaul Service History</b> .....	30
	An account of the in port procedures for maintaining the GAUL and some of the main incidents that may have had some bearing on the loss.	

4. **Experience of the Crew on board the GAUL** ..... 35

Information is given about the known experience of the Skipper and crew and how the departments on board were organised and the responsibilities of each department. Included is a discussion on the strengths and weaknesses of the crew structure and the briefing procedures for new crew joining the vessel.

The Skipper ..... 35

The Mate ..... 36

The Junior Officers ..... 37

The Deck Crew ..... 38

The Engineers ..... 38

The Factory Manager ..... 39

The Factory Hands ..... 39

Other Crew Members ..... 40

5. **The Last Voyage** ..... 45

A detailed account of the GAUL’s last voyage up to the believed time of the loss, the last sighting by the SWANELLA, the weather at the time of the loss, and the way in which the Owners and the Insurers dealt with the emergency. The search for the GAUL is described involving all ships that were in the area, ships of the Royal Navy and the Royal Norwegian Navy and aircraft from the UK and Norway. Finally this section deals with some of the events in the immediate period after the loss that were germane at the time.

The failure to report ..... 47

The Search ..... 51

Flotsam from the GAUL ..... 52

6. **The lead up to the Original Formal Investigation [OFI] ..... 54**

After the search was abandoned in mid February 1974 preliminary inquiries were made of the engineering, ship design and navigational aspects of the case. The three sister vessels were inspected and the maintenance procedures used by the Owners when the ships were in port were reviewed. This information together with witness statements were made available to the OFI that commenced on 17th September 1974. The conclusion of the OFI that the GAUL had “foundered and capsized due to being overwhelmed by a succession of heavy seas” is discussed briefly in this section.

7. **Capture by the Russians ..... 73**

A detailed account of how the belief that the GAUL may have been a victim of the Cold War and was in fact in Russian hands is explored. This is seen against the background of the Governments unwillingness to conduct a search for the wreck and the alleged use of British trawlers for low level intelligence gathering on the movement of Russian naval ships.

8. **Why no search? ..... 105**

A history of communications between various relatives and interested parties and Government Officials mainly from the Department of Trade regarding the Government attitude to carrying out a search for the wreck of the GAUL. It includes a discussion on why these attitudes prevailed but highlights that this has been a key reason for the RFI.

9. **Spying ..... 131**

This section focuses on the belief that the GAUL was engaged in spying and how this affected the thinking of the relatives especially in the light of the unwillingness to engage in a search for the wreck. The theory was fuelled by media interests who openly championed the spying theories. The actual extent of low level and a number of clandestine operations by British trawlers is explained. The section includes evidence presented by two members of the Security Services at the RFI.

**Part 2**

10. **Description of Surveys.** This section describes the hardware used ..... 145  
in the 1998 and 2002 surveys

11. **The findings of the underwater investigations** ..... 152

This section is a detailed account of the underwater surveys and especially the 2002 Seisranger survey and the findings from this work. In a sense it may be described as an autopsy of the wreck. The 2002 survey brought to bear all the latest subsea technology and as such was the most comprehensive investigation carried out into the loss of a fishing vessel. The equipment is described and the key findings are highlighted and considered explanations given as to how these may have come about.

Significant survey Findings ..... 162

12. **Improbable loss scenarios** ..... 183

Throughout the years since the GAUL was lost many possible scenarios of the cause have been put forward. In the light of evidence from the surveys those scenarios that can now be judged as improbable are discussed and reasons given as to why they can now be discounted.

13. **Was the GAUL fishing at the time of her loss?** ..... 195

This crucial question is examined from the evidence gathered during the survey especially with regard to the position of the trawl gear and the related fish and gear store hatches both of which were found to be open on the GAUL wreck. The conclusion that she was not fishing is considered against contemporary opinions by other skippers in the area at the time of loss and the prevailing severe weather conditions.

14. **The snagging of a cable** ..... 212

The theory that the GAUL was lost by snagging a submarine telecommunications cable has been put forward by a number of informed parties. Such a cable may have been laid for commercial purposes or possibly for gathering military intelligence. A mystery cable near the wreck was identified in the first TV underwater film in 1997. This section reviews all the evidence for and against a cable being

in any way a cause of the loss including the expert opinions as well as new data from the 2002 survey.

15. **The prevailing weather and sea conditions** ..... 233

The evidence of many other skippers and mates who were on North Cape Bank near to the GAUL when she was lost are compared to the scientific hindcast made for the RFI by a leading meteorologist and oceanographer drawing on a vast amount of historical weather data now available. This data confirmed that the weather was very severe and simply too bad to permit trawling to take place at that time.

The Hindcast ..... 233

The evidence of those who were there ..... 235

Summary ..... 237

16. **What happened after the last sighting of the GAUL** ..... 238

This is a hypothesis but based on contemporary reports and expert advice and the fact that the vessel was found further towards the land than last reported by the Swanella. It is concluded that the GAUL was most probably proceeding on a southerly course to gain shelter from the land.

17. **Probable cause of the loss** ..... 243

The evidence is drawn together in this section that takes into account all the relevant factors from the surveys, the model tests and computer simulations, the prevailing weather conditions and concludes that the GAUL capsized and sank in severe weather as a result of factory deck flooding with the capsize occurring during a sudden and sharp turn to port under full power. Finally in this section the question why other vessels on North Cape Bank did not founder on that day is discussed.

Source of water on the factory deck . ..... 255

Factory drainage arrangements ..... 257

Source of water ..... 262



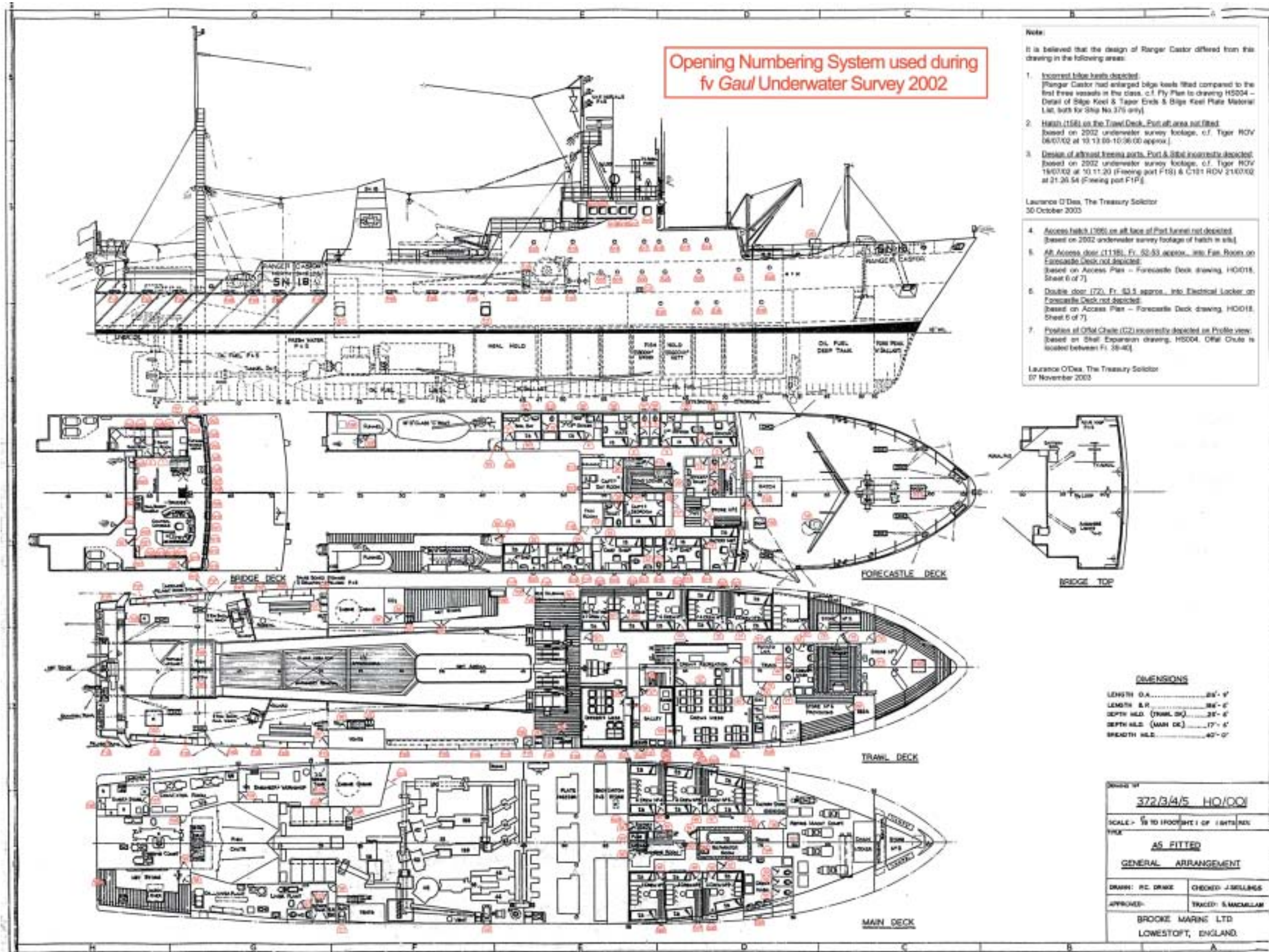
	Would water have been noticed on the factory deck? .....	264
	The sinking .....	268
	Why have the sister ships not been lost? .....	270
	Conclusion .....	271
18.	<b>Maintenance</b> .....	272
	An important question addressed by the RFI related to the procedures put in place by the Owners for the maintenance of the GAUL and other ships and how these might have been relevant to the loss. Focus is made on the open chutes on the factory deck and the inevitable inference that they were not properly inspected or maintained prior to departure.	
19.	<b>Recommendations</b> .....	279
	Since the loss of the GAUL some 30 years have passed and many of the recommendations that could be made have been put in place as a result of changing practices, new legislation and experience. The fishing industry too has changed and there are few factory vessels of GAUL's type in service under the British flag. Nevertheless many such vessels do exist around the world and the RFI has highlighted some of the fundamental issues arising from the GAUL investigation that could make ships more safe in future.	
20.	<b>The inquests</b> .....	282
	This section formally records how the 36 members of GAUL's crew died.	
21.	<b>Answers to the questions</b> .....	285
	The RFI was directed to answer 12 vital questions relating to the loss. Answers to these questions are given in this section.	

**Appendix**

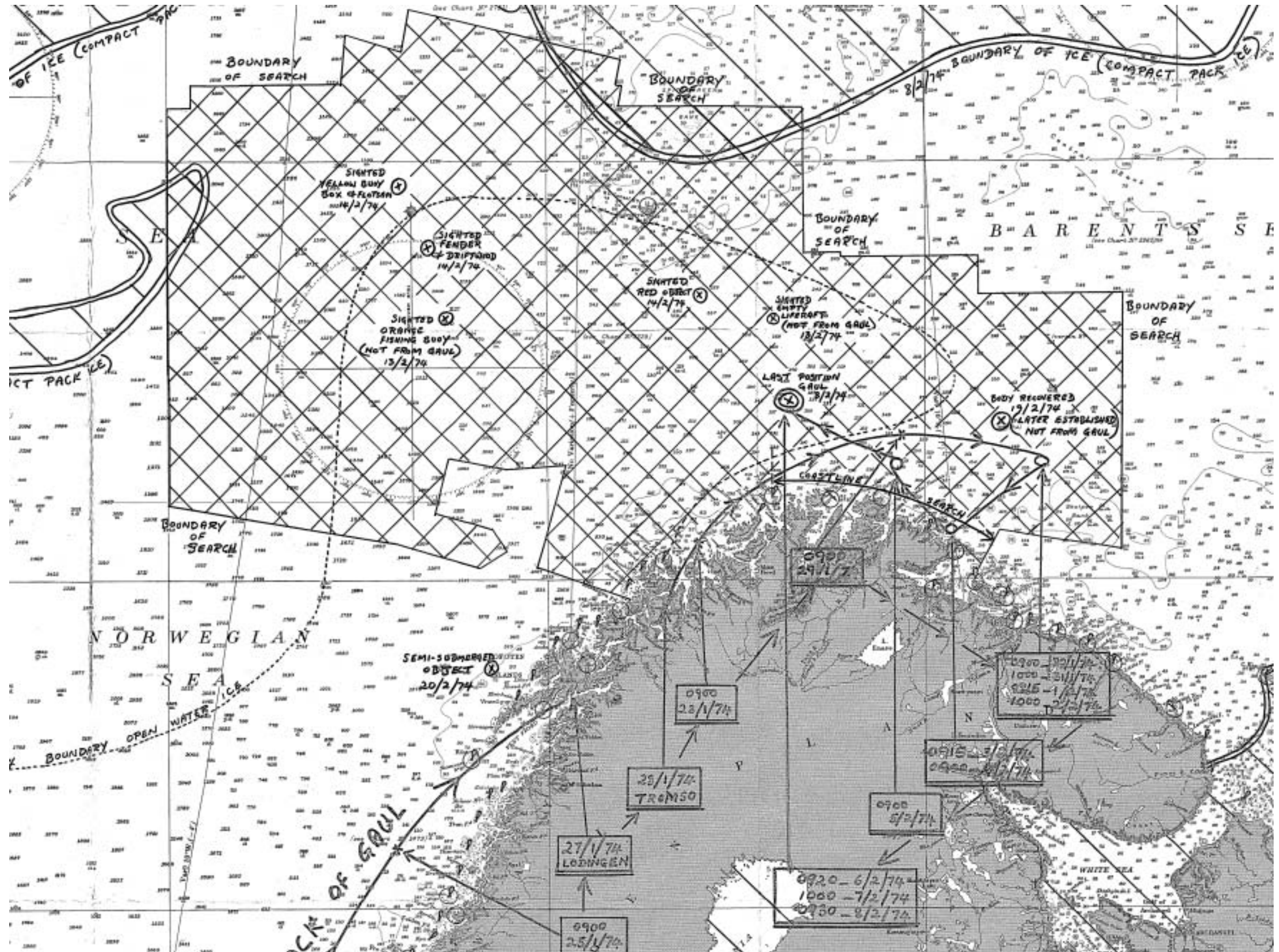
01	List of Members of the Gaul Families Association .....	289
02	List of Witnesses and statements at the 2004 Re-opened Formal Investigation .....	290
03	Experts Protocol .....	296
04	Particulars of the GAUL .....	299
05	Chute details .....	315
06	GAUL Crew List .....	317
07	MT Cassio general arrangement .....	319
08	List of Witnesses and statements at the 1974 Original Formal Investigation .....	321
09	Assessment of other fishing vessel casualties .....	327
10	List of images .....	335
11	DVD List of contents .....	337
12	CD List of contents .....	340



FV Gaul  
general  
arrangement



Admiralty Chart showing SAR areas







*FV Kurd stern view in 1974*

*FV Ranger Cadmus*

*Courtesy of Port of Lowestoft Research Society Collection  
and Fishing News International*







# PART 1

The loss of the GAUL in 1974, the OFI and the aftermath

Sections 1-9



# FV GAUL

## RE-OPENED FORMAL INVESTIGATION

### 2004

#### 1. Introduction

- 1.1 In February 1974, the modern factory stern trawler GAUL (formally Ranger Castor) and her crew of 36 disappeared. She had last been seen in bad weather to the north of Norway. There had been no distress calls. (A widespread but unsuccessful search was carried out. It is depicted on page xxvii, together with the track of the GAUL as from 0400 on 25 January 1974, based on the reports from GAUL submitted to Hellyer Brothers, the owners of the vessel). A Formal Investigation under the Merchant Shipping Acts was promptly held later that year. It concluded that the vessel must have been overwhelmed by a succession of heavy seas. Many people were unconvinced by this explanation and thought there must have been some additional mechanism involved in her loss. Others suspected that her disappearance was not accidental but that she had been a victim of the Cold War, having been (or thought to have been) involved in intelligence gathering, and thus captured or sunk by hostile forces.
- 1.2 These concerns persisted over the next 23 years with relatives pressing unsuccessfully throughout for an underwater search to be conducted by the Government - a proposal that had been rejected in 1977 shortly after the position of the wreck was thought to have been identified. In the meantime, in the wake of recommendations made by the original Formal Investigation (the “OFI”), the Department<sup>1</sup> requested the ship division of the National Physical

---

<sup>1</sup> The passage of time has meant that there have been numerous changes in the name of the Government Department responsible for marine casualties. At the time of the disappearance of the GAUL in February 1974, it was the Department of Trade and Industry, the name to which the Board of Trade had changed in 1974. As from the general election in March 1974, it was the Department of Trade. However, following the general election in June 1983, the Department of Trade merged again with the Department of Industry, but responsibility for shipping was allocated to the Department of Transport. In 1997, the Department of Transport merged with the Department of the Environment to form the Department of the Environment, Transport & the Regions. The Department for Transport was recreated in 2002. Despite the risk of solecism, we have chosen to refer to “the Department” throughout, save when quoting from text.

Laboratory to carry out model experiments for the GAUL. These experiments were conducted between 1975 and 1977. An abridged composite report was prepared by Dr. Tony Morrall of the National Maritime Institute entitled “*Investigation into the Loss of the mv. GAUL*” but only published in May 1979. The findings were that the presence of water on the trawl deck alone would not lead to capsize and thus were inconsistent with the view that the GAUL was lost as a result of severe weather alone.

- 1.3 There matters remained until, in 1997, an expedition mounted and led by a journalist, and financed by two television companies, found and identified the wreck of GAUL some 70 miles north of the North Cape of Norway. Following this, the Deputy Prime Minister, Mr John Prescott MP, asked the Marine Accident Investigation Branch (MAIB) to consider the video material produced by this expedition. The MAIB concluded that a more detailed survey was required before a judgment as to the cause of the sinking could be made. Such a survey was conducted by the MAIB in August 1998 with Remotely Operated Vehicles [ROV's] deployed from the MV Mansal 18.
- 1.4 The wreck was found in one piece lying heeled 35° to starboard in about 280m of water partly covered in fishing nets. The MAIB published a report on 16th April 1999, in which it recorded the new evidence discovered by the investigation, in particular the absence of any evidence of fire, explosion or collision damage, the fact that the fish loading hatches and the weathertight doors on the trawl deck to the engine room escape and factory deck were open, and the fact that the bridge windows were unbroken but the outboard face of the port funnel was indented.
- 1.5 Following analysis of the new material, the MAIB reached a conclusion on the causes of the sinking not dissimilar to that reached by the 1974 OFI, but, in view of the discovery of open weathertight doors and hatches, recommended that the OFI be re-opened. Accordingly, on the 14 April 1999 the Deputy Prime Minister signed the following order:-

*“Whereas on or about the 8th day of February 1974 the motor trawler GAUL, registered at Hull the official number H243, sank on the north Cape to the North of Norway with the loss of 36 lives and whereas a shipping casualty has occurred; and whereas a formal investigation was held into the said casualty, pursuant to an order of the Secretary of State; and whereas the Wreck Commissioner made a report to the Secretary of State by reported Court No: S493; and whereas the Secretary of State is satisfied that new and important evidence which could not be produced until the wreck had been discovered; now the Secretary of State for the Department of the Environment Transport and The Regions in pursuant of the powers conferred by Section 269 of the Merchant Shipping Act 1995 hereby orders that the whole of the case shall be re-heard by a Wreck Commissioner”.*

- 1.6 In due course I, Mr Justice David Steel, was appointed Wreck Commissioner for the re-opened formal investigation (“RFI”). As specified by Section 268 of the Merchant Shipping Act 1995, the appointment of one or more assessors was required. I have had the inestimable advantage of having three assessors, Dr David Aldwinckle, Mr Peter Craven and Mr Alan Hopper. Dr Aldwinckle is a Chartered Engineer, a naval architect and former Senior Principal Surveyor to Lloyd’s Register of Shipping. Mr Hopper is a naval architect and was formerly Technical Director of the Sea Fish Industry Authority. Mr Craven is an experienced former trawler skipper. Where appropriate those assessors and myself are collectively referred to as “we” in this report.
- 1.7 At a preliminary meeting on the 6 June 2000 I made a recommendation that an intrusive manned dive should be undertaken on the wreck of GAUL, a proposal supported by the Attorney General, whose Department was to conduct the Inquiry. The Secretary of State considered the recommendation but came to the conclusion that the risks of injury associated with a manned dive were unacceptable. A proposal for an intrusive examination with small remotely operated vehicles was put forward as a possible alternative. Whilst pursuit of

this proposal involved a further adjournment of the RFI, this course of action was approved by the GAUL families<sup>2</sup> at a meeting chaired by the Chief Inspector of the MAIB in July 2000.

- 1.8 David Jamieson MP, the Parliamentary Under Secretary of State, wrote to me on the 13 December 2001 to identify the successful contractor in the competitive tendering contest. His letter went on:-

*“For the avoidance of doubt, the foremost aim of the survey will be to collect video images to seek to establish the causes of the loss of the vessel. Work on the other objectives, searching for evidence of intelligence gathering and searching for forensic science samples for identification purposes, will be done later during the survey. The work must be undertaken in this order because of the likelihood of disturbing the evidence that helps to explain the loss of the vessel”.*

- 1.9 In due course very substantial funds were made available to allow a survey of the GAUL to be undertaken in July/August 2002 by the Subsea 7 vessel, MPSV “Seisranger”<sup>3</sup>. Between 1 and 25 July 2002, underwater surveys were carried out around the clock using four different types of ROV, two Workclass, a Tiger observation, and two types of mini ROV; VideoRay and LBV [Little Benthic Vehicle]. Cameras fitted to these vehicles were able to video and gain entry to the wreck for the purpose of taking further footage and collecting samples. The video material was of startling quality and value<sup>4</sup>. Amongst many other things the survey report contained the revelation that the non-return flaps of the duff and offal chutes, located on the starboard side of the vessel above main deck, were seized open and their hopper covers unsecured. The Duff chute cover appeared to be secured open, the offal chute split cover half open, and, as a consequence, the factory deck was not watertight. Image 01 and 02 opposite shows the duff and offal chutes as seen during the 2002 survey.

<sup>2</sup> See App. 1 List of members of the GAUL Families Association (GFA).

<sup>3</sup> The costs involved were in the region of £2.4 million.

<sup>4</sup> As the images in this report reveal.



*Offal Chute Split Covers (Chute C2)*

*Duff Chute Cover (Chute C1)*



*Image 1*



*External view of opening of Offal Chute (Chute C2)*

*External view of opening of Duff Chute (Chute C1)*



*Image 2*



- 1.10 During the survey, fourteen samples of clothing and bones were recovered from the wreck and returned to the UK into the custody of the Coroner. DNA tests conducted by the Forensic Science Service revealed that the human remains came from four of the crew, namely Mate Spurgeon, Mr Briggs, Mr Wales and Mr Collier. Those of Mr Spurgeon were found in the chart room on the port side of the bridge, whilst those of the others were respectively found in the officer's mess, the crew's mess and the assistant factory manager's cabin. Inquests were opened for those men by the Coroner for Kingston upon Hull, Mr Saul. The Lord Chancellor, exercising his powers under section 17A of the Coroners Act 1988, has required that the Coroner should adjourn the inquests on the basis that the RFI would be in a position to investigate adequately the cause of death of the deceased.
- 1.11 The Secretary of State had earlier engaged the services of Mr Roger Clarke to investigate and report on two matters relating to the GAUL; firstly as to an unsuccessful search for bodies of the crew in Northern Russia and secondly as to why no search was made for the wreck until after the 1997 expedition. Mr Clarke reported on these two matters in May 2000<sup>5</sup>.
- 1.12 As regards the latter report it became clear to me, in the course of various preliminary hearings for the purpose of the RFI, that the GAUL Families Association were anxious to review some of the conclusions reached by Mr Clarke as to why the Department did not carry out a search in the late 1970's. I sought the agreement that it was legitimate to reopen these matters as part of the RFI and on 17 July 2003, Mr Alistair Darling, MP, the Secretary of State for the Department for Transport agreed that it would be appropriate to do so.
- 1.13 The RFI commenced with an opening speech by Lord Goldsmith, the Attorney General, on 13 January 2004 at Europa House, 184 Ferensway, Hull and was

---

<sup>5</sup> DETR Report "The Trawler GAUL": The search for bodies of the crew in Northern Russia.  
DETR Report "The Trawler GAUL": Why no search made for the Wreck.

concluded on 26 February<sup>6</sup>. The attached CD and DVD contains both the text of this report, a full transcript of the OFI and RFI hearing, the images and video presented to the Inquiry including the MARIN model tests.

The parties were represented by; Mr Nigel Meeson QC and Miss Jo Cunningham (instructed by the Treasury Solicitor) on behalf of the Attorney General. Mr Timothy Saloman QC and Miss Ruth Hosking (instructed by The Max Gold Partnership) on behalf of the GAUL families save for the families of Skipper Nellist and Mate Spurgeon. Mr Terry Munyard (instructed by Birnberg Peirce & Partners) on behalf of the Nellist and Spurgeon families. Mr Nigel Cooper (instructed by Jackie Duff) on behalf of the Department for Transport.

- 1.14 The Treasury Solicitor retained a number of experts to assist the RFI. Some focussed on specific tasks:

*Dr Ir Frans van Walree of MARIN*

He was contracted to perform model tests and computer simulations

*Dr Vincent Cardone of Oceanweather Inc*

He was contracted to provide a weather hindcast for February 1974.

*Jonathan Howland of Woods Hole Oceanographic Institute*

He was contracted to investigate and identify the cables seen on the seabed in the vicinity of the wreck

*Dr Alan Judd*

He was contracted to investigate loss of buoyancy due to possible gas escape from the seabed

---

<sup>6</sup> A list of witnesses is at App.2. A further days evidence was subsequently taken on 8 October and dealt with allegations that a UK Nuclear submarine may have caused or contributed to the loss. Further that the crew of a Swedish vessel the Anaris may have seen the GAUL just before she was lost. These matters are dealt with in section 12 below.

*Mr W Sangster*

He was contracted to investigate the radio equipment carried on board GAUL.

*M-Scan Ltd*

Contracted to investigate the substance found on the underside of the crew escape hatch.

*Kalagate Imagery*

Examined the video footage obtained by the MAIB during the 1998 Survey.

- 1.15 Other experts retained by the Treasury Solicitor were Tony Bowman of TMC [Marine Consultants] Ltd (assisted by Dr Alan Ractliffe) and Terry Thresh, a former trawler Skipper. Jim Tanton acting on behalf of the Department for Transport. Together with Jerry Colman, of Messrs Burness Corlett & Partners (assisted by Nigel Hendy) and Graham McCombie, who were retained by the Nellist and Spurgeon Families and the GAUL Families Association respectively, they formed an experts committee which made a major contribution to the RFI under the terms of a protocol dated October 2002<sup>7</sup>. We would like to express our grateful thanks for all their work.

---

<sup>7</sup> See App.3

## 2. The Vessel<sup>8</sup>

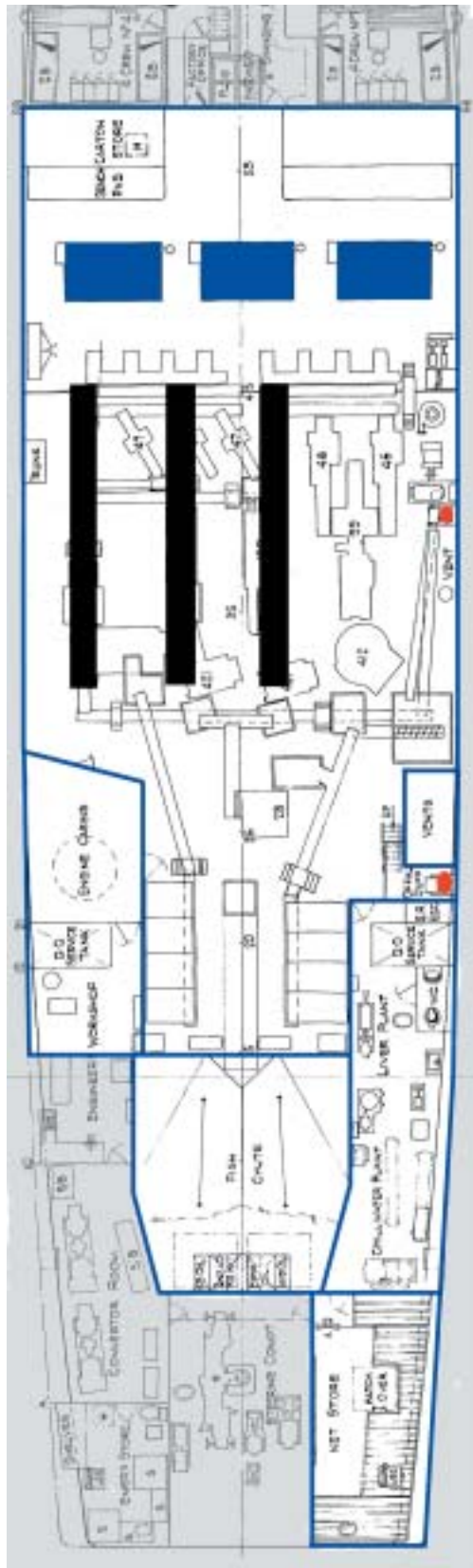
- 2.1 The keel of the Ranger Castor/GAUL was laid on 12 March 1970. She was launched on 6 December 1971 and was delivered to Ranger Fishing Co. on 3 August 1972. Upon completion, she was 1106 gross tons. Her overall length was 66.01 metres. Her moulded breadth was 12.2 metres<sup>9</sup>. She was built to Lloyd's Register of Shipping classification  $\nabla$ 100 A1 (Stern Trawler), Ice Class III for the hull. Her machinery was constructed, installed and tested under Special Survey and entered into Class  $\nabla$ LMC<sup>10</sup>. She was the fourth and final vessel of the Ranger 'C' Class and had three sister vessels: Ranger Cadmus (Arab – now Kappin), Ranger Calliope (Kelt) and Ranger Callisto (Kurd). Photographs of the GAUL alongside are to be found at the front of this report. An image of the Kurd and Ranger Cadmus showing the stern and ramp gates are shown on page xxviii.
- 2.2 The General Arrangement plan of the GAUL is to be found at the front of this report. There were two continuous decks, the uppermost of which, called the trawl deck, formed the aft weather deck. Below this was the main or freeboard deck, otherwise known as the factory deck, forward of Frame 58 was the crew accommodation.
- 2.3 On the factory deck aft [image 3] was the steering gear compartment on the centre line. Next to this on the starboard side, was a net store and forward of this were a chill water plant and a liver plant. On the port side starting from the after end was an engineer's store, a converter room, an engineers' workshop, and the engine casing. Forward of the steering gear were the fish chutes leading from the fish loading hatches on the trawl deck to the factory.

---

<sup>8</sup> Full particulars are to be found in Appendix 4.

<sup>9</sup> Most of the drawings of the GAUL and the reports for the OFI have been written using imperial units whilst the more contemporary reports adopt the SI or metric units. It is not practical to convert these to a single common system for the report.

<sup>10</sup> An Interim Certificate of Class was issued 28 July 1972.



*Plan of Factory Deck*

*Image 3*

- 2.4 A duff chute opening in the side plating was located at the aft end of the factory deck on the starboard side between frames 22 and 23. An offal chute was also located on the factory deck on the starboard side but further forward between frames 39 and 40. The location of the chutes may be seen on the GA plan at the front of the report.
- 2.5 The main machinery on the factory deck included:
- a) Pumps. 2-off “Turo” waste disposal pumps. Each 5.5 h.p. and 90 tons/hour. Situated in a well 4 ft deep.
  - b) Fish Processing. 8 Baader gutting and filleting machines with a water throughput of 21.9 tons per hour. In addition to this supply to the processing machines, there was a supply line to each of the eight sorting/washing bins giving a further flow into the factory space of 8.8 tons per hour.
- 2.6 The after centre portion of the trawl deck as seen on the photographs of the *Kurd* and *Ranger Cadmus* [image 4] was sloped down to form a ramp about 20 feet long by 13 feet wide extending down from the deck level to the level of the load water line at the stern. The lower end of the ramp was open to the sea. At the deck end of the ramp there were two half doors 3 feet 6 inches high which, when closed, gave some protection to the trawl deck by helping to prevent seas from coming on board. The ramp and doors can be seen, with the ramp doors closed, in the photograph of the sister ship the *Kurd* at the front of the report. [page xxviii]
- 2.7 Immediately forward of these doors, there were two flush fish loading hatches in the trawl deck giving access to a double fish chute by which the catch was conveyed to the factory deck for processing. These fish loading hatches were approximately 6 feet square and, when closed, water tightness was maintained by rubber seals. The hatches were capable of being opened and closed hydraulically or manually and could be locked in position [see image 5] below.

*Trawl Deck looking forward on Kurd, alongside in 1974*



*Image 4*

*Courtesy BAE SYSTEMS Design Services (formally YARD)*

*Open Fish Loading Hatches (Hatches 159 & 160) on Arab.*



*Image 5*



*Freeing Port in way of frame 1-2 Port side of Trawl Deck on Arab*



*Courtesy BAE SYSTEMS Design Services (formerly YARD)*

*Image 6*

- 2.8 On the trawl deck, rectangular freeing ports were provided on each side throughout the whole length. Each of these freeing ports had vertical bars welded to prevent nets and other fishing gear from going overboard. [image 6] shows the typical arrangement of a freeing port on the Ranger ‘C’ Class vessels.

### **Regulatory Regime**

- 2.9 At the time of construction, the only Statutory requirements applicable to a fishing vessel of the size and type of Ranger Castor/GAUL were sections of the Merchant Shipping Regulations governing the provision of lifesaving and fire extinguishing appliances, navigation lights, radio communication equipment, the control of oil pollution, the carriage and completion of log books and the requirement to carry out musters and drills.
- 2.10 For this purpose, on completion of the vessel, a surveyor from the Department’s office in Great Yarmouth, Captain Gliddon, completed a Safety Equipment – Record of Inspection - Form SUR183, confirming that he had inspected all the Statutory safety equipment on 25 July 1972 and found it fully in compliance with the applicable Regulations. A further survey of the equipment would not have fallen due until July 1974. (The only item which might have involved a visit to the vessel before that time would have been to check that the annual servicing of the inflatable life rafts had been carried out. In reality, confirmation was usually provided by the relevant owner forwarding to the Department a copy of the life raft service certificates. The GAUL was no exception.<sup>11</sup>)
- 2.11 Looking back from the year 2004, it is surprising that there were no Statutory requirements in regard to any of structural strength, weather or watertight integrity, stability, freeboard, machinery or electrical installations (although there were obvious difficulties for instance about the direct application of the

---

<sup>11</sup> GAUL carried 6 inflatable life rafts. The certificates relating to them refer in fact to her sister vessel Ranger Callisto. At some stage, following testing and inspection, the life rafts must have been refitted on Ranger Castor/Gaul. Whilst it is undesirable that there are no proper records of this transfer, we do not think that anything turns on it.

Load Line Conventions to vessels of a class which loaded their cargo whilst at sea with their hatches open).

- 2.12 The loss of three distant water trawlers in 1968 had led to the establishment of the Holland-Martin Committee which was mandated to make recommendations regarding the safety of deep sea trawlers and their crews. The Committee reported in 1969: Cmnd. 4114. Thereafter, the Department embarked on consultations with representatives of all sections of the UK fishing industry over the development of a regulatory framework to be applied to fishing vessels of over 24 metres in length.
- 2.13 In anticipation of the creation of a regulatory framework, an enabling Act, the Fishing Vessels (Safety Provisions) Act 1970, was passed. However, it was not until 1975, after the disappearance of the GAUL, that a comprehensive set of requirements was finally agreed and came into effect: see the Fishing Vessels (Safety Provision) Rules 1975. These Rules absorbed much of the existing sections of the Merchant Shipping Regulations which applied to fishing vessels and also covered almost all other aspects of the safety of ships and those on board. The only items not originally included were standards of crew accommodation, radio requirements, the certification of officers and freeboard. These aspects, other than freeboard, were regulated by later separate Statutory Instruments<sup>12</sup>.
- 2.14 The six-year gestation period was the subject of some comment during the RFI. It is clear that the process of achieving consensus within the fishing industry proved difficult and time-consuming. In any event, it has to be recognised that, so far as the hull and superstructure of GAUL was concerned, the survey regime that was in due course introduced by the 1975 Regulations was in fact no different from that which had already been put in place at the time of her construction. If GAUL had not been lost, the 1975 Regulations would have

---

<sup>12</sup> It should be noted that, as regards freeboard, Lloyd's Register did calculate the equivalent freeboard for determining a scantling draught for strength purposes in applying its Rules for Steel Trawlers.

required her hull to undergo bi-annual inspection for the purposes of her fishing vessel certificate. But, in line with the recommendations of the Holland-Martin Committee, that survey would have been carried out by a Lloyd's Register surveyor by reference to the same standards as justified the maintenance of class: see Regulation 124.

### **Freeing ports**

- 2.15 In the report of the OFI dated November 1974, there is a finding at Paragraph 12.9 which reads:- *“The freeing ports of GAUL met the requirements laid down for United Kingdom vessels and they met the Inter-Governmental Maritime Consultative Organisation IMCO standards”*. A review of the relevant evidence now available suggests that these conclusions are open to doubt. This is because the sizes of the freeing ports were originally assumed to be those shown on the builder's shell expansion plan. But video footage from the wreck appears to show that not all the freeing ports were of the size shown on the plan. [see also image 6 above]
- 2.16 Calculations for the freeing port area actually cut on each side of the bulwarks give effective areas on the port side of 18.33 square feet and 24.01 square feet on the starboard side i.e. a total of 42.34 square feet. In contrast, the Lloyd's Register surveyor's First Entry Report included a table headed *“particulars of freeing arrangements”* in which the measured dimensions (presumably taken from the plans) were given as 21.11 square feet port side and 27.50 square feet starboard side giving a total area of 48.61 square feet (this latter figure being quoted by the chief naval architect of the vessel's builders, Brooke Marine in his statement dated 25 March 1974).
- 2.17 Furthermore, contemporary documents confirm that the classification society's requirements were the same as the rules for freeing ports set out in the International Load Line Convention 1966. The calculation of the convention requirements adopted the 50% reduction in area permitted for freeing ports situated in perimeter bulwarks around superstructure decks and showed that the

required area each side was 24.22 square feet. Accordingly, there appears to be a slight shortfall in area, particularly on the port side.

- 2.18 Although this conclusion was challenged by Lloyd’s Register in a commentary dated 6 February 2004 we are satisfied that the recent calculations are correct, the difference being attributable to the loss of effective area in part due to rounded corners and protection bars and in part to the fact that some openings, particularly in way of the pelagic door recesses, are only 24 inches long as opposed to 36 inches long.
- 2.19 With regard to IMCO requirements, the position may be even less satisfactory. In March 1969 the Department issued a circular entitled “*Intact stability for fishing vessels*”. In the document the Department summarised the recommendations on stability that had been accepted by IMCO as best practice. The recommendations included a section on freeing ports. The significant difference between the Load Line Convention and the method adopted by IMCO was that no reduction in area was allowed in the latter when determining the minimum area on superstructure decks. Thus, it is self-evident that neither the builders nor Lloyd’s Register adopted the IMCO recommendations which would have required total areas of 36.44 square feet on both port and starboard sides<sup>13</sup>.
- 2.20 Going a stage further, if the GAUL had been required to meet the requirements of the Fishing Vessels (Safety Provisions) Rules of 1975, the freeing port area on each side of the ship would have had to have been 41 square feet. It also has to be noted that following the loss of the GAUL one of the first modifications carried out on each of the three sister vessels was to substantially increase the

---

<sup>13</sup> It is interesting to note from the material submitted to the RFI that, after the GAUL loss, the Surveyor General of the Department, Mr MacIver Robinson, made a statement in 1980 to the Royal Institution of Naval Architects (RINA) in the discussion to Dr Morrall’s NMI paper as follows: “...that prior to this casualty it was the Department’s intention to follow the traditional philosophy whereby the required minimum area of these freeing ports can be reduced by 50% when situated on the superstructure deck. After the casualty this concession for height above the waterline was reviewed and it was agreed that for fishing vessels the maximum reduction would be 25% and not 50% as previously contemplated.”

freeing port areas to 48.4 square feet on the port side and 56.19 square feet on the starboard side.

- 2.21 The immediate significance of any restricted freeing port area is that the time taken for clearing water from the trawl deck is increased. In this connection, calculations suggest that with the ship upright and with the larger freeing port area as subsequently fitted to the sister ships, it would take about 9 seconds to clear water up to the bobbin rail, a period similar to the period of wave encounter as provided by Dr Cardone. Based on the actual freeing port area, the calculated clearance time is increased to about 21 seconds.
- 2.22 Nonetheless, in assessing the fate of the GAUL, the significance of this shortfall in freeing port area is very much less than it might first appear. Firstly the model testing and computer simulation work conducted for the RFI by MARIN showed that only a small amount of water was shipped aboard even in heavy following seas. Secondly the model tests were in any event based on the assumption that the bulwarks were entire and had no freeing arrangements anyway.

### **Stability Information**

- 2.23 Prior to the late 1960's, the issue of stability information to fishing vessels was left to the discretion of the owner or builder. There were no Statutory or other requirements to provide such information. Nonetheless, most of the firms engaged in the building of distant water fishing vessels followed the established merchant ship practice of carrying out inclining experiments to determine the light ship characteristics of the completed ship. A simple booklet was then produced illustrating the intact stability of the vessel over a range of anticipated loading conditions. But there were no agreed or recommended standards of stability to be achieved and it was left to individual designers to determine what constituted adequate stability.

- 2.24 In 1969, the Department published a *“Recommended Code of Safety for Fishermen on Trawlers”* in which it stated that *“information relating to the stability of the vessel should be provided in a form which will readily enable the Skipper to control the loading of the vessel and check its stability at sea.”* Draft standards for the stability of fishing vessels were then proposed by the Department based upon recommendations developed by IMCO. The Department strongly recommended that such information be prepared for all British fishing vessels of 24 metres in length and over and builders were required to submit any such stability booklets for formal appraisal. This appraisal was limited to assessing the form and content of the booklet and confirming that the stability characteristics as quoted were seen to be in compliance with the IMCO recommended criteria<sup>14</sup>.
- 2.25 The requirement to have onboard a fully approved stability information booklet did not become mandatory for UK registered fishing vessels of over 24 metres in length until the coming into force of the Fishing Vessels (Safety Provision) Rules in 1975. However, prior to that, the White Fish Authority, as it was then called, were concerned to ensure that stability information was carried on board. Indeed, it made it a condition for the granting of State aid for the construction of new vessels of which the Ranger Castor/GAUL was one.
- 2.26 So far as the stability information for the four ships in the Ranger ‘C’ Class is concerned, it appears that on 15 November 1971, on completion of the Ranger Cadmus, the first ship in the series, the builders submitted to the Department three copies of their proposed stability booklet. On 14 December the Department confirmed that a Certificate of Compliance would be issued subject to the receipt of two further copies of the inclining experiment report.

---

<sup>14</sup> At the time, there was no requirement to limit the maximum trim by the stern (or by the head) of the vessel. Knowing that the intact stability of the vessel would reduce with increasing stern trim, the builders did eventually produce cross curves of stability for different trim values to cover what they understood would be the GAUL’s operational stern trim range.

2.27 In February 1972 (some two months after the Ranger Castor had been launched) the Department's surveyor appointed to examine the stability information for the Ranger 'C' Class suggested to the builders that a page of special guidance notes be prepared for issue to the Skippers on each ship, to be read in conjunction with the information contained in the stability booklets. The owners proposed a text, which included amongst other things, reference to:

- (i) The dangers of ice accumulation in certain sea areas;
- (ii) The need for care in the use of liquids to minimise free-surface effects and to maintain a favourable trim; and
- (iii) The importance of closing all exposed openings, particularly in bad weather.

2.28 On 29 March 1972 the Department accepted the owners' proposed text, subject to the addition of warning note number 2 which had already been included in the stability book and which read as follows:

*“In view of the serious effect of the weight and free surface of water which can build up in the factory deck, it is essential to keep this water to a minimum at all times.”*

Whilst commendable, this note did not really grapple with the fundamental point that the factory deck was not just a covered working deck but an intrinsic part of the hull which needed to maintain its watertight integrity as otherwise stability would be compromised. This was a point that may not have been fully understood by fishermen brought up in the tradition of side trawlers where there was no factory deck and water used to wash the catch ran freely over the side.

2.29 Furthermore, the notes were issued, it would appear, as a separate document rather than as an integral part of the stability booklet. So far as the Ranger Castor (GAUL) is concerned, copies of the ship's stability booklet were sent to the Department on 1 August 1972. It was in substantially the same form as



those issued to the previous three ships. Notably, as with the sister vessels, there was no free surface calculation for the factory deck.

- 2.30 The Department's surveyor examining the original edition, reported that the booklet was incomplete and that it did not include any hydrostatics or cross curves of stability, nor did it contain tables of metric/imperial conversions. On 12 September 1972, the builders submitted copies of an amended booklet and on 5 December 1972 the Department gave notice of confirmation to the owners that the stability of the vessel essentially complied with the recommended criteria subject to an appropriate notice to the effect that the stability values quoted were dependent upon the correct use of closing appliances on the deck and/or the superstructure.
- 2.31 The owners acknowledged the significance of this requirement by including in their special notice to Skippers a clause "Bad Weather Precautions" which stated "*in severe weather it is the Skipper's responsibility to ensure that all hull, deck and superstructure openings are closed as far as is practicable. In emergency conditions all openings must be closed, particularly watertight doors, hatches and ventilation trunks and only opened at the Skipper's discretion*". Confirmation that a copy of this special notice had been handed to the Skipper of the Ranger Castor was sent on 8 December 1972. It has to be said, however, that since the special notice was not physically incorporated into the stability booklet there was a risk that it would not come to the notice of subsequent Skippers and other officers.
- 2.32 One other aspect of stability must be mentioned. As a result of operational experience with the ships already in service, the original owners asked the builders to convert the number 2 double bottom tank on the Ranger Castor from a water ballast tank to an oil fuel tank. The builders declined to do this on the grounds that the water ballast might be needed to provide a margin of safety in the event of severe icing of the superstructure. As a compromise, the builders provided the owners with sufficient additional piping and valves to allow the

conversion to be carried out by the owners themselves after delivery of the vessel. There is evidence that this conversion was duly carried out by Ranger Shipping. However, there is no evidence to show that the stability booklet for the Ranger Castor was amended as a result of this change.

**Factory deck drainage.**

- 2.33 On the factory deck, there was a deep drain well running part way athwartships between frames 15 and 16. It was serviced on each side by one of two Turo pumps with suctions in four-foot deep wells. The forward section of the factory deck was devoted to the freezer machinery. By definition, the machinery in the forward section had no water throughput and the area was supposed to remain dry and clean. It was separated, therefore, from the aft section by a 2-foot high coaming at frame 45.
- 2.34 Just forward of the coaming there were, according to the Lloyd's Register First Entry Survey Report, two drain hats on each side of the ship. The 2 inch suctions from the drain hats led down through the deck to the 3 inch bilge drain in the engine room. There was accordingly a facility, if the need arose, to de-water the freezer area at the forward end of the factory space.
- 2.35 It appears that at some stage additional drain hats were connected to this system by the original owners – two immediately aft of the coaming at frame 45 and another pair at the aft end of the factory deck, one just forward of the engine room casing on the port side and one forward of the casing round the liver oil plant room on the starboard side.
- 2.36 This additional installation appears to be attributable to a problem with Ranger Cadmus reported by the owners to the builders in November 1971:

*“... we feel you should be aware that the factory deck drainage system is not adequate and that considerable quantities of water are able to collect forward of the port and starboard engine room casings. This is not only having a serious effect on the conveyor belts, causing them to*

*slip with consequent loss of production, but the water is of sufficient quantity to adversely effect the sea-keeping effectiveness of the ship as a whole.*

*We regard this matter as most serious and look forward to your early proposals to rectify it in the ships now under construction and your further proposals for it's rectification on the Ranger Cadmus upon her return to base in approximately 2½ months time."*

- 2.37 The problem, which appears to have been associated with the vessel being trimmed by the head, was reported again in the following month. In March 1972 the owners wrote once more:

*"On the completion of Voyage 1 of the Ranger Cadmus, the ship's Officers reported an accumulation of water on the factory deck to a depth of 1 foot at the aft end of the athwartship washplate when the vessel was trimmed by the head.*

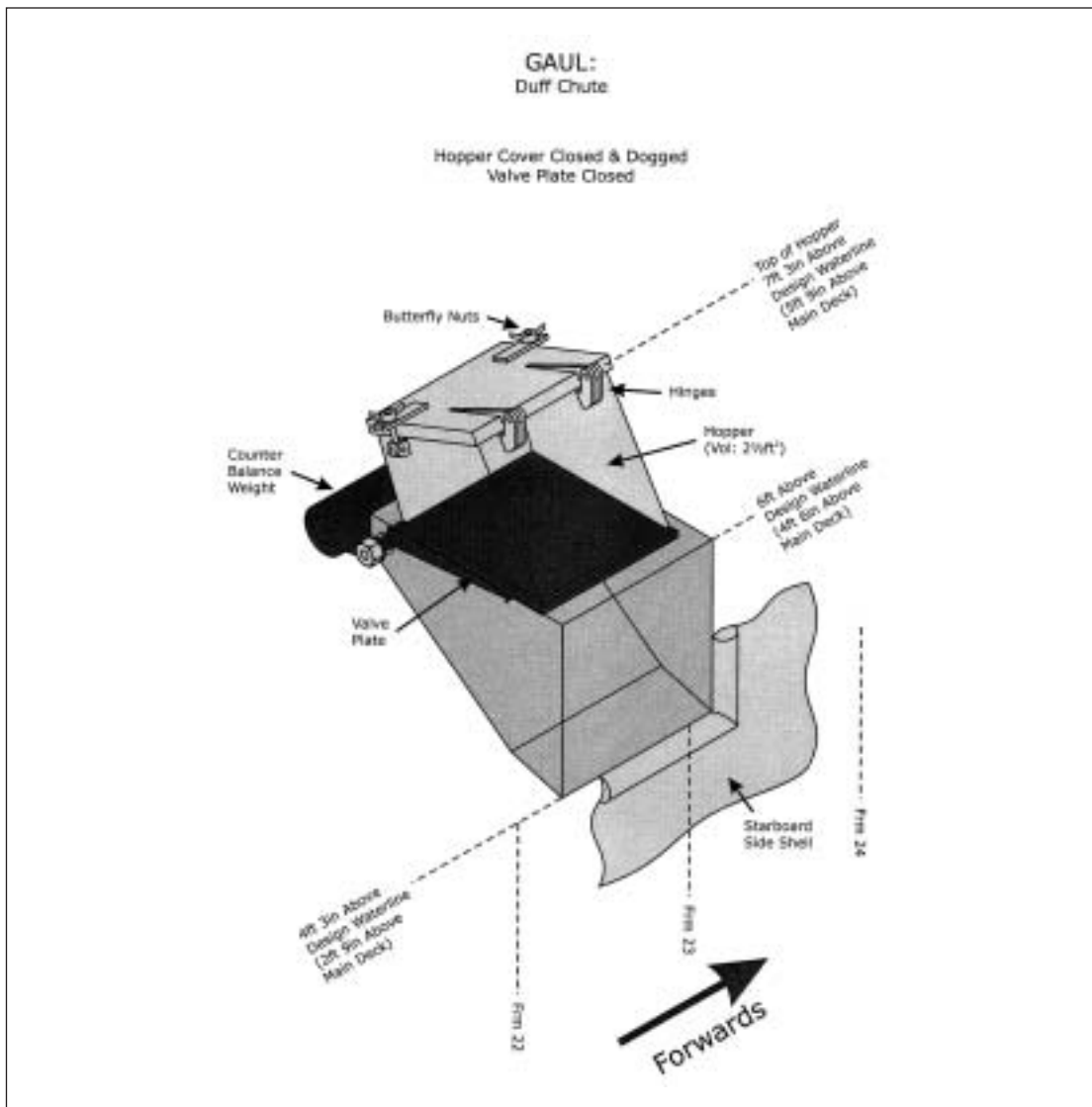
*At that time there was no method by which the water could be pumped clear of this area and in the interests of the safety of the vessel, Ranger fitted additional suction and isolating valves to overcome this problem."*

- 2.38 A note on the letter by the builders suggests that they did not feel it appropriate to effect the modification on the Ranger Castor and the other remaining new buildings and thus the arrangements must have been performed or carried out by the owners. However, the modification was not reported to Lloyd's Register for approval.
- 2.39 These matters were drawn to the attention of Lloyd's Register during the course of the RFI. In their memorandum dated 11 February 2004, Lloyd's Register confirm that approval should have been sought. What the outcome would have been if it had been sought remains obscure.

### **Duff and offal chutes**

- 2.40 The vessel was equipped with refuse chutes located on the starboard side of the factory deck between frames 22 & 23 and 39 & 40 respectively. [The position given in the GA plan is inaccurate] Their purpose was to provide a means of disposing of waste material from the factory deck which could not be usefully converted into fishmeal. This would include stones, seabed rubbish, fish and parts of fish spilled from the processing irons and duffs. [see drawing at 2.47 below]
- 2.41 Duffs are a sponge like organism found over wide areas of the sub-arctic and particularly in the Barents Sea. Large quantities of duffs are a considerable nuisance to trawlers as they clog up the trawl. It is a time consuming task to clear them. Most are about the size of a football some are much larger, up to one metre in diameter, and have to be chopped up for disposal.
- 2.42 Although the after chute was designated a duff chute, it could have been used for any rubbish from the factory deck. The hopper on top of the duff chute was slightly smaller than the offal chute for no obvious reason except that the density of duffs is greater than that of fish offal. The forward chute was intended for the disposal of offal that would have been fed into the hopper above the chute by a conveyor from the fish processing machinery. By definition this chute was only needed when for some reason the offal was not fed into the fishmeal plant for processing.
- 2.43 The relevant drawing of these chutes, revision A dated 23 September 1970 can be seen at Appendix 5. There is a stamp on the drawing, presumably placed by Lloyd's Register which reads: "*the arrangements shown in this plan have been examined for compliance with the requirements of the 1930/1966 Load Line Conventions.*" There is also a handwritten note on the drawing stating: "*covers to be secured shut except when in use.*"

- 2.44 The principle of the design was a non-return valve constructed from steel in the shape of a wedge shaped box built into the side of the vessel, forming a sloped chute down to a square opening in the hull plating. One side was open to the sea and the top of the box open to the factory deck. There was a hopper fitted on the top of each wedge shaped box to collect waste material. In the case of the duff chute this was 2.5 cubic feet and the offal chute 3 cubic feet. The opening was closed by a flat steel valve plate with the plate counterbalanced by a cylindrical steel weight. Both the plate and the counter balance pivoted on a spindle mounted on the upper inboard edge of the box. The hoppers were above this and were provided with steel hinged lids. In the case of the duff chute this was a single lid hinged out toward the ship's side. In the case of the offal chute, it had a split lid with the two halves hinged forward and aft. A drawing of the duff chute is shown on the next page.
- 2.45 The draftsman had put the following note on the drawing with reference to the weight of material in the hopper which would open the hinge flap by overcoming the effect of the counter balance weight: "*Theory. Anticipated full load in discharge hopper 130 lbs at stowage rate at 45 cubic feet per ton. Considered working load 113 lbs, counter balanced weight being 162 lbs. By moments 113 lbs at 10 inches lever = 162 lbs at 7 inches lever*". In fact the draftsman's calculations were incorrect in that they took no account of the weight of the valve plate.
- 2.46 During the RFI, an attempt was made to correct the calculations by accounting for the weight of the valve plate, albeit no clear dimensions of the valve plate could be found. The conclusion was that, ignoring any friction on the hinge, the approximate weight required in the hopper to open the valve plate would have been about 35 lbs which is about 0.5 cubic feet of waste.
- 2.47 Fish waste and other material would be collected in plastic 84 lb baskets from the deck, Turo pump sumps and from the sorting conveyor. Duffs would be



chopped up by a shovel and collected in similar baskets. This material would then be dumped from time to time through the chutes.

2.48 The design was apparently simple and use of the hoppers should have been straightforward (albeit that the height of the rim of the hopper at 5 ft 10 inches above the deck might have been somewhat high). But an annotation on the drawing states that the design of the watertight hopper hatch cover was “too fiddly”. This view was shared by the expert in this field, Mr Tanton.

2.49 In his view, the primary difficulty was that the design of the hinge was too elaborate for the purpose of operating the valve plate. The square machine

sections of the spindle, and the corresponding square holes in the support arms attached to the underside of the valve plate and in the balance weight connecting arms, would eventually wear round due to the repeated impact of the valve plate with the lower part of the chute, effectively disconnecting the balance weight from the valve plate. In any event, it was notable that there was no grease nipple. Yet the use of mild steel for the hinge spindle in a highly corrosive atmosphere would have inevitably resulted in corrosion within the brass gland. Furthermore, it is not clear how the spindle could have been repaired or replaced should the need arise without burning off the balance weight from the connecting arms (something that was found to have been done on the sister vessel Kappin [formally Arab] by representatives from the Inquiry when inspected in 2003).

### 3. GAUL Service History

- 3.1 Ranger Castor's maiden voyage took place in the autumn of 1972. The then chief engineer, Mr Randall, wrote a letter to the owners from Newfoundland in September setting out such teething problems as had been encountered. The machinery was reported to be performing very well. In October 1972, whilst the vessel was still on her maiden voyage, the Chief Engineer Superintendent of Ranger Shipping, Mr Chalmers wrote to the builders, Brooke Marine, informing them of the failure of the hydraulic pump of the steering gear. A replacement had been obtained from Messrs Donkins. The replacement pump was in fact a repaired unit that had been taken from Ranger Calliope (Kelt) after similar steering problems on that vessel in April. This was the first of a number of problems encountered with the steering gear over the next 18 months.
- 3.2 At the end of the voyage in December, the chief engineer prepared a work list which included: - *"Two fish hatch dogs to be repaired and replaced"*. It may well be that these were damaged when the hatches were being lowered with the dogs protruding and catching the deck edge. A photograph taken of Arab after the loss of the GAUL [image 5] showed a wire tie which may well have been introduced to try and eliminate that problem. Commendably, the shore repair list prepared following receipt of the Chief Engineer's list included the following additional item, presumably volunteered by the shore staff of Ranger Shipping: *"28. All watertight hatches and doors to check and free as necessary. Escape hatches to check and hose test."*
- 3.3 Voyage two commenced in February 1973. Mr Sim was now the chief engineer. (He kept a diary which may have been the "note book" used by him to cross-refer to when he was interviewed by Mr Scott, a surveyor from the Department appointed to investigate the casualty in March 1974). Xerox copies of some parts of the diary were available for the OFI. The following entry during the voyage is of note: -



*April 22*

*Main engine stops 17.30 hours. Split in discharge pipe from engine driven luboil pump. (Thistle bond failed) pipe removed and arc welded. Started up at 02.30 (23rd) Down time 9 hours.*

3.4 The vessel returned to North Shields in May 1973. Again, although there were no references to such items in the chief engineer's repair list, the shore repair list prepared at the end of the voyage included various additional items including:-

- 98. *All water tight hatches and doors to check and free as necessary. The escape hatches to check and hose test.*
- 99. *Fish hatch dogs to be checked and made free if necessary.*

3.5 It was following the completion of this voyage that an annual class survey and dry-docking pursuant to the Rules of Lloyd's Register were performed. This survey was also expressly conducted in the context of an anticipated change of ownership to British United Trawlers (B.U.T.). But, although there was a concurrent inspection by B.U.T.'s Hull Survey and Construction superintendent, Mr Dry, the transfer to B.U.T does not appear to have been completed until September. The findings of the Lloyd's surveyor included:

- *Hand pumps and suctions: good*
- *W.T. doors: good*
- *Fiddley openings; good*
- *Superstructures: good*
- *Refuse chutes, etc: good*

3.6 The third voyage commenced on 31 May 1973. Mr Sim's diary records various further incidents of some note:

*June 8*

*Main engine seawater cooling pipe split 3" long. Engine stopped at 20.10 hours. Spade blank and joint inserted. Engine started 21.10.*

*June 11*

*Stopped main engine 04.15 to repair split pipes on main engine Luboil and saltwater pipes also holes in Luboil Cooler sea water inlet and forward turbo blower balance pipe. Main engine started at 07.45 hours. Down time 3.30 hours*

*June 18*

*Split weld on both scavenger and pressure pumps on main engine. Pipes removed for welding and reinforcing.*

*June 29*

*Main engine stopped at 12.00. Luboil pressure pump pipe welds split - Pipe removed for over-weld on leak. Main engine started at 15.00. Down time 3 hours.*

***How many more stops because of split pipes?***

*July 12*

*Down time 3 hours. Main engine stopped at 22.00 started 01.00 13th. Lube-oil pressure pump discharge pipe flange bolts sheared due to pipe stress. Pipe removed and broken set bolts removed. New joints made and fitted.*

3.7 The voyage ended in September 1973. Mr Sim's repair list included: -

*Main Engine...*

*5. Engine driven Luboil pressure scavenge pumps: all immediately placed piping to both pumps must be renewed*

*6. Engine driven saltwater pumps: mechanical gland seal to re-new. Piping from this pump to coolers should be replaced with soft copper. Existing composite metal pipes are too brittle and constantly splitting. Pipe hangers and bracing clips to repair and replace.*

3.8 Prior to the commencement of the next voyage, the transfer of the four vessels in the class to B.U.T. was completed. The work requested by the Chief Engineer relating to the salt water pumps appears to have been undertaken at Humber St Andrews Engineering Company Ltd (a company in the B.U.T. group). Their invoice includes the item: *Renewing four main engine salt water cooling pipes, making and fitting BM tail, brazing four ends, making and fitting clips*: (There is also an invoice from Messrs Donkin for examination, overhaul and check of the hydraulic steering gear: but there is no invoice in the papers from any workshop relating to the luboil piping.)

3.9 During the course of the next voyage (No.4), which began at the end of September 1973, problems with the lubricating oil pump must have, perhaps not surprisingly, reoccurred since one of the items in the Chief Engineer's end of voyage repair list dated the 23rd December 1973 was as follows: -

*6. Engine driven luboil pressure and scavenge pumps: all immediately placed piping to these pumps should be renewed. Especially first section of piping from pressure pump discharge. Time lost every voyage through splits developing in pipe welds.*

3.10 The work associated with this requirement was reflected in the account from Messrs Drypool Engineering and Dry Dock Company Limited which included work on the main engine luboil pumps as follows:-

*– Cleaning and hammer testing suction and delivery pipes in the way of the pumps. Finding all pipes in good working order except the first lengths of the pressure pump discharge pipe. Releasing and removing one pipe for access. Releasing and removing defective pipe and conveying same to works. Supplying Material and cutting and fabricating a new 3 inch bore galvanising pipe complete with a 2<sup>1</sup>/<sub>2</sub> inch bore branch piece.....*

This appears to have eliminated the luboil piping problems. There certainly does not appear to have been any problems reported to the owners on the last voyage in this regard.

- 3.11 A considerable amount of further maintenance and repair work was undertaken in accord with the lists prepared by the deck and engine staff before the vessel sailed for the last time on the 22 January 1974 but none of it is material or even potentially material to any of the explanations for the loss of the vessel that have been canvassed.

#### 4. Experience of the Crew<sup>15</sup> on board the GAUL

##### *The Skipper*

- 4.1 The GAUL was under the command of Skipper Peter Nellist (aged 43), who was a relief Skipper sailing in the GAUL for the first time, having taken over from Skipper Ernest Suddaby. Skipper Nellist had obtained his full Certificate in March 1958, after passing all three parts of the examination at his first attempt. His first command was the Lord Essendon in December 1960. In 1965, between January and August, he had been in command of four large side trawlers. In 1966 he was appointed Mate of the new freezer trawler Cassio and continued to serve as Mate of the Cassio until 1973 when he became Skipper of her sister vessel, the Orsino. Between October 1967 and April 1971, he had been Skipper of the Cassio on four occasions and he became permanent Skipper of Orsino in February 1973, a position which he held until he was transferred to the GAUL in January 1974, as relief Skipper.
- 4.2 It is therefore apparent that, although Skipper Nellist had not previously sailed on a Ranger 'C' class vessel, he was an experienced Skipper. The Cassio and Orsino were both large stern trawlers of comparable size to the GAUL. However, neither the Cassio nor the Orsino were filleter freezers. They were both wholefish or block freezers and neither vessel was fitted with duff and offal chutes on the factory deck. Furthermore, it is significant that the Cassio and the Orsino did not have separate factory deck staff. [A copy of the GA plan for the Cassio is at Appendix 7.]
- 4.3 Whilst Skipper Nellist had no experience of the GAUL, he had received some guidance from Skipper Suddaby prior to the GAUL's last voyage. Skipper Suddaby had shown Skipper Nellist around the vessel and according to the evidence of Mr Oswald, the Trawler Manager of Hellyer Brothers [OFI Day 8 p.59], the purpose of the handover was for "*Suddaby to brief Nellist on the*

---

<sup>15</sup> A crew list is at App. 6

*differences of the GAUL versus Cassio in relation to detail rather than differences in principle*". In practice, there were however, no standing instructions for a handover of Skipper [RFI Day 4 p.24] and Skipper Suddaby had never before been asked to perform such a handover [RFI Day 3 p.141].

4.4 In evidence, Skipper Suddaby described how the meeting lasted about 1½ hours and how the main topic of the discussion was the propeller pitch used to tow, the bridge layout and about fishing [OFI Day 6p.75]. It is not a matter of criticism but it is clear that whilst Skipper Suddaby showed Skipper Nellist where the literature on board the vessel was kept, he did not show him the warning about free surface contained within the stability book [OFI Day 6 p.75, 78; RFI Day 3 p.140]. Nor, and again we make the point with out complaint, did Skipper Suddaby show him the duff and offal chutes – indeed, he showed him nothing particular on the factory deck [RFI Day 3 p.94]. Mr Oswald had also arranged for Skipper Nellist to meet with Leslie Abbey, a former Skipper, who had been ashore for some years as a marine assistant (not Peter Abbey, the Skipper of Arab): this would have been of very limited value.

4.5 Evidence about Skipper Nellist was given by a number of witnesses who knew him personally or who had sailed with him. Mr. Oswald, described him as “*very steady, very professional, very mature seaman*” [RFI Day 4 p.7 line 18]. Skipper Madden who knew him quite well described him as a “down to earth chap” who was “very meticulous when he was Mate”, and he could not imagine that Skipper Nellist would have done anything wrong that night [RFI Day 10 p.84 line 16]. At the OFI, he had said of Skipper Nellist “*He was a man who would keep to the book*” [OFI Day 2 p.20 Q7].

### ***The Mate***

4.6 When the GAUL sailed from Hull in January 1974, her regular Mate, Mr. George Petty was on board. He however, suffered an accident and was replaced during the voyage by Mate Maurice Spurgeon (aged 38). Mate Spurgeon, known as “Spud”, had started fishing in 1951 and was a Mate with Hudson

Brothers from about 1964. Apart from one trip as Skipper of the Ross Trafalgar for 3 weeks in August 1973, he had served as Mate on board a number of vessels for Hellyer Brothers. Only three of those vessels were stern trawlers: Ross Illustrious from September to November 1970, Invincible from March to April 1972 and two periods in the Othello from December 1972 to May 1973 and from October 1973 until January 1974. Like Skipper Nellist, he had no previous experience of a fillet freezer and of working with a separate factory deck crew.

- 4.7 In fact Mate Spurgeon did not return from his last trip on Othello until 3 days after the GAUL had sailed. Although this was Mate Spurgeon's first trip on a filleter freezer, both the Invincible and Ross Illustrious apparently had disposal chutes from the factory deck as Hellyer Brothers' Standing Instruction Index refers to number 26 entitled "*Disposal Chutes for factory deck*" and states that "notices" have been placed on those two vessels. Unfortunately, only the Standing Instructions for the wireless were produced and considered at the OFI and the instructions regarding the disposal chutes have not been seen. Accordingly, it is not clear to what the term "*notices*" refers; it could refer to the standing instruction itself or to some other particular notice.
- 4.8 Mate Spurgeon was described by Mate McCarthy of the Victory as having common sense and not a person to take risks [RFI Day 8 p.74 line 13].

#### *The Junior Officers*

- 4.9 The second officer was Sydney Broom (aged 28) who was also making his first voyage in the GAUL but nonetheless came with considerable experience in both stern and side trawlers as a Bosun, a position he had held since 1968. The records show he took a Mates Course in September 1973, but for some reason did not sit the examination. The inference from this is that he would have had at least a Certificate as Deckhand First Class or a Second Hand Special Certificate and would therefore have been instructed in the general principles of

ship stability and consequently aware of the risks of flooding on the factory deck.

- 4.10 The junior officer was John Chisholm (aged 33 but in the OFI this is incorrectly given as 23). Mr Chisholm was also making his first trip in the GAUL. He too had considerable experience of both side and stern trawlers and had done one full voyage as junior bosun on the Ranger Calliope [Kelt] so was in fact the only officer with some experience of a fillet freezer. The records do not show if he held any Certificate of Competency but his regular employment as a bosun, 3rd hand and junior officer suggests he would have at least a Certificate as Second Hand Special.

#### ***The Deck Crew***

- 4.11 There were 8 deckhands ranging in age from 24 to 52 all of whom were rated as spare hands, indicating considerable experience. We know of only three who had sailed on Ranger 'C' class vessels before – Colin Naulls, James O'Brien and Harold Wilson.

#### ***The Engineers***

- 4.12 The Chief Engineer, John O'Brian (aged 38), had sailed on 2 previous voyages on board the Ranger Castor (GAUL) as Second Engineer. He had not previously sailed as Chief Engineer. There is no evidence as to his qualifications although records of his sea service available to us, only go back to May 1973.
- 4.13 In addition to John O'Brian, there were 5 other engineers. The Second Engineer Ronald Bowles had considerable experience of Ranger 'C' vessels and the Third Engineer James Wales had done the previous two voyages on the Ranger Castor (GAUL). The Fourth Engineer, James Gardner, and one of the older men on the ship (aged 52), was making his first voyage on the GAUL. Timothy Hackett (aged 22) was a Trainee Engineer and we have no records of his previous sea experience. Clifford Briggs (aged 59 the oldest man onboard)



was rated as a Machine Plant Operator and was also making his first trip on the GAUL having previously been on the Ranger Borealis as 4th engineer.

### *The Factory Manager*

- 4.14 The Factory Manager, Terence Magee (aged 35), had been Assistant Factory Manager on her previous voyage. Mr Magee had been a fisherman from at least January 1956 and he continued as such on various side trawlers until 1961 when he came ashore for about three years. The records are annotated “*Employed NDLB*” (possibly National Dock Labour Board). He then returned to sea in 1964 as a D/L (believed to be deckie learner- if this is correct it implies that he had not yet passed the Certificate of Deckhand First Class and was simply taken on at deckie learner rates). The records then end after 12 days and resume when Mr Magee is appointed in June 1973 by Ranger Fishing to the Ranger Aurora as Factory Manager and then to the Ranger Castor on 28 August 1973. There is no evidence of his occupation from 1964 to 1973.

### *The Factory hands*

- 4.15 In addition to Mr Magee there were 13 factory hands, one of whom was designated as Factory Mechanic (James Woodhouse). There is some confusion over Clarence Smith (aged 46). He is rated as Machine Plant Operator (the same as Clifford Briggs) but a statement from his wife to the OFI states that he was assigned as Fish Meal Plant Operator under the Chief Engineer. There are no records for Mr Smith and it was possible that he was a supernumerary assigned for one trip or a part trip only.
- 4.16 The factory hands ranged in age from 19 to 55. 10 of the 13 had been on the previous voyage and in some cases on earlier Ranger Castor voyages. Of the remaining, 2 factory hands William Jones had served in the Ranger Calliope as a factory hand before coming to the GAUL and John Heywood had done a previous voyage on the Ranger Castor and had been found aboard the GAUL

on her final voyage once the voyage had commenced. He was signed on as a factory hand.

- 4.17 It should be noted that the factory hands represented the largest single department on the GAUL.

***Other crew members***

- 4.18 There were three cooks, Neil Petersen, Karl John Straker and David Wheeler. Straker was the youngest man aboard aged 17 and appears from his records to have served one previous trip on the Ranger Castor. The other two appear not to have had any previous experience on the GAUL or other Ranger 'C' vessels.

- 4.19 The Radio Operator was John Doone (aged 34) was new to the GAUL but had come directly from the Ranger Callisto [Kelt] and therefore would know the layout of the vessel.

**Discussion**

- 4.20 There is no doubt that Skipper Nellist and his officers were an experienced and well qualified team but only one of them, Chisholm, had any previous experience of a fillet freezer and this was as Bosun on the Ranger Calliope. As we have seen, prior to the voyage Skipper Nellist had been given a briefing by Skipper Suddaby. There is no record of any briefing of Mate Spurgeon before he departed for Tromso to take over from Mate Petty and Mate Petty had left for home before he joined the ship. There is no evidence of briefing of the junior officers prior to the voyage or of any written instructions to them. This was all normal practice at the time.

- 4.21 Thus at departure from Tromso at about 0230 on 28 January, although the GAUL had a very experienced and mature Skipper and a well experienced team of ship's officers, nonetheless, it can be said that the officers as a group had limited knowledge of the vessel's fishing capability and of its performance in bad weather. Skipper Suddaby when asked to comment in his oral evidence

about the all the officers being new to their position on the ship said, “*Yes, I think it is very unusual and very unfortunate*”. That said, in our view, within the 9 day period prior to the loss, the ship would be expected to be fully operational and the crew acting as an integrated unit.

- 4.22 The deck crew were experienced and rated as spare hands but little information is available as to their qualifications. Normally fishermen are selected for their experience rather than any Certificates they may have. All were new to the ship and as indicated above only Naulls, O’Brien and Wilson had previous experience on a fillet freezer. Nevertheless, on paper this would appear to be a very good team.
- 4.23 The factory deck hands appear to have been familiar with this type of freezer trawler and most had been on the previous voyage. From one perspective this may have been a benefit to Skipper Nellist in that he could leave them to get on with their job. From another he would have had very little knowledge of their capability or their work.
- 4.24 Although the safe handling, navigation and ship management of the fillet freezer trawler was the same as that of any other stern trawler, there was one basic difference between the factory fillet freezer trawler and the whole fish freezer in terms of crew size and experience. The whole freezer trawler would be crewed solely by fishermen who would carry out the operations of hauling, shooting and maintaining the fishing gear, and gutting and putting away the fish. A certificated Mate would be in charge of this crew supported by one or two junior officers or petty officers who would also have a Certificate. This was the practice carried on from the side trawlers in which most fishermen at the time would have had some experience.
- 4.25 The fillet freezer would carry a number of factory hands whose job would be to fillet and pack the fish and freeze it and then stow it away in the hold. In charge of the factory hands would be a factory manager who is likely to have some fishing qualification or experience. Something of a division in responsibility

existed, however, with regard to the gutting of the fish that appears to be done by the deck crew. They would enter the factory space from the aft access ladder [Door 88], gut the fish and then leave it to the factory hands to do their job. They would then leave the factory deck and take a short break before the next haul or carry out some other deck related duties. The factory deck at this point would be left in the care of the factory hands over which the Mate had no responsibility.

- 4.26 In the traditional side trawler on which most if not all the deck crew had learned their trade, the jobs were clearly defined by long established precedence. The side trawler also had its own built-in safety checks. The crew working on deck were always visible to the Skipper or officer of the watch on the bridge. The only flooding point to the watertight part of the hull was the fish hatch, again visible to the bridge. The implication for the safety of the ship was well understood and containable. As we have already observed, the whole fish freezer, with its factory deck, greatly increased the risks from flooding but it seems to have been dealt with by brief sentences in the stability book or the company standing orders.
- 4.27 It is to be doubted if many on board fully understood the importance of the factory deck in the stability calculations and how the ship would be at risk if the watertight integrity was compromised. The deck crew were responsible for the factory deck operations in the whole fish freezer and therefore instinctively aware of the risks from flooding or open hatches. The same problems existed with the factory fillet trawler but are compounded by additional water outlets and waste openings and with some responsibilities possibly delegated to non-fishermen. In modern terms, the risk had progressively increased without an appropriate upgrade in training having taken place.
- 4.28 Thus so far as the GAUL was concerned, what is clear is that although the deck crew contributed to the work in the factory deck by gutting and cleaning the fish at the aft end at the bottom of the fish ramp, the factory area was primarily the

preserve of the Factory Manager and his factory hands. Mate Petty made clear his perception of the demarcation between the deck crew and the factory hands.

*“I had nothing to do with the factory whatsoever. It was the Factory Manager’s department”.*

*“He dealt with everything in the factory”*

Skipper Suddaby adopted a similar stance in reply to a question as to whether the Factory Manager was in charge of the factory, *“ He would be running the fish processing plant and everything, yes”.*

4.29 Clearly this was sensible in matters relating to fish processing, packing and freezing but the responsibility for securing the factory space and shutting down water hoses also seems to have lain with the Factory Manager and his department. There is evidence from the crew records that most of the factory hands had previously served as D/L (deckie learner) or spare hands on a number of vessels. Unfortunately the records before the RFI were incomplete and it is difficult to judge their collective experience. It is certainly true that the Factory Manager, Mr McGee had served on the GAUL during her previous trip [as Assistant Factory Manager] and his records go back to 1956 so he certainly had considerable fishing experience (although as indicated above there appears to be a gap of some nine years between 1964 and 1973). Mr Oswald could not confirm that they were given any special training although he was sure that the Factory Manager had written instructions (none were offered in evidence). Mr Oswald also said that *“the Mate is not really concerned with what was going on in the factory deck”.*

4.30 In conformance with the Skippers’ Standing Instructions issued by the UK Trawlers’ Mutual Insurance Company Limited (undated) the Skipper *“at all times was responsible for the safe handling, navigation and management of the vessel”.* In this respect, it was normal practice to delegate to the Mate some of these responsibilities, such as securing the ship in the event of bad weather,

including ensuring there was no water on the factory deck or that openings had not been left open<sup>16</sup>. But we are left with the concern that there was an unfortunate grey area of responsibility, as the factory hands were always last to leave the factory deck after the catch had been stowed.

---

<sup>16</sup> It was also unfortunate that the main opening to the factory deck – door 88, on the starboard side of the trawl deck could not be seen from the bridge. If this was left open by anyone, it would only be noticed by someone going aft on either the trawl or factory deck, although this door would have been far less obvious from the latter area.

## 5. The Last Voyage

- 5.1 The GAUL left Hull shortly after 0600 on 22 January 1974, with a full crew of 33 plus her Skipper, Mr Peter Nellist. The duty of checking the crew who boarded the GAUL before she sailed fell to Mr Robert Northard, a shipping master employed by Hellyer Bros. Ltd. Mr Northard carried a notebook in which he had previously written a list of those persons who would form the crew of the GAUL and it was customary for members of the crew to report to Mr Northard in the offices at St Andrew's Docks. Persons who were not members of the crew were permitted to board the vessel to say farewell to their friends and just before sailing Mr Northard endeavoured to ensure that all those other than the crew came ashore. He was not always successful; it emerged that one man, Mr John Heywood, who was not a member of the crew, remained on board when the GAUL sailed.
- 5.2 Mr Heywood was signed on the Articles by Skipper Nellist, as a general-purpose hand, since he was an experienced fisherman and wanted a job. The crew list indicates he was a 'factory hand'. Having left Hull, she stopped briefly at Bridlington, where Mr Tracey joined as a spare hand, this having been previously arranged. Thereafter, she proceeded on her final voyage. While on passage up the Norwegian coast, the Mate, Mr Petty became ill. On arrival in Lodingen on 26 January, he was considered to be medically unfit for the fishing voyage and was landed for return to Hull. On the following day, 27 January 1974, she sailed and resumed her voyage. At about 0130 on 28 January 1974, she called at Tromsö, where she picked up a replacement Mate, Mr Maurice Spurgeon. The vessel now had 36 crew on board.
- 5.3 Later on 28 January 1974, she departed Tromsö and steamed to her fishing grounds, arriving there on the following day. Her daily position was plotted for the OFI and is reproduced at Page xxvii. She then spent, apart from a short break on 3 and 4 February, the next nine days fishing in the vicinity off the North Cape Bank, alongside a number of other trawlers. During that time she

was sighted by these vessels and was frequently in contact with them by radio. On 3 February 1974, the GAUL damaged her trawl and replaced it with a spare, after which fishing continued.

- 5.4 At 1000 on Thursday 7 February 1974, the GAUL reported that she was fishing in a position 72° 15" North 24° 50" East; her last reported position. On the same day, she also made a link call to the offices of B.U.T., reporting a Sperry fault to the Superintendent Engineer, Mr Alan Underwood. Advice was given to solve this problem and no further mention of the problem was made to B.U.T.
- 5.5 On Friday 8 February 1974, the weather deteriorated. The Mate of the Pict, Mr McCoid, described how his vessel was fishing until 0200, when the weather suddenly deteriorated so that the trawl was pulled away and the fishing gear lost. A hindcast compiled by Dr Vincent Cardone, a world-renowned meteorologist and Oceanographer, shows that the sea state increased rapidly throughout 8 February with significant wave height of 6.5m at about 0900. This is confirmed by the witness evidence from Skippers of other trawlers fishing in the area at that time, who stated that the sea state was about Beaufort force 7/8. The only discrepancy between Dr Cardone and the trawler Skippers is the time by which the sea state deteriorated to give significant wave heights in the order of 8/9m, described by other Skippers in the area at that time, as Beaufort force 9/10. Dr Cardone suggests that this would have occurred at about 1700 on 8 February, whilst the trawler Skippers reported such conditions as early as 1100.
- 5.6 On 8 February 1974, the GAUL was seen by Mr William Brayshaw, the Mate of the Swanella and a friend of Mate Spurgeon, about three or four miles distant, fine on her starboard bow. Mate Brayshaw's evidence was that the GAUL was then laying beam on to the weather and that he was talking to Mate Spurgeon by VHF radio. At that time, the Swanella was laid and dodging because of the weather conditions and Mate Brayshaw was anxious to know whether the GAUL would be crossing ahead of the Swanella. Mate Brayshaw recalled Mate Spurgeon telling him: *"You're all right, we'll be under way*



*shortly and we'll get out of your road because we're going to dodge more into land*'. Shortly after his conversation with Mr Spurgeon, the GAUL got underway and turned to port on to a westerly heading and steamed past the Swanella at about 0930, passing about 1 mile off her starboard beam.

- 5.7 At 0930, the GAUL made a report to B.U.T. via the Pict on the Office Schedule "*laid and dodging near North Cape Bank*". At 1030, she, along with 16 other trawlers, reported to the Orsino on the Skipper's Freezer Schedule. Of the 17 trawlers, 11 trawlers reported that they were laid and dodging because of the bad weather. At the OFI, Mate Brayshaw recalled that at 1045, he saw the echo of the GAUL on the radar of the Swanella and estimates that she was about six miles astern of the Swanella.

#### **The failure to report**

- 5.8 Between 1106 and 1109, two private telegrams were sent from the GAUL by radio via Wick Radio. A further report on the Skipper Freezer Schedule ought to have been made at 1630 the same day. The notes of Skipper Spencer of the Orsino show that all trawlers who reported at 1030 also reported at 1630, save for the GAUL.
- 5.9 Every Skipper was required to report his position, fishing results and other pertinent information to the control ship at 0900 each day. The control ship passed the information to a radio station for onward transmission to B.U.T.'s office, where it was generally received between 1000 and noon. After the signal from the control ship had been decoded, the information was entered in the Office Freezer Schedule.
- 5.10 Communications received out of office hours and at weekends were covered by four duty officers, acting in rotation, each of which would be responsible for decoding any message received at these times and entering the information into the Office Freezer Schedule. The duty officer was required to notify the Trawler Manager on duty of any information requiring action or of any

abnormal fishing or position report. As a general rule, the duty officer contacted the Trawler Manager at 1800 on Saturdays and Sundays.

- 5.11 In 1974, Mr David Close was the out-of-office hours deputy communications secretary, a position that he had occupied in his turn over the previous ten years or more. Mr Close's job was to decode telegrams and to formulate the schedule report for the Friday night and the Saturday morning. On Saturday 9 February 1974, Mr Close was the duty officer in B.U.T.'s offices. That morning, the Office Freezer Schedule came in at about 1130, by which time the duty Trawler Manager, Mr Anthony Hudson, had already left the office and, contrary to the normal practice, had told Mr Close that he would ring Mr Close that evening at about 1800.
- 5.12 When the telex message, transmitted by the Pict at 0930 on 9 February 1974, had been decoded, Mr Close noticed that the GAUL was missing from the list of freezers. Mr Close remained at the office until noon when he closed down the telex and transferred all calls to his home number and then went home. Later on the same day, Mr Close rang the GPO to see whether there were any further telegrams, in case there was one from the GAUL; there was not. He remained at home for the rest of the day, but did not receive a call from Mr Hudson, the Duty Trawler Manager.
- 5.13 On Sunday 10 February, Mr Close rang the telegrams office at Leeds and Bradford and took messages over the telephone in the Fleet Code. These had all been decoded by 1100. They contained no reference to the GAUL. The first reaction of Mr Close was to telephone Mr Richard Sabberton, the Superintendent Engineer, to ask him whether he had had any message from the GAUL regarding a mechanical breakdown and the answer was "No". He also tried to get in touch with the Duty Manager, Mr Hudson, but was unsuccessful. He therefore used his own initiative and at 1155, Mr Close sent out a SPY message via Bradford and Wick Radio, the message stated: "*why have you not*

*complied with our instructions regarding your daily position? Acknowledge immediately”.*

- 5.14 At about 1330, Mr Close spoke to Mr Hudson by telephone and told him that the GAUL had not reported and that he had sent a SPY message. Whatever precise words were used, it was not clear to Mr Hudson that the GAUL had not reported on the Office Freezer Schedule on both 9 and 10 February 1974.
- 5.15 It was customary for a representative of the UK Trawlers Mutual Insurance Company Limited to telephone all trawler owners at about noon each day to find out whether all vessels had made their daily reports. Mr Raymond Brookes, a personal assistant to the managing director of the insurance company, had been unable to speak to Mr Close during the morning of Sunday 10 February, but spoke to him by telephone at 1400 that day and learned that the GAUL had not reported and that a SPY message had been sent, to which a reply could be expected late in the afternoon.
- 5.16 When the expected reply failed to arrive, Mr Close again spoke to Mr Brookes and it was then decided to put through a link call to the Orsino. Due to the difficulties of making radio contact with the Orsino, Mr Brookes decided to telephone Mr Arne Isachsen, the insurance company’s agent in Tromsø. Mr Isachsen was advised that the GAUL had not reported on the morning Freezer Schedule for 10 February and he promised to speak to Hammerfest radio, a coast radio station for accepting messages concerning vessels, to have inquiries made about the GAUL. Later that evening, Mr Isachsen again telephoned Mr Brookes and said that he would alert vessels fishing off the coast of Norway and that HMS Mohawk, on exercise in the area, had been alerted.
- 5.17 Shortly after 0900 on Monday 11 February 1974, Mr Brookes spoke to Captain Habesch, a nautical assistant employed by the insurance company, and told him of the events of the previous afternoon and evening. No news had been received to change the situation. It was therefore, decided to send out a GZWT message. GZWT is the collective call sign for vessels insured by the UK Trawlers Mutual

Insurance Company Limited. At 0925, the insurance company sent out the following message via Wick Radio: *“To all vessels fishing North Bank, Norway – all vessels please report any contact with the GAUL last reported fishing North Bank. Nil reports not required”*.

- 5.18 Shortly thereafter, a further call was put through to Mr Isachsen asking for further information to which the reply was that the GAUL had not reported but that HMS Mohawk and other ships had been alerted. At 1235 a telephone call from Norway to Captain Habesch informed him that the Rescue Co-ordination Centre at Bodø had been placed on full alert and that they required a description of the GAUL. Shortly after 1300 Captain Habesch telephoned other trawler owners in Hull and asked for their assistance in joining a search for the GAUL. All owners agreed to co-operate and Boyd Line, Marr and Hamling each sent messages to their ships at sea asking for information and the insurers likewise sent a general message to all vessels insured with the UK Trawlers Mutual asking for an urgent report of any contact with the GAUL. At 1410, after an earlier attempt had failed, Captain Habesch spoke to a Mr Malcolm Jennings at the Hull office of the Ministry of Agriculture, Fisheries and Food and asked if there was any possibility of an air search by UK based aircraft.
- 5.19 Mr Jennings telephoned the Coastguard at Flamborough and advised the duty officer, Mr Hardcastle that the Norwegian Authorities were on full alert and that British trawlers and Naval vessels were searching the area. He also told them that there was a specific request to the Coastguard that if possible, a UK air search should be laid on; and that the Norwegian Authorities had already started an air search. Because of the distance involved, Wick Radio thought it would be better for a PAN broadcast to be made by Vardø Radio and such a broadcast was requested.

### **The Search**

- 5.20 A search operation was mounted by the Norwegian Authorities and by the Royal Navy and the Royal Air Force on a formidable scale. This operation was in addition to the search being carried out by 23 trawlers already in the area. Between 11 and 15 February 1974, an area of 177,000 square miles was thoroughly searched. The Norwegians made 13 sorties with Orion long-range patrol aircraft and four areas were searched by RAF Nimrods. A long stretch of the Norwegian coastline was also covered by Sea King helicopters and Coastguard cutters.
- 5.21 The search by ships was organised and co-ordinated by Captain C R P C Branson, Commanding Officer of HMS Hermes. On 11 February, HMS Hermes was on passage south to the Lofoten Islands area in order to participate in a four-day exercise with Norwegian forces arranged by the Commander Allied Naval Forces Northern Norway. At 2236 on 11 February, the Commander ordered HMS Hermes and HNOMS Stavanger to proceed to conduct a search for the GAUL. Captain Branson realised that the vessels involved in the search would require refuelling and ordered RFA Tideflow to proceed to the area. In addition to HMS Hermes, HMS Mohawk, HNOMS Stavanger and RFA Tideflow, the Norwegian vessels Trondheim, Nordkappe and Senja took part. A copy of the search chart used by HMS Hermes and other vessels was included in the OFI at Doc. 146. [An extract of the search area is shown on Page xxvii]
- 5.22 The search was called off at 1600 on 15 February 1974. Many vessels had passed through the relevant area and although flotsam from other vessels had been seen and reported, no trace of any wreckage from the GAUL had been discovered. On 21 and 22 February 1974, an RAF Nimrod aircraft carried out another sea search; the Norwegian coastal search continued for a few weeks longer; and shipping and aircraft were asked to maintain a lookout for signs of the GAUL; but no more evidence came to light over the next couple of months.

### **Flotsam from the GAUL**

- 5.23 Nearly 3 months later, on the morning of 8 May 1974, a lifebuoy from the GAUL was discovered by Mr Arne Olsen, the Skipper of the Norwegian motor vessel, the Rover. The lifebuoy was lying afloat about 17-18 nautical miles directly north of Nordkynn-Halvøya in Finnmark, more precisely north of Slettnes Light in reported position 71° 25"N 28° 25"E. The lifebuoy was clearly marked with the words "GAUL HULL".
- 5.24 Mr Olsen has asserted that he made no attempt to clean the lifebuoy then or later. He placed it on the ship's hatch, brought it ashore in Vardø on the same day and handed it to local police. It was later flown to the UK, where Mr Harold Hinchliffe, a sign writer from Hull, positively identified the writing as his and positively identified the lifebuoy as that belonging to the GAUL. It was subsequently subject to further analysis by Mr Hendy [see Para 7.7]
- 5.25 Thereafter, a number of reports from various vessels were received throughout 1974, which were thought to give possible indications of the whereabouts of the wreck of the GAUL, but were all dismissed for good reason.
- (i) On 2 May 1974, the Ross Canaveral pulled up a chair of British manufacture. A similar chair was found by her sister ship, the Ross Invincible at about the same time. Both chairs were returned to Hull, where upon examination, it was concluded that they were not from the GAUL.
  - (ii) On 6 May 1974, the Hull trawler, the St Loman snagged her nets on an underwater obstruction at approximately 71° 50"N 27° 00"E. A fishing net was also retrieved by the St Loman on the same day, but upon examination by experts in Hull, it was concluded that the net was not from the GAUL.
  - (iii) On 20 May 1974, an un-named Soviet merchant ship reported having observed a circular object in the sea on the previous

evening; it was about 180 miles southwest of where the GAUL was last reported and was disregarded as giving any indication of the GAUL's whereabouts.

- (iv) On 21 May 1974, a West German fishery protection vessel, the Poseidon reported that two German trawlers had recently encountered a previously unknown obstruction with their trawls at 72° 10"N 27° 45"E (about 50 miles east of where the GAUL was last reported). One of the trawlers had recovered parts of a guardrail although they were covered with seaweed and therefore, apparently old and unimportant: the other trawler lost her entire net in the same place.
- (v) On 31 May 1974, the Lord Nelson twice detected with her echosounder, a large obstruction on the sea bed at position 71° 37"N 29° 50"E (about 100 miles south-east of where the GAUL was last reported). A month later, upon her return to Hull, the Lord Nelson reported her finding. In the last two weeks of May 1974, the HMS Rhyl followed up a number of possible GAUL leads, and searched a large area using sonar but without success.

## 6. The lead up to the Original Formal Investigation [OFI]

6.1 As previously stated, the search for the GAUL was abandoned on the 15th February 1974. Mr Scott and Captain Newbury, surveyors in the Surveyor General's section of the Department, were appointed under section 465 of the Merchant Shipping Act 1894 as inspectors for the purpose of conducting a Preliminary Inquiry into the circumstances surrounding the disappearance of the GAUL. They each produced a Preliminary Report, with Mr Scott focusing on matters of engineering and naval architecture and Captain Newbury on matters relating to navigation. A third surveyor Mr Rea was also appointed some time later to deal with specific matters in relation to the GAUL's engine, general maintenance, fish loading hatches and the possibility of accumulation of sea water on the factory deck and into the engine room.

6.2 Mr Scott explained in his Preliminary Report that the Kurd, a sister vessel of the GAUL, was in Hull at the time of his appointment and he took the opportunity to inspect her. This occurred in late February and immediately provoked a warning letter to the owners dated 1 March 1974.

*"...it was noted that some of the clips on weathertight doors and in some cases the weathertight doors themselves were not in working condition.*

*You are requested to give these items your attention and put them into satisfactory working order."*

6.3 Later, another of the sister vessels, the Kelt, also became available for inspection prior to his preliminary report being completed. At a yet later stage, but before he gave evidence at the OFI, Mr Scott had an opportunity of inspecting the third sister vessel, the Arab.

6.4 There were two sections of his Preliminary Report of particular note. First and foremost, at paragraph 4C(vi):



*“Kurd, which had been in port since before Christmas 1973 until my letter of the 1st March 1974 was found to have deficiencies in her condition which, if similarly applied to GAUL, could have aided in the loss of the vessel. These deficiencies were rust bound clips on watertight doors and in some cases hinges on watertight doors to the accommodation and machinery spaces, WT covers to ventilator openings and offal and duff chute valves and covers in the shell. The Owner superintendent Mr Day (sic) admitted that these closing devices were in a bad state whilst I was with him and that, as the vessel had been in the port so long, there was no reason why nothing had been done at this time to free these items. He instructed the engineer to progress the maintenance of these items during the next voyage”.*

6.5 Not surprisingly, it was Mr Scott’s view that these deficiencies could have made some contribution to the loss of the GAUL if her closing appliances were in similar condition. Although it was not clear from the express terms of his preliminary report, it was Mr Scott’s view that the condition of both Kelt and Arab was similar and he later gave evidence to that effect at the RFI during Day 5 & 6.

6.6 Second, at para 4c (iv), Mr Scott observed as follows:-

*“There is a note ringed in red on the approved stability booklet about the dangers of weight and free surface of water which can build up in the factory space. Mr Suddaby had read the stability book but could not recall this note. Yet it appears whilst he was in command large quantities of water were allowed to build up in the factory space, due to the factory staffs, once their duties were completed, leaving the factory with water running in the machines and from hoses rigged to the fire main. This, in association with blocked up and stopped factory drain pumps, took the ships engineers, who would discover this situation probably by chance on leaving the engine room for a cup of tea, 4-6*

*hours to clear after turning off the water supplies. In this light it appears that from the chief engineer through the owners and Skipper, the factory manager should be made aware of this seriousness and instructed his staff accordingly, but this apparently was not done.”*

6.7 He then went on to draw attention to a further recommendation of the GAUL’s Chief Engineer contained in his December 1973 work list for installing grids of a smaller mesh in the factory deck. This proposal had been rejected by Mr Sabberton, the owners’ Superintendent Engineer, on the grounds that the risk of clogging of the gratings would thereby be enhanced.

6.8 The emergence of a reported problem associated with clogging of the gratings is at least supportive of the conclusion that some flooding of the factory deck had occurred. Doubting the vulnerability of the GAUL to bad weather if intact, Mr Scott saw this as a possible explanation for the loss of the vessel, a view which he has maintained throughout.

6.9 At the end of his Preliminary Report, Mr Scott summarised his conclusions by way of strong criticism of the condition of the ship as follows: -

*“From the forgoing report it will be seen that through the owners of the vessel there was neglect by its servants in the proper maintenance of the vessel in a safe manner both structurally and mechanically which would undoubtedly contribute to its loss and in this light is recommended that this case should proceed to a Formal Investigation.”*

6.10 Captain Newbury produced his Preliminary Report on the same day, namely the 9 April 1974. Although focussing on the navigational side, he added his own observations on the condition of the vessel. These were perhaps accorded greater weight given his long experience of casualty investigations (it being Mr Scott’s first experience of such a task).

6.11 However, his views were in stark contrast to those of Mr Scott. As regards maintenance he said this:

*“10.2. The reports of repairs and maintenance carried out since the vessel has been owned by B.U.T., together with copies of various certificates held by the ship at the time of the casualty are affixed. From these it would seem that the vessel was afforded such maintenance as her owners considered necessary and there is nothing to show that GAUL was not sufficiently maintained up to the commencement of her final voyage, since she was issued with Lloyd’s certificate of class during the currency of her final voyage and her last Hull survey had been conducted by Lloyd’s during June 1973. Further, the statement to Mr Sabberton engineer superintendent says the vessels machinery was in good order when she sailed from Hull on the 22nd January 1974.”*

6.12 In the same vein, there followed the following comment at para 18.1:

*“There would seem to be nothing to indicate with certainty that the closing devices provided in GAUL were in anyway defective through lack of maintenance or similar cause. Lloyd’s survey describes their conditions as good during June 1973.”*

6.13 As regards the possibility that *“factory deck washing machinery has been running unattended resulting in loss of stability”*, his view was set out para 16.7:-

*“This amounts, however, to self destruction and does not appear likely, particularly as the vessel had not fished during the period between the Thursday and Friday reports and it was known that the weather was too bad for fishing in her area on Friday.”*

6.14 In fact, this latter comment was based on a misapprehension. On the Thursday (7 February), GAUL reported 2 or 3 hauls in the 1030 Skipper’s schedule of 70 baskets each and a further 60 baskets in the 1630 schedule. Furthermore, the GAUL reported to Cordella a further haul of 40 baskets at 0515 on the Friday (8 February).

- 6.15 In the event, Captain Newbury was of the opinion that a Formal Investigation was inappropriate because, as he put it “*it was unlikely that a formal investigation could determine with certainty what became of the GAUL upon the latest information presently available*” and further that it was therefore unlikely that the findings of a Formal Investigation could include any useful recommendations. He repeated his views that the vessels owners did not appear “*with any certainty to have been deficient in their actions nor does the disappearance of the GAUL seem to have been associated with any error of navigation or necessarily faulty machinery*”. However, he added, with some prescience, at para 23.4 that, in the event that his recommendation, that the Department should simply release a statement dealing with the loss of the GAUL was accepted, “*such a statement could include a paragraph to the effect that a formal investigation might, at a future, date, be ordered should an abundance of new information become available and it be considered in the public interest to do so*”.
- 6.16 Mr Newbury attached to his Preliminary Report a number of documents including some that touched on the question of maintenance and repair. In particular, as the body of the report records, reliance was placed on the dry-docking and annual survey conducted by a surveyor of Lloyd’s Register that had taken place in May 1973. As quoted earlier, the schedule to the survey report referred to various items, some of which had been surveyed. In particular there was a record: “*Refuse chutes, etc Good*”<sup>17</sup>.
- 6.17 However, it would seem to us that the weight that could properly be accorded to this Class survey conducted some 9 months before the vessel was lost must be very limited, the more so when Mr Scott had in the same breath reported upon the condition of waste chutes on at least one of the sister vessels as being

---

<sup>17</sup> The chutes were included for the GAUL on the Report C11 Survey for Freeboard (Conditions for Assignment) as found in order by Lloyd’s Register on 25 October 1972 and were also included in the list of LR’s Surveyable items dated 7 November 1972.

“*rust bound*” which vessel nonetheless also remained fully classed with Lloyd’s Register<sup>18</sup>.

- 6.18 Perhaps even more surprising was the reliance placed by Captain Newbury upon the Certificates of Class that were attached to his report. These were solely directed to the original building in 1972 and just happened to have been issued after a very long delay. In short, they bore no relation to the condition of the vessel at the time of her loss.<sup>19</sup>
- 6.19 As recommended by Mr Scott, a decision to hold a Formal Investigation was taken by the Department shortly afterwards (although a formal order was not made until July).<sup>20</sup> On the 1st May 1974, the two inspectors attended a meeting chaired by the Surveyor General, Mr Manson. Mr Manson opened the meeting, as appears from a note kept of it, by saying that the Department was “*anxious to have the formal investigation opened as soon as possible to avoid any criticisms and to allay public anxiety in Hull*”.
- 6.20 In discussing Captain Newbury’s report, the meeting took the view that a possible source of water on the factory deck might have been that the machinery washing hoses had been left running. Another possibility was a failure of a water pipe running through the factory deck. Simply being overwhelmed by the elements was not regarded as likely for a well-found ship if it had retained its watertight integrity. Given that the GAUL appeared to have been lost shortly after it had been last sighted by the Swanela in a position 72° North and 25° East it was decided “*that the Navy should be approached for their advice as to*

---

<sup>18</sup> It is a matter of some concern that further documentation produced by Lloyd’s Register during the RFI showed that an annual survey on Arab conducted in July 1973 simply recorded that there were no refuse chutes fitted to the vessel. In further contrast, the annual survey on Kelt conducted in July 1973 recorded the chutes as being in good condition as with the GAUL although they were identified as not being fitted in the June 1974 survey. This situation furnishes a classic example of the dangers of relying on class surveys as a touchstone of good maintenance, let alone seaworthiness, which are both the responsibility of the owner/operator.

<sup>19</sup> He did not refer to the Interim Certificates of Class: in any event they had been issued in July 1972.

<sup>20</sup> As detailed at para 7.39, such formal investigations were (and still are) independent of the Department, conducted by a Commissioner and Assessors, appointed at the time of the OFI by the Lord Chancellor.

*the possibility of locating by sonar a wreck in 140 fathoms and consideration would be given to sending cameras down if the GAUL was located.”<sup>21</sup>*

- 6.21 The discussion then moved on to Mr Scott’s report. It was thought worthwhile investigating as to whether the fish loading hatches could have opened of their own accord if unsecured. The possibility of water entering from a doorway on the trawl deck (some of which were not in sight of the wheelhouse) was also considered. The note of the meeting continued, *“on a sister ship one such door was in poor condition and only one clip was used to keep it closed. If water was slowly getting into the factory deck as well as being trapped on the trawl deck this would produce two free surface effects. The vessel would then be in neutral stability and would only have to roll, loll and take a large sea at the after end for water to enter the engine room. This would lead to a machinery failure and the pumps would cease to function.”*
- 6.22 As regards the weathertight closing appliances, the meeting concluded that the condition of the sister vessels should be mentioned to the court as a possible reason for the ingress of the water. The note went on: - *“A statement should be taken from the owners as soon as possible about their inspection arrangements. This was particularly important if the Department was seeking to criticise B.U.T. Captain Newbury pointed out that defective closing appliances on sister ships did not necessarily mean that those on the GAUL were also defective; they had not been seen by any representative from the Department and furthermore the owners held a Lloyd’s certificate, dated June 1973, which was copied with the attachment to his PI report which described their condition as “good”.*
- 6.23 Recognising the advantage of hindsight, it does nonetheless remain surprising that Captain Newbury was so insistent that no inference could be drawn from the condition of the sister vessels. They were all of the same design, and approximately the same age. The vessels had been through the same ownership

---

<sup>21</sup> As we shall see, this enthusiasm for inspection of the wreck for casualty investigation purposes had somewhat evaporated by 1977.

and maintenance pattern. They were classed with the same Society. Certainly the Surveyor General was unpersuaded by Captain Newbury's view and thus in his memo of the 27th May said that evidence should be led about the condition of the closing appliances. For this purpose, Mr Scott was requested to take a statement from the owners as to their inspection arrangements.

- 6.24 Mr Scott accordingly resumed his investigation and produced a supplementary report on the 30th May. Mr Scott in this report expressed some scepticism about a statement that he had taken from the foreman shipwright of B.U.T., Mr George Lee, namely that he (Mr Lee) could be satisfied that the steelwork of all weathertight closing appliances was in order on the ship before her departure because as Mr Lee put it, "*if they hadn't been he would have known because of all steel work repairs passed through him*". Mr Lee confirmed this when he gave evidence OFI Day 8 Page 51.
- 6.25 Mr Lee's proposition was meaningless in the absence of a proactive inspection and maintenance regime. Mr Scott was of the view that the steel work could well have been deficient but unreported on the GAUL's return to Hull, a possibility which "*in my opinion more nearer the truth upon examination of sister vessels*". Yet despite this sceptical view, it is of particular note that Mr Scott did not appear, as proposed by Mr Manson, to take any statement about "*the inspection arrangements by the owners*". Mr Lee's two statements scarcely fall within that category.
- 6.26 Mr Scott's conclusions in his supplementary report raised a new possibility namely that the fish loading hatches were not dogged in the closed position and that it could be possible for them to open involuntarily. Accordingly, Mr Rea as indicated above looked into this possibility with the manufacturers of the control gear associated with the fish hatches.
- 6.27 On 19 June 1974 Mr Rea produced his own Preliminary Report. It dealt with a range of matters but so far as the possibility of the fish hatches on the trawl deck being opened inadvertently, information had been derived from the push button

switch makers. Whilst the possibility could not be eliminated, the main feature of Mr Rea's report was that operation of the push button for the fish loading hatches could not be achieved by means of hose tests.

- 6.28 On 26 July 1974 Mr Geoffrey Brice, who had been retained by the Department as counsel to conduct the Inquiry, produced a long advice on evidence. In paragraph 17 he said this:

*“Mr Scott mentions his examination of the Kurd and the standard of maintenance which he found in regard to her water tight doors. There were some matters which he found which were open to criticism and which the owners put right. I would advise that a deposition be taken from the owner's representative then present with him (Mr Day) asking whether there is any reason to think that the GAUL was in the same state as the Kurd or worse than the Kurd so far as her water tightness was concerned. At the moment the evidence is that the GAUL was structurally in a sound condition and the only evidence presently available relates to another ship the Kurd. The standard of maintenance on one ship may be quite different to that on another and I think this point should be cleared up before the enquiry Mr Day seems to be the best person to be able to do it.*

- 6.29 The reference for Mr Day should have been in fact to Mr Dry, the Hull Survey and Construction Superintendent of B.U.T. The statement which was eventually taken from him in August 1974 by Mr Rea was strikingly unhelpful (or at least unrevealing) on this issue:

*“I did not inspect the deck work (closing of openings) on the GAUL prior to her departure on her last voyage. The last time I boarded the vessel was on the 20th May 1973 when the vessel was being taken over by British United Trawlers. Subsequently I was out of the port supervising new vessels building at Lowestoft and Port Glasgow.”*



- 6.30 It would not appear that Mr Dry was even asked to comment on that part of Mr Scott's Preliminary Report that recorded his encounter with Mr Dry during the inspection of Kurd. In short there was no attempt to grapple with Mr Brice's advice on the topic or indeed the earlier recommendation of Mr Manson.
- 6.31 In the meantime, Mr Scott had prepared a proof of evidence dated 31 July 1974 that had been vetted by members of the Department. He expressed the view in it that the loss of the vessel was explicable by reason of loss of stability attributable to the effect of water on both the factory deck and the trawl deck. Various sources of entry of water into the factory deck were identified in the proof, including the factory deck door (out of sight of the wheelhouse), the fish loading hatches (again, if slightly open, not easily visible from the wheelhouse either) and the factory machinery (as referred to in Mr Sim's statement for the OFI).
- 6.32 The OFI commenced on 17 September 1974<sup>22</sup>. In his opening speech, Mr Brice explained that it was the Department's view that the likely explanation of the disappearance of the vessel (given the survival of her sister ships Kelt and Arab during the same storm) was the combination of water on both the factory and trawl decks of the GAUL. The possibility of water accruing on the factory deck was canvassed with a number of witnesses.
- 6.33 During the course of his oral evidence on Day 8 Page 29 of the OFI, Mr Sim, the GAUL's former chief engineer, developed his account of water collecting in the factory deck during the previous voyage:

*“Q Did you ever observe anything in the factory spaces concerning those pumps getting clogged?”*

*A Yes.*

---

<sup>22</sup> A list of witnesses is at App. 8

*Q Could you describe to the Court what it was that happened and when it happened?*

*A The gratings were of a fairly large section, I would say something between 3 ins. and 4 ins. square, and this would let a whole fish pass to the pump coils causing a loss of suction and build up of water in the after factory spaces. It was difficult to clear this. You have to rig up an alternative bilge into the well before somebody can get down there and clear the blockage.*

*Q How often did it occur?*

*A Twice in my experience*

*Q What was the effect of the blockage so far as the water in the factory space itself was concerned?*

*A We had build up at the after end. It did not extend very far up the factory. I think the worst one we ever had was something in the region of 2ft deep at the after end of the factory.*

*Q And about how far forward in terms of length of the factory space?*

*A May be 20ft. That is coming down on a level to the ship's angle.*

*Q It tapers off?*

*A Yes.*

*Q Could you tell us when those occasions were?*

*A It is difficult to remember.*

*Q Roughly, with Rangers or BUT?*

*A* Definitely the last trip it did. I think both the occasions were on the last trip.

*Q* That is Skipper Suddaby's trip?

*A* Yes”.

6.34 Skipper Suddaby had also made a statement. He described an occasion when one of the Turo pumps had become clogged up with fish so that there was 6 inches of water on the factory deck. He said that it was necessary to use a portable pump to clear the water and that it took two hours. He believed that this water would have come from the factory deck machinery. In his oral evidence he explained that he was not concerned about it as it only extended less than a quarter of the way down the factory deck.

6.35 Mr Petty, the Mate, made no mention of this topic during the course of his deposition. In his oral evidence he described only one occasion when small amounts of water had accumulated on the factory deck, roughly to a depth of 4 inches at the after end of the factory deck and extending up maybe 6 or 7 feet. He said that this had arisen as a result of one of the Turo pumps becoming blocked. He said the other pump had coped with it in about 5 minutes and in contrast he knew of no occasion when the hoses were left running nor any occasion when there was water slopping about there.

6.36 Mr Scott gave evidence on Day 12 of the OFI. The most notable feature of his evidence is what he was not asked about. In particular, his evidence relating to the condition of the sister ships as discovered during the course of his preliminary inquiry was not led. He was not even invited to comment on the outcome of his inspection of the sister vessels. No mention whatever was made of the waste chutes having been discovered in a rust bound condition. It is true that Mr Scott mentioned, in his cross examination by Mr Loncaster on behalf of Skipper Nellist, that the door to the factory deck on the starboard side of the trawl deck of the Kurd could not be closed because of a “frozen” clip. But he

added, somewhat surprisingly, it was “*very likely*” that this situation was confined to that vessel alone: see OFI Day 12 p.47. It would thus appear that the restrictive theme initially promoted by Captain Newbury and adopted by Mr Brice that defective appliances on one vessel did not give rise to any inference as to the condition of a sister vessel had become accepted by the Department.

6.37 Mr Scott’s evidence in chief was confined to explaining the effect of water on the trawl deck and water on both the factory and trawl decks. He gave as his opinion that the more probable cause of the loss was that the GAUL had water on both the factory and the trawl decks and that if she had been intact she could have survived. He relied in part on the evidence given by Mr Sim to the effect that water, which might have gone undetected, could have been allowed to collect in the factory from the processing machines and the fire hoses. He also expressed the view that another possible source of water might have been down flooding through weather tight doors on the trawl deck that had not been properly closed.

6.38 He was then cross-examined by Mr Thomas QC on behalf of the owners. As regards water on the factory deck, he confirmed that the most likely source of water was from internal sources such as the machines. He was then invited to comment on the implications of fish processing having been completed at 0615 on 8 February, which the witness had assumed was the last time the factory had been manned prior to the loading of the fish hold at 0915. Given the dispatch of two wireless messages at around 1100 it was put to him that his theory that throughout that five-hour period there had been a gradual flooding of the factory deck was wholly improbable.

6.39 A taste of his cross-examination is as follows OFI Day 12 P 56.

*“Q Mr Thomas: So that if water is accumulating through those sources it would begin to accumulate from 6.15?”*

*A Yes*

*Q So is this right then: that assuming the vessel was alive and well at 11.10 which was the time that the last radio message was sent to Wick, which is not referred to on this, something like 5 hours must have elapsed with the water steadily building up at a steady rate in the factory deck?*

*A It could be possible.*

*Q So for your preferred theory or likely theory it follows that for 4 to 5 hours nobody has woken up to the danger of that accumulation of water?*

*A No, Sir.*

*Q **The Commissioner:** Do you agree or disagree?*

*A No I do not agree.*

*Q **Mr Thomas:** How does it happen that the ship is at 11.10 alive and well, 5 hours after openings have been left open and the water had started to run?*

*A It is possible that this water had been detected between 6.15 and 11.10 at some time, and it is possible that the engineers or people to clear this water could have been working to clear this water.*

*Q And if they were, why at 11.10 is the matter still a source of danger to the ship in your preferred opinion?*

*A Because if the ship was in this weather and going stern to the weather, the Skipper might have decided that the violent motions were making the work very difficult to perform for the engineers that were doing it and possibly decided to turn into the weather and ease the motion.*

*Q Let us see where this takes us with your preferred theory. At 6.15 you have agreed, on this theory not later, the water starts to accumulate at a steady rate. Is that right?*

*A It could do.*

*Q When did the engineers change watch?*

*A I could not tell you that*

*Q Was it 8.o'clock on the evidence?*

*A I have no answer to that question. I could not tell you when the watch was changed.*

*Q Let us take 9.15. On this timetable that is the time when the fish has been taken out of the freezer and cartoned and put into the fish hold. Is that right?*

*A Yes.*

*Q So there are several men down in the factory deck at work for perhaps an hour or half an hour before 9.15?*

*A That is possible - yes.*

*Q Can we agree, do you think, it is highly unlikely that so much water would have accumulated in the 2<sup>1</sup>/<sub>2</sub> hours before that and these men not have noticed it and reported it?*

*A The amount of water which would have accumulated, I would say, may be had not been seen or if it had been those personnel on the freezers could have been down there and also seen the engineers trying to attend to it possibly.*

*Q If they were trying to attend to it they were trying to attend to it before 9 o'clock?*

*A This is possible.*

*Q Would they not have made some progress before 11.10 in dealing with it and removing it and pumping it out?*

*A I would not like to say if any progress had been made or not.*

*Q In a sense we do not know but it seems highly unlikely surely that at 11.10 there would still be a dangerous quantity of water slopping about on the factory deck?*

*A Not necessarily.*

*Q You see, you are putting this forward as a preferred opinion. Others are merely content to take it as possible and take it no further. Do you think perhaps there is so little evidence one cannot do more than taken into account the possibility?*

*A I must agree, because there is no evidence.*

*Q In the end the assessment and the weight given to it depends to some extent on the time estimate I am putting to you and the likelihood of the men watch it and noticing it in the 5 hours it would take to build up?*

*A I must take it as a possibility.*

*Q And do you not think it is too high to put it as a probably cause of this casualty.*

*A It is a contributory cause.*

*Q It is a possible cause and not a probable cause because the evidence does not enable us to go further than to say it is merely one hypothesis amongst many others?*

*A I agree.*

*Q There is no criticism of the design of this vessel put forward in this Inquiry by the Department of Trade, is there?*

*A No, no criticism.*

*Q And no criticism of the construction of the vessel?*

*A None at all.*

*Q And there is no criticism of her state of repair and maintenance when she went to sea.*

*A None at all.*

6.40 This last answer was presumably once again based on the stance that the Department had in the event chosen to take (perhaps fearful of the cost consequences that might ensue if a criticism of the owners was formulated but not made out). Mr Scott spoke to a “*modified*” view that the vessel’s loss could have been attributable to water on her trawl deck when broadside to the sea, the preferred theory of the owners. This in due course found favour with the court.

6.41 The report of the OFI was handed down on 21 November 1974. As regards the possibility of water having accumulated on the factory deck from external sources, the report simply said this:-

*10.4 The evidence does not establish that water in substantial quantity had been allowed to accumulate on this deck. As we have said it is possible that a watertight door was left open and that seawater poured down from the trawl deck to the factory deck, but there is no evidence to show or even suggest that this in fact happened.*

6.42 Its conclusion was that the vessel had “*capsized and foundered due to being overwhelmed by a succession of heavy seas*”. This conclusion was developed somewhat in paragraph 11.1 of the report :-



*“11.1 The totality of the expert evidence and the evidence from the sea-going witnesses leads the Court to the conclusion that GAUL capsized and foundered due to taking a succession of very heavy seas on her trawl deck when she was almost broadside to the sea, which initially caused her to heel over, and that she had not time to recover before a subsequent wave or waves overcame her ability to right herself. It seems likely that initially she was thrown so far over that those aboard her were unable to transmit a distress message...”*

- 6.43 It is notable that the duff and offal chutes are not accorded even a mention in the report of the OFI. Indeed there was an express finding in the answers to the questions that the vessel was “*structurally and mechanically seaworthy for her contemplated voyage*”. Given the evidence led by the Department, this was not surprising.
- 6.44 Against that background, when Mr Scott came to give evidence before the court at the RFI, it was clear that he nursed a grievance about his treatment at the OFI. At that time he had assumed that his preliminary inquiry report had been distributed to the parties. (The practice in fact at that time was that the Department treated such reports as covered by Crown Privilege.) At the time of the OFI, he had disagreed with the Department’s view that the condition of the sister vessels was not a good indicator of the condition of the GAUL. He felt that the scope of his evidence had accordingly been “*distilled*” for the purposes of the OFI. Now that the duff and offal chutes on the wreck of the GAUL had been found frozen open, he felt that his views had been vindicated.
- 6.45 In our view, the lead-up to and the content of the OFI were somewhat unsatisfactory. The Department fought shy of pressing Mr Scott’s concerns about the condition of the other vessels in the fleet and, by the same token, modified its initial view that the loss could not be attributable to water on the trawl deck alone. When in due course, as we shall see, further experimentation fortified their initial view, the Department was left in the uncomfortable

position of having to express confidence in an outcome which it in fact viewed as doubtful. It was a situation that inevitably encouraged belief in alternative explanations for the disappearance of the GAUL, however far-fetched. It is to that topic that we now turn.

## 7. Capture by the Russians

- 7.1 We first revert to the immediate aftermath of the loss of the GAUL and the abandonment of the initial search on 15 February 1974. Apart from the brief sea search carried out by an RAF Nimrod on 21 and 22 February 1974, and a sonar search conducted by HMS Rhyl in late May 1974, no search for the GAUL was resumed until after the successful expedition in 1997. Indeed, as we shall see, when the likely position of the wreck was identified in 1977, the Department took the firm and considered decision not to embark on an underwater search, a decision maintained for 20 years.
- 7.2 There can be no doubt that the decision not to conduct a search caused the gravest dismay to many of the relatives of the crew. Put at its lowest, it was thought that there was disproportionate reluctance to commit what were perceived as modest funds to the task of putting minds to rest as to the fate of the vessel. The unhappy side effect was to encourage belief in the theory that the vessel had been captured by the Russians or that there was some other undisclosed reason for not investigating the matter. We fully understand the fact that the question as to why no search was carried out was put at the forefront of the families' submissions to the court and we propose to accord the issue the attention it deserves. Before turning to that specific topic, we need to set out the background to the widely held belief that the GAUL had been captured or sunk by the Russians.
- 7.3 It has to be remembered that the GAUL was less than two years old. It was a substantial vessel. Two of its sister ships were on the North Cape Bank during the course of the same storm and survived without difficulty. She issued no Mayday call. The search found no sign of any wreckage from the GAUL. The only item recovered, and then not for three months, was a lifebuoy. It is not remotely surprising that these factors, together with the then unexplained delay in organising a search for the vessel, sowed in the minds of some that there was a sinister explanation for the loss of the vessel.

- 7.4 Against that background, rumours almost immediately began to spread that the disappearance of the vessel and her crew could only be attributable to the fact that the GAUL was (or was thought to be) involved in espionage and had fallen into Russian hands. So far as the documents before the RFI are concerned, it would appear that the theory was first referred to in a memorandum prepared for a meeting between Mr Clinton Davis, the Parliamentary Under Secretary of State of the Department of Trade, and Mr James Johnson, an MP for one of the Hull constituencies, in Hull on 25 March 1974.
- 7.5 The proposition was categorised by the Department as nonsense on the basis that the Russians had been contacted for assistance, had duly responded and there was no reason to challenge their bona fides. Indeed the Russian authorities had given details of a body recovered on 19 February 1974 in case it might have been from the GAUL. Even though it was not related to the loss of the GAUL, the speculation would not die down.
- 7.6 In fact the purpose of the meeting with the Minister was to discuss a proposed search which was being organised by a Mr Leo Sheridan, a freelance journalist with a somewhat uncertain background.<sup>23</sup> The Government did not consider another search worthwhile because of the comprehensiveness of the official search. Indeed both Norwegian and Russian officials attending an IMCO meeting had expressed the same view.
- 7.7 As previously described, in May 1974 one of the lifebuoys from the GAUL was recovered and, following its return to the UK, was subjected to analysis. In

---

<sup>23</sup> It should be noted in passing that when the owners were asked to contribute to the cost of this expedition (which in the event never took place), they declined and provided their reasons in a letter dated 10 April 1974 which was sent to all dependants. According to the book entitled "The Loss of the Motor Trawler GAUL" by John Nicklin, the letter summarised their reasons for this stance as follows:-

- (a) the chances of finding any wreckage from GAUL were small:
- (b) if any wreckage was found, then the chances of this wreckage providing a worthwhile clue as to where and why the GAUL disappeared was even smaller:
- (c) in those circumstances, Mr Hellyer, the chairman and managing director of B.U.T. explained that: "I am not prepared to support any exercise that might keep the hopes of any dependant of the GAUL alive, unless I thought there was some grounds to justify those hopes".

All these propositions came to be echoed by the Department.

June, a preliminary indication was given to the Department of the microbiological evidence that had been derived from it. This was to the effect that *“all the evidence indicates that the buoy has not been deeper than 20 metres (66 feet) and being at that depth only for minutes rather than hours or days and most probably has spent most of its time either on the surface or at depths not greater than about 10 metres (33 feet).”*

- 7.8 The author of the report, a Mr Hendey, from the Admiralty Materials Laboratory, later prepared a report for the OFI in which he identified the actual species of diatoms that were present on the lifebuoy. The absence of deep-water diatoms and the presence of fresh water diatoms led to considerable and prolonged controversy. We discuss this below.
- 7.9 The lifebuoy was the only item of wreckage identified as belonging to GAUL that was recovered prior to the OFI. There were a number of other possible indications of GAUL's whereabouts reported during the period leading up to the Inquiry but they all proved to be red herrings. In fact, right up to the OFI in the autumn of 1974, there was still no better information about the whereabouts of GAUL than in the days immediately after her disappearance: see generally the report of Mr Roger Clarke entitled *“Why was no Search made for the Wreck?”* dated May 2000.
- 7.10 The limitations of the information available were cited in a *“Defensive Statement”* of the Ministry of Defence prepared in June 1974 on the issue as to whether the Minister should arrange any further search. In short, the paper pointed out that there was no precise position to search, there were numerous wrecks in the area and merely locating and identifying the wreck would not necessarily give any clue as to why she had foundered. These reasons were all to be regularly echoed in later exchanges.
- 7.11 The Ministry of Defence informed the Department on 4 June that the capacity for conducting a search was more readily available commercially. It is clear that the Department were conscious of this because in their reply they

mentioned that they had been in touch with Vickers who had said that they would be able to make a video of the wreck within a week if the position of the wreck was known within a half a mile accuracy.

- 7.12 By now, the various MP's from Hull had been pursuing with the Ministry of Defence the rumours that the GAUL had been engaged in spying and had thus become the object of attention on the part of the Russians. On 18 July 1974, Mr John Prescott MP wrote to the Ministry of Defence asking whether Defence personnel travelled on British trawlers<sup>24</sup>, enclosing a letter from Mr Oswald, a Trawler Manager with Hellyer Brothers, referring to an example of an officer having been carried on a Hellyer trawler.
- 7.13 The reply from Mr Frank Judd, the Parliamentary Under Secretary of State of Defence for the Royal Navy, dated 5 August 1974, stated:-

*“I can confirm that Royal Navy personnel do embark in trawlers from time to time. In addition to the example referred to by Mr Oswald, it is by no means unusual for junior officers to spend some time on board trawlers to gain sea-going experience. There is nothing strange about this, given the close relations between the Royal Navy and the fishing fleets in both peace and war.*

*I can, however, appreciate how distressed the relatives of the crew of the GAUL must be and I would be most grateful, therefore, if you could assure them that the occasional presence of RN personnel in trawlers need give no cause for concern; I should also like to make it clear that there were none in the GAUL.”*

- 7.14 It appears that this letter was not only sent to the relatives but also disclosed directly or indirectly to the press. The reaction demonstrates the sensitivity of

---

<sup>24</sup> The decade immediately preceding the loss of the GAUL had been the time of the Cod Wars off Iceland during which the Royal Navy and the fishing community had worked very closely together.

the issue. The Guardian and the Mail for 8 August 1974 carried almost exactly the same story. The Daily Mail report read as follows:-

*'Spy ships' storm over naval officers in trawlers*

*A 'Spy Ships' storm broke last night after the Government admitted that Royal Navy officers are sailing with British trawlers in areas regarded by NATO as 'highly sensitive'.*

*The news was contained in a letter written by Navy Minister Mr Frank Judd to Mr John Prescott, Labour MP for East Hull.*

*He and the other two Hull Labour MPs, Mr James Johnson and Mr Kevin McNamara, have demanded a meeting with defence chiefs.*

*Mr Prescott wrote to the Minister after relatives of the 36 crew aboard the Hull trawler GAUL, which disappeared without trace last February, claimed that Navy men had sailed in the ship.*

*Mr Judd denied there were any Navy men aboard GAUL on her last voyage, but admitted: "I can confirm that Royal Navy personnel do embark on trawlers from time to time. It is by no means unusual for junior officers to spend some time on trawlers to gain sea-going experience".*

*Mr Prescott reacted angrily to the letter and said: "The Russians use trawlers to gain military secrets and I want to find out if this means we are doing the same. If the Russians arrested a trawler and discovered a Royal Navy man aboard, it could put the crew in an extremely difficult and perilous situation.*

*Would the world really believe that the Royal Navy man was simply aboard to "gain sea-going experience".*

*Mr Prescott added: “All the top trawlers from Hull are almost constantly in highly sensitive areas off the Norwegian and Russian coasts”.*

*Mr McNamara held talks with union leaders of Hull’s 2,000 trawler men and said: “The union is most concerned for the safety of crews in an area which is the main outlet for the Russian fleet.*

*We want to know whether the Navy men are dressed in civilian clothes, whether the crews know they are aboard – and whether the crew have any choice about whether they sail or not with Navy personnel.*

*It seems that the crews have been completely unaware of this happening.”*

*Mr Tom Boyd, head of the Hull trawler firm Boyd Line, said: “My firm has not carried a Navy man for about six years. When we did carry them, they were obviously bound for the Royal Navy Fishery Protection Service and it was decided that they should see how the boys work.”*

*The Defence Ministry said: “It is quite obvious that they don’t go spying. The trawlers don’t go anywhere where the Navy can’t openly go. These men mainly go to familiarise themselves with the industry.”*

- 7.15 The Minister of State for Defence, Bill Rodgers MP, immediately followed this up in a letter that he wrote to the same MPs on 8 August 1974 (the same day as the press reports referred to above). This was copied on to the families:

*“First, may I say how completely I understand and appreciate the fears and anxieties of those who lost members of their family on the GAUL. However, as I said on Wednesday, I can categorically assure you that no RN personnel or MOD equipment were on board GAUL.*



***I can also assure you that the British trawler fleet is not involved in any way in intelligence gathering: this applies as much to equipment as to personnel.***

*As you know, and as I confirmed yesterday, the Royal Navy runs a scheme by which Naval officers gain experience of the day-to-day work of the fishing fleet (and the Merchant Navy as a whole). This of course contributes to good relations between the two services. 10 junior Naval officers in all have gone to sea in trawlers under this scheme in the last five years and about 30 in all have used other merchant ships over the same period. There may well have been other occasions outside the formal scheme when Royal Naval officers have gone to sea in fishing and other merchant ships. We would not necessarily have kept a record of each occasion. They go on board to get general experience or in the case of trawlers to find out what fishery protection is all about by familiarising themselves with the problems of fishermen. They do not of course displace regular members of the crew by, for example, acting as radio operators.*

*Apart from such sea-going experience, there have only been two other occasions in recent time on which MOD personnel have been embarked on trawlers. These were when Royal Naval officers from the Hydrographical Service (one on each occasion) took part in an exercise to check the radio navigation chain by reference to the satellite navigation system in the area where the trawler was due to fish. The opportunity was also taken to try and find some equipment which had been lost.*

*Up to now we had believed that the presence of Naval officers from time to time was well known to the trawler men in Hull and that they were happy with the arrangement.... “*

7.16 Since many of those connected with fishing in Hull were aware that at least the second paragraph of the letter quoted in the previous paragraph (to which we have added emphasis) was economical with the truth, it was inevitable that there was extreme scepticism about these assurances. This most unfortunate state of affairs then festered for nearly quarter of a century.

7.17 Be that as it may, by August 1974 the Department had formed a similar view to that of the Ministry of Defence as to the justification or otherwise for a full search. The particular difficulties which the Department had in mind are spelt out in a memorandum of Captain Lusted, a Senior Nautical Surveyor, dated 15 August 1974 to the Chief Nautical Surveyor, Captain Hampton:-

- (a) The absence of any certainty as to the position in which the GAUL foundered
- (b) The limited accuracy of the Decca chain in the area
- (c) The presence of many uncharted wrecks to the North of the North Cape
- (d) The high cost of chartering a submersible
- (e) The doubt as to whether any definite findings of the cause of the loss were to be derived from a survey.

7.18 Set against these considerations, the Department was faced with a vigorous campaign by some of the relatives that any reluctance to search for the vessel was prompted by the realisation that there was nothing to search for because the vessel had not sunk. The “*Captured by the Russians*” theory was vehemently expressed by Countess Von Sievert (sister of Albert Worner, a factory hand on the GAUL) in a letter to the then Prime Minister, Mr Harold Wilson, MP dated 12 September 1974. We quote from it extensively because its tone reflects much of her correspondence with which the various Government Departments had to deal over the next 20 years:-

*"I do not believe for a moment that you feel any deep sympathy at all for all the relatives of the GAUL crew. What I do think is that the only sorrow you feel is that the GAUL has fallen into the wrong hands and that you and the Government know it. You are trying to save your own skin because you know that the GAUL was spying. There were 38 men aboard the GAUL and not 36 as previously stated. 36 of these men were damn honest hardworking life risking fishermen with such courage in their being that neither you nor bloody Edward Heath, damn him nor any other Government servant could ever have. The other 2 men on board the GAUL were seen boarding the GAUL hours earlier before the fishing crew arrived on it and they were Royal Naval officers.*

*Try and explain if you can why the GAUL was trying to zigzag her way, away from 2 Russian ships that were either side of her. A Norwegian trawler was trying to help the GAUL to passage her route away from those 2 Russian ships. They even followed the GAUL until it was too late to help her get free from the Russian ships. The GAUL was then escorted by the Russians to no doubt Russian Ports. This was also seen by some of our trawler men but they are not allowed to tell the newspapers.*

*No flaming wonder there were no more messages received from the GAUL because the blasted Russians would be jamming all messages....*

- 7.19 As we have already explained, by now the preparations for the OFI were well underway. It duly opened on 17 September 1974 in the face of some uproar. A number of people attending the opening day vocally interrupted the hearing

with a claim that the GAUL and her crew were being held by the Russians because it had been a spy ship. There were cries from the public gallery along the lines: *“The Russians have got it: they arrested it for spying” - “Tell us the truth – our husbands are still alive” – “Stop trawlers being used for spying and they will be safe for the men at sea”*.

7.20 According to contemporary press reports this provoked a further denial from the Ministry of Defence to the effect that :-

*“We do not use fishing vessels for espionage purposes. A lot of people have the impression we do because very occasionally – no more than half a dozen times a year – young officers do take passage on trawlers. These are officers who are likely in the future to be sent on fishing protection fleets and are simply sent to see what life is like on trawlers”*

7.21 This proposition was further reflected in the opening speech of Mr Geoffrey Brice who was conducting the Inquiry on behalf of the Department of Trade. He quoted extensively from the letter from Mr Bill Rodgers MP referred to above and added this (OFI Day 1 p.44):-

*“MR BRICE: One theory which has aroused a certain degree of interest in some quarters is whether the forces of an unfriendly power operating north of Norway could have seized the GAUL and whether that would account for the absence of wreckage. It is difficult to visualise how such an event could have occurred in the weather conditions prevailing and I have no shred of evidence that in fact it did occur. One person has provided vague information of a report of such a seizure. This information is based solely upon hearsay which nevertheless has been carefully checked out and found not to be capable of substantiation.*

*The GAUL was not being used for any military or intelligence purpose and none of the persons on board were engaged in any activity other*

*than fishing and no person on board her was other than an ordinary fisherman. In the circumstances there seems to be no reason to assume such an event did take place or could have taken place. Had there been the slightest reason to think it had taken place I would have mentioned it. I have been careful to take instructions about this matter and am told British trawlers are not used for intelligence purposes. There are occasions when Naval officers have been on board trawlers but this is to give them sea experience. It is not only Naval officers but others who go on board because they find it gives them first class sea experience.....*

*You are well aware of the fishery protection services which not only this country but others run and one may think it would be nonsensical to run such a scheme without giving the naval officers an idea of what fishing is about, but they are not employed for intelligence purposes.*

*I have seen publicity which has come out about this subject over the months. I knew I was taking this inquiry and I was concerned to see I had the correct information and had it carefully investigated and these are the results of my investigations and I hope that the matter can now be put to rest.”*

- 7.22 The reference to some vague information in the form of hearsay evidence was to a claim by some of the relatives about overhearing a Mayday call. The OFI rejected that evidence for the reasons set out in paragraph 5.3 of its report:-

*“Evidence was given at the Investigation by three witnesses that they had heard on their private radio sets distress messages which they believed to have come from GAUL on Saturday 9 February. The Court heard evidence from Mr G H Sturge that signals transmitted on either 500kHz or 2182 kHz could have been received in the United Kingdom on a suitable receiver and aerial system, but that it was not possible that a listener tuned to Radio Humberside on either medium wave or VHF*

*could have received such signals. The Court is satisfied that the witnesses, who thought that they had heard signals from GAUL were mistaken.”*

7.23 The further suggestion in oral evidence from Countess Von Seivert at the OFI that a Danish Radio Station had reported on the capture of GAUL and its escort into a Russian Port was also rejected: OFI Day 5 p.2. Investigations had not unearthed any such broadcast: OFI 3 p.23. The Inquiry report simply observed (para. 5.4):-

*“There was also some very slight hearsay evidence that GAUL was still afloat and is now in a foreign port. That evidence was totally unsupported by any evidence acceptable to the Court and is rejected”.*

7.24 Before turning to the reaction to these findings, we must now revert to the evidence of the consultant microbiologist, Mr Hendey, who had examined the lifebuoy and its grappling line in mid-May 1974. In his report prepared for the OFI, he explained that 99% of the plankton recovered was made up of eight species:-

- a. Navicula mollis: 38%: this was a very common diatom found in most seawater
- b. Fragilaria Islandica: 18%: a species to be found in Arctic waters under ice, proliferating in the early thaw
- c. Nitzschia subtilis: 17%: a flora which is a common inhabitant of fresh water
- d. Gomphonema Kamtschatcum: 10%: a literal species found in Arctic waters but usually attached to hard substrates such as rocks
- e. Biddulphia Aurita: 8%: a pyretic species found on shores bordering the Arctic

- f. Licmophora Juergensii: 4%: a species frequently found on shores bordering the entire Atlantic
- g. Synedria Investiens: 3%: usually found near the shore line
- h. Stauroneis decipiens: 1%: this flora is strongly indicative of contact with the shore.

7.25 Mr Hendey's report contained various matters by way of comment on these findings. In particular, given the relative abundance of the diatoms on the lanyard compared with the paucity of the flora on the body of the lifebuoy, "*such a situation suggests that the belt has been subjected to preliminary cleaning*". Alternatively, it was suggested that the shortage might be attributable to the fact that, in the Arctic, diatom development would have been restricted during the extended periods of darkness at least to the end of April. In either event, the absence of deep-water flora suggested that the buoy had never been submerged to a great depth and had spent a considerable time in shallow water. Even more puzzling, as the report commented, was the presence of fresh water species. Its presence suggested "*very strongly*" that at some time not long before it was recovered the lifebuoy was either very close in shore or close to an estuary.

7.26 The conclusions of Mr Hendey's report were as follows:

- (i) *The Material recovered from the life-belt consisted of a population of diatoms representing marine, brackish and freshwater species.*
- (ii) *The species consisted mainly of forms that live in mucous colonies attached to hard substrates and are usually associated with the shore-line.*
- (iii) *The absence of deep water plankton as well as benthic species indicated that the life-belt had most probably, a) never been far*

*from shore, b) never been submerged for any length of time, c) been floating in relatively shallow water for most of the time and had taken its flora from such a situation.*

*(iv) The paucity of diatom growth suggested that the belt had not been long in contact with the developing flora – or that the belt had been cleaned before being examined.*

7.27 Mr Hendey gave evidence on Day 5 of the OFI. He accepted that there was evidence which contradicted his suggestion that the life belt had been cleaned after recovery from the sea. He also accepted that, whilst the Arctic night would have suppressed the growth of flora, the period of highest rate of development would have been in fact in late April, early May.

7.28 Towards the end of his evidence, he was asked this question by the Commissioner Mr Barry Sheen QC:- [Day 5 P 60[5]

*“Q. But having regard to the area of the world with which we are concerned and the time of year, by which I mean from early February to the 16th May, have you any reason to think that the life belt was not in the water for the whole of that period? A. No, I have not sir. I think that seeing or taking into account the lack of solar illumination in such latitudes, I think that this is perhaps the main reason for the paucity of the flora”.*

7.29 This exchange formed the basis of the court’s conclusion in paragraph 9.3 of the OFI report which reads:-

*“Mr Hendey formed the view that there was so little marine growth on the life-buoy that it had not been long in the water. He also noticed the absence of deep water plankton which suggested that the life-belt had most probably never been far from the shore and had been floating in relatively shallow waters for most of the time. However, it became clear from the evidence from Mr Hendey, that a material factor in the life of*



*deep sea plankton flora is the incidence of light. Mr Hendey expressed a view that, taking into account the lack of solar illumination in Northern latitudes between February and April, there was no reason to doubt that the lifebuoy had been in the water since early February some 65 miles South East of the position where the wreck was eventually found”.*

- 7.30 So far as the absence of deep water diatoms are concerned, we do not feel that there is any material before us to suggest that the conclusion of the OFI was not fully justified. What was less easy to explain was the position of the lifebuoy. On this topic, Captain Lusted was later to make the following comment in a memorandum dated 17 October 1975 prepared in the aftermath of a subsequent television programme:

*“The drift of the lifebuoy was studied by two Nautical Inspectors of the Department prior to the hearing and taking into account the shape and displacement of the buoy, the reported weather and the currents likely to be experienced in the locality and having in mind a vague nature of the current information (see attached report from The British Oceanic Graphic Data Service) it was concluded that it was possible for the buoy to have drifted over the distance in question...”.*

- 7.31 This view was robustly challenged by the makers of various television programmes who also contended that in any event the presence of fresh water flora remained unaccounted for. But even assuming that further calculations would have revealed that it was unlikely that the prevailing wind and current would account for the lifebuoy having come so far South, let alone in-shore to a fresh water area and then out again to a position where it was found, it would not have been safe for the OFI to draw any inference from this factor alone, let alone an inference that the lifebuoy had been deliberately dropped as a decoy to disguise the fact that the GAUL had not been lost accidentally. It has to be remembered that the presence of fresh water diatoms was not discovered until

long after the recovery of the lifebuoy. There must be the possibility that it had been lost overboard before the casualty in the prevailing bad weather or even picked up earlier and then abandoned once more. Furthermore the recovery of the lifebuoy was not investigated in any detail. The skipper who recovered it was briefly interviewed in the street by a policeman. There is no audit trail for the lifebuoy up to its delivery to Mr Hendey some three weeks later. There must be doubts as to the validity of the assumptions that the lifebuoy had not been cleaned and had had no opportunity for contact with fresh water. Regardless of all these considerations, the alleged mystery has been overtaken by events in the form of the discovery of the wreck.

- 7.32 The report of the OFI was handed down on 21 November 1974. As we have set out, its conclusion was that the vessel had *“capsized and foundered due to being overwhelmed by a session of heavy seas”*. These conclusions were developed somewhat in paragraphs 11.1, quoted above at para 6.42, and 11.8 of the report:-

*“11.8 In the prevailing weather conditions GAUL ought not to have been broadside to the sea. Not enough is known about the circumstances of the loss to enable the Court to say how GAUL came to be in such a vulnerable position. It is possible – and we put it no higher – that GAUL has been running before the wind and was attempting to turn so as to head into the wind. It is apparently a common practice amongst stern trawlers to heave to in heavy weather and to run down wind from time to time in order to maintain position. The last signal from GAUL said that she was laid and dodging.”*

- 7.33 Many of the relatives were wholly un-persuaded by this conclusion, doubting that the vessel would have succumbed to the prevailing weather and sea conditions if it had remained intact. Indeed, as we have already noted, the Department had opened the OFI on the basis that the loss was probably attributable to some unusual reduction in the vessel’s reserve of stability and

that the most like candidate was water on the factory deck: see OFI Day 1 p.26. Taken with the scepticism created by the denial of any involvement in spying and the absence of any wreckage, many of the relatives, perhaps not surprisingly, continued in their campaign for a resumed search and insisted that an open mind be maintained as to whether the vessel had been lost at all until that search was completed.

- 7.34 The point was well put in a letter dated 28 November 1974 to the Prime Minister, Mr Harold Wilson, from Mrs Amy O'Brien (mother of James O'Brien, a spare hand on the GAUL) who said as follows:-

*"I am writing you this letter to let you know that I am far from satisfied with the summing up of the GAUL investigation. It did not prove anything to the relatives so without any concrete evidence I will never give up hope. I have too much faith in my son to even do that. You can never give up a ship without evidence of some sort. She was a good seaworthy ship and so it makes it far too hard to believe that she could have disappeared without trace. I know the weather conditions were bad but all the other ships the same class as her and even the small ones came through it alright. Why not the GAUL. I hope someone soon will do something about it to ease our minds. There are rumours about them being in a foreign port. If we only knew one way or the other our minds would be at rest".*

- 7.35 The reply to Mrs O'Brien from Mr J G Walmsley, from the Surveyor General's Department was in our view both full and fair:

*"The Prime Minister has asked me to reply to your letter of 28 November on his behalf. He has asked me to say how deeply sorry he*

*is to learn that your son was lost with the GAUL, and to convey to you all his sympathy.*

*He realises, of course, how difficult it must be for you to accept that your son has been lost forever, with no shred of evidence beyond the discovery of one lifebuoy to show how the GAUL met her end, and even more so because the GAUL was such a new and well-found ship. Like all of us who have been associated with the extensive and exhaustive enquiries into her disappearance, however, he cannot but accept the conclusion that she must have foundered as the Court of Formal Investigation described.*

*We in the Department of Trade, who have the safety of life at sea as our responsibility, were as shocked as anyone that such a fine ship could be lost in this way; but we have to admit that it is perfectly possible. We have had the evidence of our own eyes to show the power of the sea in the shape of the Ben Cruaghan, a cargo vessel of 12,000 tons, many, many times bigger than the GAUL, which was bent in two last year by the force of a single wave, but which fortunately survived to make port. It is not difficult to visualise the effect that a comparable wave would have had on the relatively tiny GAUL. It is true that other small ships survived on that night, but this, of course, is not unreasonable; any combination of circumstances could have conspired to make the GAUL vulnerable; she was stopped for a while before she disappeared, for example, and might well have stopped again, bringing her beam on to the sea, or she may have been turning at what proved to be the moment when the exceptionally large sea swept down, as the Court described.*

*It has been suggested, I know, that the GAUL was a spy ship, and may have been seized by the Russians for this reason. If those who suggested this were to stop and think about it for a moment, they would see that any nation which seized a spy ship would lose no time in announcing*

*the fact to the world at large in order to discredit the country it came from; there is absolutely nothing to be gained by seizing a spy ship and keeping quiet about it. But in any case, everyone here in this Department who worked so long and hard to try to find out why the GAUL was lost finds this suggestion utterly beyond belief. She was a fishing boat, and nothing more, and all of us here knew this full well.*

*I have written at some length because I feel strongly that it would be quite wrong to foster groundless hopes for those who sailed on the GAUL. Like most others in my Department I have children of my own, and I know how I would feel were I to be in your shoes; I would therefore feel very happy indeed if I thought I had a good reason for keeping your hopes alive. But much though it grieves me to say this, I think it would be cruelly deceitful to do so, for I cannot find any grounds whatever for accepting any other conclusion than that the GAUL was overwhelmed by the sea.*

*It is hard, I know to accept the loss of a son, and it is the knowledge of your grief that makes all of us here in the Marine Division of the Department of Trade determined to work even harder to do what we can to make the sea a safer place for sons and husbands.*

*If you think it would help to resolve any feeling of uncertainty on the part of anyone else who lost a relative on the GAUL by showing them this letter, I would be happy for you to do so. And this is a good a moment as any to say that everyone in my Department shares and will continue to share in the sorrow that all who lost relatives on the GAUL must feel.”*

- 7.36 Mr Betts (whose wife, Beryl was the sister of William Jones, a general purpose hand on the GAUL) raised the matter of the possible intelligence connection with the Parliamentary Under Secretary of State, Mr Frank Judd, in a further letter written about this time:-

*“I would like to express my belief that not enough investigation into the disappearance of the Hull Trawler GAUL has been done. I myself have worked on and in HMS Ships, Merchant Ships and Trawlers and have trawler friends that can assure you (British Intelligence) do sail on our trawlers from time to time. Mr Frank Judd you cannot understand the grief I and other relatives have and we do not accept the men on the GAUL have lost their lives. The Hull Trawler Swanella was passed at the North Cape and not with any fishing fleet when the Hull Trawler GAUL surprised them. When she then went passed into the barren sea and the Mate would not say why he was that far out. Not only this between September and December 1973. RANGER CASTOR’ the ‘GAUL’ had a flare fired across her bows and the crew thought they were going to be bombed. This was denied at the Inquiry. The Russian Embassy in London were taken and sent letters by my wife, Mrs B Betts and relatives. We would appreciate if you could ask the Russian Embassy if they will reply as they were going to reply in 2 or 3 weeks. Also before the Inquiry the Count and Countess Von Seivert were asked by Captain Newbury to take an oath not to say anything concerning the Russian Gunboats escorting not boarding the GAUL. To me and others you have a political argument on your hands and we hope something will materialise concerning the Trawler GAUL in the near future. Hoping to hear from you in the near future”.*

- 7.37 The answer, which was sent to Mr Betts from the Head of the Defence Secretariat, Mr D A G West, was drafted with patience and concern. It read as follows:-

*“I have been asked to reply to your recent letter to the Under-Secretary of State for the Navy (Mr Frank Judd) about the trawler GAUL. We should like to express our continuing sympathy for those, like yourself, who suffered a personal loss as a result of the tragedy. We were deeply disappointed that the extensive search for survivors, carried out by other trawlers and ships and aircraft of the British and Norwegian forces, was not successful.*

*It is understandable that the false rumours that have been circulating continue to encourage relatives to cherish hopes that the men lost with the GAUL are still alive. There is no evidence to support these rumours and there is absolutely no connection between any supposed intelligence work carried out by any country and the loss of the GAUL. We cannot properly intervene in private correspondence with the Russian Embassy. I am sure if they have been asked to reply they will do so but, equally, I am sure they can have nothing more to say which would throw further light on this tragedy.*

*You will already be aware that the Court of Formal Investigation found that the GAUL capsized and foundered due to being overwhelmed by a succession of heavy seas. The hearing was open to the public and the verdict was reached after careful consideration of all the facts and expert opinion available. There is little more that I can add, except to say that, an experienced seaman like yourself, will recognise the inherent dangers in the appalling weather conditions that can be met in northern waters.”*

7.38 Mrs Harrison (sister of John Doone, radio officer of the GAUL) wrote on 26 November 1974 as follows:-

*“As a relative of one of the men missing in the Trawler GAUL off N Norway in February this year I was grieved to see the television report on the findings of the Board of*

*Trade Inquiry which was shown on the news last Thursday.*

*The media used film and diagrams to support the finding that the vessel capsized. This is not and cannot be an established fact, since there has been no evidence, of a concrete nature to support what must, in the absence of evidence remain a supposition. My brother, John Doone, was the radio officer aboard the GAUL so you will realise that I have followed this matter with more than a passing interest. Whilst I realise that an Inquiry must produce a result I feel it would be only just in the circumstances to leave the matter open due to lack of evidence.”*

- 7.39 It is gratifying to find that this letter was considered carefully by the Department and an internal minute reveals it was thought that Mrs Harrison was making a valid point in suggesting that the conclusion that the vessel had capsized was only conjecture. However, it was doubted whether “*we ought to agree with her in so many words*”. The response from Mr Walmsley that was actually sent on the 18 December 1974 was as follows:-

*“The Prime Minister has asked me to reply to your letter of 20 November about the findings of the Court of Formal Investigation into the loss of the GAUL. He has asked me to say how sorry he was to learn that your brother was lost with the GAUL, and to extend to you and your relatives his deepest sympathy, which is shared by everyone in my Department.*

*Perhaps I should first explain that although these formal investigations are frequently referred to as “Department of Trade Inquiries”, they are in fact quite independent of this Department. They are conducted by a Commissioner and Assessors appointed by the Lord Chancellor; their procedures are laid down by law, and we have no control over them; we*



*simply offer what evidence we have been able to find, and give our opinions, just like any other witnesses.*

*You are of course quite right in saying that there is no concrete evidence to support the Court's conclusions, and on page 28 of their report, the Court says, "There is, of course, no direct evidence of how this tragedy occurred..." But in the light of all the evidence given – some of which was negative evidence; e.g. the absence of any wreckage, which would almost certainly been found had there been an explosion; and the absence of any distress message which clearly implied that whatever happened did so with great suddenness – the Court concluded that this was the most likely explanation. Perhaps the broadcast and press reports could have made this a little clearer.*

*No-one, including my Department knew what the Court's findings were until they were read out in open Court by the Commissioner. It was therefore inevitable that the first intimation of the findings for those who were unable to be present in Court would be through the press, radio and television. The Court is not required to give copies of its findings to anyone unless they are parties to the Investigation. If you were one of the 14 relatives who were made parties and jointly represented by Dr Lionel Rosen, a solicitor, you ought to have received a copy. If not, I am afraid you will have to wait until the HMSO have reproduced copies for sale, which is likely to take a couple of months or so, we propose to issue a press notice when it is available for sale, but I shall try to see that you are sent a personal notification.*

*I hope the foregoing answers your questions. If there is anything further you would like to know, please do not hesitate to write to me again."*

- 7.40 It is an interesting feature of the chronology that, shortly before this letter was sent, on 4 December 1974 there was a meeting at Fleetwood of union representatives from all the fishing ports. A minute of that meeting records the

Chairman, Brother A. G. Shenton, giving a report on correspondence between the union and the Secretary of Defence about the practice of putting Naval personnel aboard trawlers. Although the correspondence is no longer available, it was further confirmation of awareness in the Hull fishing community of the practice.

- 7.41 The minute records support for the position that whilst Naval officers were welcome to learn about the industry “*under no circumstances will our members tolerate Royal Naval personnel being on board distant water trawlers that are likely to be entering NATO sensitive waters.*” This view constituted a strong echo of the concerns expressed to the press by Mr John Prescott in the wake of the letter from Mr Judd quoted earlier.
- 7.42 We infer that, put at its lowest, the bulk of trawler men were only too aware of the use to which some trawlers were put at the invitation of the Security Services. One of the Hull representatives who had been present at the meeting, Mr Ronald Bateman, gave oral evidence at the RFI. [Day 17 p126] He remembers occasions when he had served on trawlers carrying Naval officers and was aware of contemporary concern of the implications in the event of fishing in the White Sea area, particularly inside the 12-mile limit. Such concerns would only be partially diluted if the sole purpose of the presence of Naval personnel was to furnish experience of fisheries protection issues.
- 7.43 The views of some of the relatives as to the inadequacies of the OFI and the failure of the Government to investigate properly the disappearance of the GAUL continued to be expressed with some virulence during the early part of 1975. However, it was now time for TV producers to show an interest in the GAUL.
- 7.44 An earlier proposal by the BBC to do a programme on the GAUL, which the Department had been unenthusiastic about since it had been intended it should precede the Inquiry, was resurrected in April 1975. The BBC informed the Department that they proposed to focus on the lifebuoy and were seeking the

Department's help. The internal reaction to the proposal is to be found in a minute dated 22 April 1975 from Mr Walmsley to Mr Archer, relating in particular to the filming of the tank tests that the Department had commissioned by NPL:

*“Given that there is to be a programme, and that now seems pretty certain, since I understand that a great deal of work has already been put in, I think we should do what we can to mitigate any adverse effects insofar as the Department is concerned, which will involve giving them some help. We could even reap some kind of small advantage as a recompense since, as you know, the Court rejected our theory that water found its way below in favour of the “overwhelmed” theory. We still do not think the GAUL could have been overwhelmed had she remained intact, and evidence in support of our belief is apparently beginning to emerge from the follow-up research on the effect of the freeing ports now being conducted by NPL. The filming of tank tests would be meat and drink to the BBC, and it would help to show that the closing of the Inquiry is by no means the end of the affair as far as we are concerned, and that we are still striving to solve the mystery ourselves.”*

7.45 A month later, it appeared that the possibility of a programme on the loss of the GAUL had now been taken up by Thames Television. In a minute dated 12 May 1975 to the Permanent Secretary, Mr Archer observed as follows:

*“The producers seem determined to go ahead with the programme whether or not they receive any help from the Department; and any refusal to help will no doubt add a further element of mystery which they might welcome, and which would certainly encourage the “spy ship” theorists to redouble their pressure on Ministers. Thames’ requirements are fairly modest, however, in that they merely want access to certain papers which were put before the public inquiry as evidence, and permission to interview two of those who took part in the inquiry, the*

*plankton expert who gave evidence on the lifebuoy, and who is a retired MoD Scientist, and a Scientist from the Institute of Oceanographic Sciences (a DES-financed establishment) who is an expert on wave formations. They have not asked to interview anyone from the Department in the programme and I think we should resist this on the ground that we accept the Court's finding and would not want to be a party to a re-opening of the case on TV."*

- 7.46 Thames Television was indeed contemplating a search for the wreck with the use of an unmanned submersible. The Department's reaction to this proposal is set out in a further memo dated 3 June 1975, which reaffirms the principal concern that had been already expressed namely that the cost was not justified by the limited prospects of extracting useful material:

*"It might be asked why we did not undertake a search of this kind ourselves, since we too had details of the supposed new wreck in the area in which the GAUL went missing. The answer is that we must weigh the cost to public funds against the value in terms of improving safety of life at sea, and in a case of this kind, the odds in favour of obtaining any useful evidence – always supposing that the wreck is in water shallow enough to permit proper inspection – are very slight. Finding the wreck would therefore be likely to do little other than confirm that the vessel did indeed founder. "*

- 7.47 At this stage another possible find connected with the GAUL was reported when a Mr Sandø a Skipper of a Norwegian trawler, apparently claimed to have persistently fouled his fishing gear on an unidentified object close to the spot where the GAUL was believed to have gone down. The wild-goose chases that were so likely to arise in the difficult circumstances that existed are well illustrated by this which is dealt with in detail in Mr Clarke's report. He obtained a copy of Mr Sandø's statement dated 9 June 1975 provided to the Norwegian police which made it clear that the information in fact dated from

early 1974 when Mr Sandø was serving on a factory vessel during which time he learned from others that a trawler had snagged her nets. [Report Why no Search para 25]

- 7.48 As Mr Clarke explained in his report: *“So Mr Sandø’s evidence, rather than being new and authoritative, as it had seemed at the time, was in fact about 15 months old and hearsay. Moreover, the reports of it circulated in the UK were seriously distorted. The episode illustrates the fragility of much of the information available even from contemporary papers.”*
- 7.49 In October 1975, Thames TV duly broadcast the two programmes that they had been making. The underlying theme was the difficulty of explaining the fresh water flora found on the lifebuoy having regard to the position it was found. The thrust of the first programme was to the effect that: *“Nine months research has convinced us that someone has tried deliberately to conceal what really happened to the GAUL, by planting a lifebuoy out at sea three months after the GAUL disappeared.”*
- 7.50 The climax of the first programme, having developed the theme that the OFI had missed the striking significance of the lifebuoy and its position, together with the presence of fresh water diatoms, and the necessary inference that the lifebuoy must have been deliberately dropped was expressed as follows:

*“But why? If the GAUL had gone down naturally, why should anyone want to do that? Why should anyone find a lifebuoy, keep it for three months and then deliberately plant it eighteen miles out to sea. Because that is what the evidence suggests and that’s the real mystery of the disappearance of the British trawler GAUL. Did the GAUL sink naturally, as the Court of Inquiry found? Or is the truth far more sinister? If the Russians use their own trawlers as spy ships might they not suspect British trawlers of doing the same job?....Next Thursday watch “The Mystery of the GAUL Part Two”.*

- 7.51 The second programme took matters a stage further. The authors were prepared to state: “*we do not believe that the GAUL or her crew were lost at sea*”. There was, it was observed, “*no evidence of it having sunk*” and “*no reason to believe it had done so*”. The truth of the matter, it was said, was revealed, reverting to the theme of the first programme, by the fact that “*someone had deliberately planted the lifebelt to conceal the true story*”.
- 7.52 The true story may well have been, so the programme continued, that, although not in fact a spy ship herself, the Russians might have thought GAUL actually was in the light of the use of other trawlers in the Hull fleet for that purpose. The Russians might thus have seized her or she may have been lost by reason of contact with a shadowing Russian submarine coming up to the surface underneath her. There was, it was contended, no other explanation for the lifebuoy having been thrown into the water than that the GAUL was an innocent victim of the Cold War and non-disclosure of the incident was to cover up Governmental embarrassment.
- 7.53 As we have already noted, it does strike us that there was precious little material for such startling conclusions to be inferred. Accordingly, we are concerned at the risk that the faint hopes of the families of the crew of the GAUL that their loved ones were not lost were thereby raised without adequate reason. They were a vulnerable group, likely to grasp at any straw. Even allowing for the understandable editorial enthusiasm for an interesting slant on the latter stages of the Cold War, the fact remains that, if the families’ wilder speculations were seen to be confirmed, or at least adopted, by a television programme, the dangers are only too obvious.
- 7.54 Our concerns are fortified by the fact that, once the existence and location of the wreck became known, the issue of the position of the lifebuoy (and the apparently intriguing mystery of the fresh water diatoms) became irrelevant. Certainly any suggestion that it had been laid as part of a conspiracy to conceal the fact that she had not been lost in the first place simply evaporated.

7.55 It follows that we have some sympathy with the reaction of members of the Department to the programme. Captain Lusted prepared a memorandum dated 17 October 1975 having watched the first of the programmes:-

*“No clear theory seemed to be postulated by the programme although there was a strong insinuation that the existence of [living] fresh water diatoms on the lifebuoy indicated that it was a plant.*

*In fact the skeletal remains of brackish/fresh water diatoms as well as skeletal remains of salt-water diatoms could mean that:-*

1. *The buoy could have come adrift from the ship as she sank and drifted directly in the position in which it was found...*
2. *The buoy could have come adrift from the ship as she sank and drifted onto the coast, where it might be in fresh water, and later it could have drifted free to the position where it was found...*
3. *The buoy could have been lost overboard from the ship at some time before the foundering when the ship was in shore....*
4. *It cannot be ruled out that the GAUL sank close in shore; there is deep water close up to the rocky shore...*

*The programme appeared to be to me a lazy, sensational one in that no intelligent thought was brought to bear on the unexplained aspects of the loss, only a rehash of a small part of the mass of the evidence was made”.*

7.56 The reaction to the second programme in a memorandum prepared by Mr Archer, Marine Division, Department of Trade, dated 27 October 1975 was equally sceptical:

*“The second programme took us into the realms of conjecture. It started on the assumption that the lifebuoy was planted and that*

*therefore the loss of the GAUL was not purely the result of natural causes. It produced some dubious evidence for suggesting that sometimes, British trawlers carry electronic spying equipment and, whilst it did not suggest that GAUL had done so, it argued that the Russians might well have suspected that it was carrying such equipment. It made much of the NATO exercise which had been going on in the general area at the time but it rejected the view held by some relatives and others at Hull that the trawler had been arrested by the Russians and the crew was still alive. Instead, on the basis of information it had collected about the incidence of collisions between Russians and US submarines and other craft, it put forward the theory that a submarine might have surfaced either deliberately or involuntarily in the high seas, under the 'Gaul' and had caused it to capsize and sink without trace...*

- 7.57 That said, the reaction of the families was not surprisingly only too predictable. For instance, Mrs Betts, in a letter dated 29 November 1975, wrote to say as follows:

*"Can you please tell me when you intend to have another investigation into the missing (not sunk) hull trawler Gaul, as my brother William Jones is one of the crew. Following the screening of This Week programmes, October 16 1975 and October 23 1975, I myself and other relatives are not convinced or satisfied that the vessel sank with all hands, during a storm as stated by the official inquiry, if This Week can afford to spend all that money on theories which are possibly true, why didn't the government do this before the inquiry began, unless they wanted an open and shut case, because at the moment it appears as if the government might be afraid the truth would come out if they made too many investigations before the inquiry. It*



*also appears that the lifebuoy was planted even so, the inquiry did not investigate it properly. They were only too happy to say that it had come off the GAUL 3 months after she mysteriously disappeared off the North Cape of Norway without wreckage or anything else to indicate it had gone down with all hands. So who is Mr Sheen, or anyone else for that matter, in a position to say it had gone down without proof? I hope you intend to find out who planted the lifebuoy and for what purpose, as I, and other relatives believe that Skipper Olsen of the Rover who found the lifebuoy knows more than he is letting on. Also, if a submarine had rammed the bottom which is possible wreckage must have come out of the bottom, also there would have been oil slicks and whoever was on the bridge would have known something was wrong and alerted the crew to get off straight away. So no matter how you look at it there must be survivors if a submarine did ram it. I still believe this is an international argument and the crew are still alive. If you were in our position I'm sure you would now feel the same as us in the light of this new evidence especially concerning the lifebuoy. Hoping to hear from you in the near future.*

*P.S. This Week screening had nothing to do with the way I feel now, as I have always maintained I believe my brother to be alive and interned maintain my belief as you must no how I feel by now I have told you enough'.*

7.58 This account explains the background to the belief held by many that the vessel had not been lost as a result of any peril of the seas but had either fallen into the hands of the Russians or been sunk in some extension of the Cold War. It was a belief that was so embedded that only physical proof of the existence of the wreck and its cause was likely to dispel it. In fact after the searches conducted in 1974, no search for the vessel was undertaken by the Department until 1998 and it is to that topic that we now turn.

## 8. Why no search?

- 8.1 The first significant find since the lifebuoy, occurred in 1975. On 15 November 1975, the echosounder of the trawler Rairo registered a large object on the sea bed at position 72° 04"N 25° 05"E and when hauling in her net, she found caught within it the almost complete trawl of another vessel. The Skipper of the Rairo made a formal statement to police in Hammerfest who notified the Marine Office in Hull and sent them the evidence, including a copy of the echosounder trace. The Marine Office established that the trawl was not from the GAUL but wrongly (albeit understandably) deduced thereby that the sounding could not be associated with the wreck of the GAUL.
- 8.2 On learning of this development both Mrs Betts and Mrs Thornton (sister of Harold Wilson, a spare hand on the GAUL) pressed again for a dive. The response from Mr Walmsley in the Marine Division of the Department was contained in a letter dated 10 December 1975:

*“I am sorry that I have not replied to your letter of 26 November before now.*

*I am afraid that there is little chance of ever obtaining “positive proof” that any wreck located on the seabed off North Cape is the GAUL. There are, in fact, a good many wrecks in this area, and it is not unknown for different positions to be given for the same wreck in such circumstances, and for relatively old wrecks to be found many years later. For example, the Royal Naval Survey vessels last year located over 90 “new” wrecks in a relatively small area off our coasts during surveys for the purpose of drawing charts. All of these had lain on the seabed, in a relatively busy area, for many years, yet had never been discovered hitherto. Much the same may be expected of the area in which the GAUL sank, and there is therefore no reason for assuming that any new wreck found in this general area is the GAUL.*

*As you know, the Department is satisfied that the GAUL was lost in heavy seas, and that she could not have been arrested by vessels of any other country. We shall continue to examine any wreckage found in that area with great care, but we have no great hope that any of it will lead to a positive identification. Even the net recently found may not prove particularly helpful, in that we are unlikely to be able to say more than that it is, or is not, of a type which was in use on the GAUL.*

*I am sorry that I cannot be more helpful.”*

8.3 1976 saw a rash of similar letters from and to family members throughout the year. It is sufficient in order to get a flavour of the exchanges to refer to the letters written by and to Mrs Doone as follows:-

a. Letter to Mr Jim Callaghan MP, the new Prime Minister, from Mrs Doone dated 9 April 1976:

*“Maybe your manners are better than Mr Wilson’s or Mrs Thatcher’s when it comes to answering letters, I do hope so, there is nothing worse than writing to people and getting no reply.*

*I am still inquiring about the Hull Trawler “GAUL” which disappeared two years ago, we are still waiting for someone to tell us the truth about what happened to it, we feel sure someone at the top knows the truth and one day we will find out. Please don’t say accept what the inquiry said, would you accept a lot of guesswork, and that’s all it was, about someone you loved, no you wouldn’t, and neither do we.*

*I was reading in the papers the other day about Lord Lucan, he disappeared 16 months ago, nobody says he’s dead, so why are the men on the GAUL dead, they found*

*Lord Lucan's car, but they have found nothing from the GAUL, don't you think that is funny.*

*I hope this letter brings a reply, if not I will try again, we will never give up until we know the truth."*

- b. Letter to Mrs Doone from D J Wiseman, of the Marine Division of the Department of Trade dated 23 April 1976:

*"The Prime Minister has asked me to reply to your letter of 9 April about the loss of the GAUL.*

*All the possible causes for the disappearance of this trawler were fully investigated by Department of Trade Inspectors and all the evidence was subsequently considered by the Court. The Prime Minister is satisfied that all the facts which might have had any bearing on the loss of the GAUL were presented to the Court and he is also in complete agreement with the way in which the investigation and inquiry were handled.*

*The Prime Minister realises how difficult it must be for you to accept the loss of the GAUL and the findings of the Court of Formal Investigation, but in the light of all the evidence available to the Government it seems to be the only possible conclusion."*

- c. Letter to Mr Wiseman of 28 April 1976 from Mrs Doone:

*"I thank you very much for your letter, out of five letters this is the first reply I have received. Can you please tell me one piece of solid evidence to say the GAUL sank, if there is any I don't know it, maybe you do. As far as the inquiry, we all feel the same about that, all the court bothered about was the weather. We know it was bad, but it was the same for all the trawlers out there.*

*If the court and yourself know the GAUL sank, why has there never been any attempt to find it, according to TV and the newspapers, the exact spot where the GAUL disappeared is known.*

*As that lady's story about the GAUL being escorted into a Russian port ever been checked, according to her it hasn't and she is still sticking to the same story, if it is made up, why should she still say its true.*

*We will never accept it sank until we have more evidence, which one day we will get, for we feel that it is a cover up job for something and someone will tell us one day."*

d. Letter to Mrs Doone from Mr Wiseman dated 10 May 1976:

*"Thank you for your letter of 28 April relating to the loss of the GAUL.*

*You say that you do not believe the findings of the Formal Investigation and I would agree that nobody can prove conclusively what happened to her, however, the Government spent a considerable amount of time and money collecting every possible piece of evidence in order to enable the Court to find the most probable cause of the loss. You also say that you believe that there was a "cover up"; I am sure you realise how strong the bonds are between seafarers and so when you realise that the inquiries were carried out by two Merchant Navy Captains I am sure you would agree that they would leave no stone unturned to find the truth. Furthermore, the public hearing was conducted by a Queen's Counsel who is only responsible to the Lord Chancellor and is completely independent of any Government Department, he was also assisted by a retired fishing Skipper who has had considerable experience in the North Cape area. I hope that you can see from this*

*why the Court's findings represented their honest belief as to the most likely cause of the loss.*

*As to the accusation that some possibilities were not investigated, I can say that every bit of substantive information has been fully researched and no evidence whatsoever has come to light that suggests any possible alternative to the findings of the Inquiry.*

*I realise how very hard it must be to accept the loss, especially without any definite proof, but I can assure you that it is the only possible realistic conclusion."*

e. Letter to Mr Wiseman dated 19 May 1976 from Mrs Doone:

*"I thank you for your letter concerning the GAUL, but you have not answered my questions, could you please answer them. All we are after is peace of mind, something we haven't known for over 2 years, and we will keep on trying to find some solid evidence that will give us that."*

f. Letter to Mrs Doone from K J Doyle at the Department of Trade dated 25 May 1976:

*"I am replying to your letter of 19 May which you addressed to Mr Wiseman who has now left this post. In view of your letter I have looked carefully and sympathetically into this matter. I regret, however, that I cannot usefully add to what Mr Wiseman has already told you. I do realise that this reply will not give you any comfort at all and I am very sorry that I have not been able to help."*

g. Letter to Mr Doyle from Mrs Doone dated 3 June 1976:

*"I thank you for your letter dated 25 May, but Mr Wiseman did not answer any of my questions. If there is no cover*

*up going on why can you not answer simple questions, one of them only needs a yes or no.*

*We have our own ideas about what happened to the GAUL and we will never stop trying to find out the truth and one day someone somewhere will tell us what we want to know.”*

- 8.4 By now proceedings had been instituted by most of the GAUL families against the owners. Indeed, a Writ in respect of a number of claimants was issued on 7 February 1977. Almost immediately the owners asked to see the outcome of the model experiments being conducted by NMI for the Department. In a letter dated 22 February 1977, the new Surveyor General Mr MacIver-Robinson refused to release any information until the report was complete and the outcome had been considered by Ministers.
- 8.5 News came in March 1977 of a report from the Skipper of the trawler “Coriolanus” that he had identified a trace of a wreck on his echo sounder on 2 March 1977 in virtually the same position as that registered by the “Rairo” in November 1975. The trace was sent to the Department. It was later confirmed by the manufacturers of the echo sounder as “*not incompatible*” with the GAUL.
- 8.6 The trace had been brought back by the Skipper of the “Marbella” who reported that his vessel dragged up an inflatable life raft container marked “Ranger Fishing” in the same position on the very same day, which was confirmed by Hellyer Bros, as belonging to the GAUL. In a subsequent interview the Skipper also brought to the Department’s attention that in the middle of 1976 a Norwegian trawler had also fouled and lost her gear in precisely the same vicinity, with the parted wires having blue paint on them.
- 8.7 Mr Doyle, noted on the minute from Mr Batchelor dated 22 March 1977, that reported the “Coriolanus” find: “*S.G. To see. I think I should make some*



*enquiries about a search?”*. The Surveyor General’s response was set out in a minute of the 24 March. He suggested that, if they had “*a 50/50 possibility of a positive fix and identification*”, the MOD should be approached for further sonar fixing, and then consider a sweep for wreckage or identification using commercial submersibles.

- 8.8 Once a statement had been taken from the Skipper of Coriolanus, Ernest McCoid and the manufacturers had confirmed that the echo sounder trace was not incompatible with the GAUL, the Surveyor General summarised the position in a minute of 4 April 1977:

*“I am satisfied that this information is sufficient for us to mount a search for the wreck of the GAUL. I estimate the chances as offering 50/50 success, and it is therefore a chance we should not miss, having regard to our need to “lay the ghost” before we consider publishing details of the research we have done with models of the GAUL operated in the towing tank at NMI Feltham, and at sea in Christchurch Bay.”*

- 8.9 In a minute dated 19 April 1977 Captain Lusted expressed the view under the heading “*have we found the GAUL*” that the information derived from the “Coriolanus”, “Marbella”, and the “Rairo” was “*an impressive body of evidence, probably in excess of the 50% probability set as a criterion by the Surveyor General*”. He recommended a full echo sound and sonar picture be established before moving on to the photographic stage.
- 8.10 On 30 March 1977, Countess Von Seivert had written to enquire, in somewhat abusive terms, about the possibility of a submarine search in the light of the recent recovery of the liferaft canister. Mr Doyle replied on the 27 April, confirming that the “Marbella” had recovered the container “*in the broad area where it is believed the GAUL was lost*”. The Department wrote to Mrs Doone on the 13 June 1977 in similar terms. (Given the documents now disclosed, the families assert with some justification that this was an unhappily vague

response given the confidence of those in the Department that the position of the wreck had been identified with some considerable degree of precision.)

- 8.11 In accordance with Captain Lusted’s suggestion, the MOD were approached with a view to conducting a search. Their reaction is reported in a minute from Mr Doyle dated 10 May 1977:

*“M.O.D.’s reaction was one of keen interest. They too are attracted to the possibility of confirming beyond argument that the GAUL was lost since they are still receiving letters accusing them of using the GAUL as a “spy ship”. I left it with Mr Moss that he would make enquiries within M.O.D. and consider whether or not they were able to provide a suitably equipped search vessel”.*

- 8.12 In June 1977 Captain Lusted visited U.L.S. Marine Limited to review the suitability of their submersible “CETUS” to carry out an underwater search. In his report dated 9 June he recorded the outcome of his discussions:-

*“With reasonably clear water a well defined picture of objects at a range of 1 metre through an angle of 70 degrees is obtained making a complete and detailed inspection of a large underwater object possible...”*

- 8.13 U.L.S.’s detailed proposal for a video inspection was duly forwarded to Capt Lusted on 23 June 1977. The quote for the mother ship and submersible was a rate of about £5,500 per day, leading to an overall estimated cost of about £60,000. An alternative proposal by Messrs Risdon Beasley Limited also forwarded to Captain Lusted on 24 June quoted £50,000 all in.

- 8.14 Miss Stockdale, a Senior Executive Officer in the Department’s Maritime Division, prepared a minute summarising the proposals on 28 June 1977:

*“4. But it seems to me that it would be premature to enter into any further discussion with commercial sources until we have an agreement*

*in principle that the taxpayer should foot the bill. Marine Division have no funds appropriate to the project and I doubt whether this kind of thing could be funded by SMTRB – in any case the time element would rule out a submission to that source. We are left, therefore with the option of seeking special authority from the Treasury, via FEA.*

*5. In making a submission to the Treasury we should have to set out in some detail the likely degree of success and benefits we see from undertaking the exercise. I suppose the latter fall under two headings:-*

*a) The immediate or long-term benefits to safety of life at sea*

*b) The social benefits in setting at rest the minds of the bereaved*

*In respect of a) it may well be that we should learn nothing to add to what we have already learnt about the construction and operation of stern trawlers, but it would be for surveyors to provide a reasoned case under this head for proceeding with the search. As for b) it is my own view that that small but vociferous group of relatives would still not be satisfied. They do not want to add RIP to the affair and identification would merely lead to some wild notion that the Russians had had the ship all along and had recently scuttled her, or to further pressure for the wreck to be raised – I understand this would be a fantastically expensive business.”*

8.15 On 30 June 1977, Mr Doyle, commented as follows in what proved to be a highly influential memorandum:

*“...I think we now have sufficient indicators to conclude that we do have a very good idea where the GAUL is and it is a question of whether or not we wish to prove it.*

*4. In spite of the current interest and the desirability of finally laying the ghost of the GAUL, I cannot see any justification for expending*

*£50,000+ on a search. There would be no benefits in terms of marine safety and it would be to some extent simply a case of proving that the Court of Formal Investigation reached the right conclusion. There is, I realise, an argument on ‘humanitarian’ grounds that we should put the minds of the relatives at rest but, personally, I believe it is questionable whether, short of actually salvaging the GAUL, some of the relatives would ever be convinced.*

*5. A further consideration is the weather situation..... Thus there is no opportunity for “shopping around” for a lower offer. In any event even if we were quoted say £25,000, it would still be a lot of money to find for this exercise....”*

- 8.16 Mr Archer, his immediate superior at the Department, had a different perspective. In his minute of the 4 July 1977, he said:-

*“I have read Mr Doyle’s minute of the 30 June about this and feel considerable reluctance about not proceeding with the search for the GAUL, if there is felt to be a reasonable chance of identifying the wreck. May I therefore join in on any discussion you have on the subject please.”*

- 8.17 U.L.S. then offered in their letter of 11 July 1977 a cheaper mother ship [£1,500 rather than £2,900 per day] . Despite this Mr Doyle hardened his view in his minute of 26 July 1977:

*“Mr Hoyle has again written to the Minister on behalf of his constituent Mrs Doone, whose husband was lost on the GAUL. Mrs Doone has herself written direct to the Minister and I shall reply officially to her letter...*

*6. Subject to anything the Norwegians or Vickers may have to offer – and I am not really optimistic – we are still talking about expenditure of around about £50,000. Whilst I should be pleased if we can find the*

*GAUL and hopefully, put an end to the saga and the plight of the relatives, it seems to me that the accumulation of evidence supporting the Courts findings conversely affects the case for a search.”*

- 8.18 The Minister Mr Stanley Clinton Davis brought the local MP’s up to date when he wrote to Douglas Hoyle, James Johnson, Kevin McNamara and John Prescott on the 1 August 1977:

*“We are currently considering both the feasibility and justification for an underwater search. There are a number of factors to take into account here, however, including the availability of suitable equipment, the size of the search area, the cost and effort involved and, not least, the timing and weather conditions. We also have to consider the fact that a search, even if successful, would probably contribute nothing in terms of marine safety and could only confirm what we already believe to be the well-founded view of the Court. In saying this, however, I do not in any way wish to give the impression that we are unsympathetic to the anxiety and distress which matter has caused for the relatives and next of kin of the crew of the GAUL. I can assure you that all these considerations will be very carefully weighed in reaching a decision.”*

- 8.19 An alternative project involving the use of a manned submersible by Vickers was minuted by Mr Doyle to Mr Archer on the 29 July 1977. The cost was greater, namely about £80,000 to £90,000, albeit with an asserted 95% chance of finding the wreck. A mention was also made in the same minute of an unused budget sum of £47,000 for Formal Investigations that might be diverted for the purpose.

- 8.20 Mrs Betts wrote on the 4 August 1977 urging that a search take place:

*“I am writing on behalf of myself and Mrs A O’Brien of 122 Askew Avenue, Gipsyville, Hull, whom we both have some one missing on the Hull Trawler GAUL. We would be*

*most grateful if an underwater search was made so that we would know one way or the other what really happened to her and the crew as we and other relatives will never accept the vessel sank with all hands unless we have concrete evidence of this and I think the only way this can ease our minds is for this type of search to be done. I know you may think we are stupid by asking if it would be possible for two male relatives to go with the search vessel (IF THERE IS ONE) to give us complete satisfaction that everything is above board and there is no way we can turn round and say we don't accept it as there were no relatives there to prove there was a genuine search and photos taken. So I am begging of you to give your most serious consideration over this matter to give us peace of mind once and for all, as these last 3 years have been HELL for every one concerned, some more than others. So please if at all possible give the search the all clear to go ahead."*

8.21 The next day Mr Doyle prepared a minute for the Minister. Having referred to the contractors' quotations, which had already been obtained, he went on:

*"On the commercial side we have had three quotations – two in the region of £50,000 - £60,000 and the other, from Vickers Oceanic, of £80,000 - £90,000. The Vickers proposal strikes me as the most "cost-effective" because I suspect the success factor is very much higher; in using a manned submersible, they would be in a stronger position to locate and film the vessel, and to recover substantial pieces of the debris to aid positive identification. The other two quotes, using unmanned craft and film equipment, are substantially cheaper but, in my layman's opinion, also carry a greater all-round risk of failing to accomplish the task. All of these quotations are, however, qualified by the accuracy of*

*the position we have for the obstruction, the size of the search area and weather conditions.*

*I can think of no marine safety argument that would justify our spending a sizeable amount of money on a search. If the GAUL were in fact located it would confirm the findings of the Court of Formal Investigation only in the sense that the GAUL had in fact sunk off the North Cape Bank. It would not establish positively what caused the vessel to go down.*

*The question in my opinion, therefore, becomes whether a search should be mounted on “humanitarian” grounds alone; that is in the interests of the relatives. I might say here that I have sounded the owners, admittedly very obliquely, about their participating in a search and this has been received with stony silence. This attitude may be influenced by considerations connected with the legal proceedings pending between relatives and the owners but, whatever the explanation, the owners have shown no interest. Additionally, there is the point that fisherman in Hull generally, and no doubt the owners, fully accept that the GAUL was lost as concluded by the Court of Formal Investigation.*

*It is, I feel, a dubious proposition that finding the GAUL would in fact offer solace to all the relatives. Some of the next of kin may be unwilling ever to accept the loss of their families and may not even want the fate of the GAUL confirmed beyond any doubt or hope. No-one can fail to have a great deal of sympathy for the relatives but an argument in favour of a search based solely on the grounds of removing uncertainty and anxiety is not decisive enough for me.*

*We must also admit the real possibility of failure; Vickers Oceanic conceded that. We may run out of time and not find the obstruction: or we may find that it is not in fact the GAUL. We could thus wind up in a situation where, having expended a great deal of money, we would have*

*succeeded only in re-awakening the distress of the relatives and generating a new wave of doubt and anguished correspondence about the crew being taken by the Russians.”*

- 8.22 Armed with this advice, the Minister thereafter wrote on 22 August 1977 and reported to all the interested MP’s:

*“I wrote to you on 1 August about the recovery of part of a liferaft container from the trawler GAUL and the possibility of mounting an underwater search.*

*In consultation with Naval authorities and the operators of submersibles we have carefully considered the case for mounting an underwater search in very deep water. I have reached the conclusion that the considerable cost involved would not be justified, particularly as it would not be possible to do more than locate the vessel and would not help us to learn new lessons regarding safety at sea. I appreciate that relatives of the crew of the GAUL would have preferred me to have arrived at a different conclusion. I wish to assure you that, while I did take this very important factor into account, for the reasons which I have set out above I felt that I should not authorise the expenditure involved.”*

- 8.23 The relatives (and all those who had expressed an interest in carrying out a survey) were informed. Not surprisingly a large number of the relatives wrote in response to complain about the decision. The standard response they received is typified by that sent to Mrs Betts, dated 16 September 1977:

*“I have been asked to reply to your letter of 29 August to Mr Clinton Davis about the trawler GAUL.*

*The Department’s decision not to mount a search for the GAUL was taken only after the most careful and sympathetic consideration of the many factors involved. I am sorry if this decision has caused you*



*further distress but all the evidence available to the Department suggests that the Court of Formal Investigation that inquired into this casualty reached the only realistic conclusion. In the circumstances the Department does not feel justified in mounting an underwater search since we do not believe that we would learn anything likely to be of value in terms of marine safety.*

*I regret having to write to you again in such disappointing terms but I am afraid I cannot be more helpful.”*

8.24 It appears that shortly beforehand, P&O Subsea indicated during a telephone conversation on 6 September between Miss Stockdale and Mr Eastaugh that they might be interested in conducting the search without charge on the basis that it would present in Mr Doyle’s words “*an intriguingly useful deep sea operational training exercise*”. In due course, however, P&O Subsea came to the conclusion that overall cost of the exercise, which they assessed as £100,000, was excessive, and U.L.S. were compelled to shelve their plans because of the onset of the winter.

8.25 In any event, Mr Doyle remained sceptical as to whether a survey of the wreckage would reveal anything useful. On this topic, Mr MacIver Robinson, the Surveyor General, was somewhat more optimistic. In his minute of the 14 September 1977 he replied:

*“ It would indeed be a bonus if we not only located the GAUL but also established the cause of the loss. However, most evidence points to the GAUL being an intact ship, so we can give little guidance as to damage, and I would expect small openings which may have allowed the entry of water to the factory deck to be undetectable. The soundings also indicate the wreck which we suspect is the GAUL, is lying on its side and silting over so I would doubt whether we can give Mr Jones of ULS any firm guidance as to what to look for.*

*What would be significant would be confirmation that the vessel was indeed an intact ship/conversely that substantial damage was evident as, perhaps, the result of an explosion or contact with a mine. ”*

- 8.26 The interim report of the National Maritime Institute [N.M.I.] was eventually produced to members of the Department on 22 December 1977. The striking conclusion in the report was as follows: [Page 91-92]

*“This investigation into the stability of the FV GAUL in a seaway has found that in the intact condition this vessel had a more than adequate reserve of stability, compared with the minimum criteria recommended by IMCO, and that this stability was entirely sufficient to prevent capsize in the sea states expected in service for a Deep Sea Trawler.*

*The findings of this investigation are consistent with the view that the GAUL was not lost as a result of inadequate intact stability or poor sea-keeping qualities. It would seem most probable that the cause of her loss was due to the effect of the severe waves and wind and the possibility of encountering a large steep wave at that time in the area of the North Cape Bank, associated with some factor other than deficient intact stability....*

*The most serious loss of stability in this investigation, and one that could be sufficient to cause the GAUL to list heavily and founder is that caused by considerable amounts of water present simultaneously on the trawl and factory decks. Such a condition might conceivably arise from the result of a combination of flooding from the processing pumps on the factory deck and from water flooding through the access door on the starboard side of the trawl deck”*

- 8.27 Not surprisingly the owners asked for a copy of the report with a view to distributing it to other parties in anticipation of the forthcoming trial: the test action had been fixed for December 1978. Mr Doyle recognised the

implications of the new report in his minute of 2 May 1978 and, in particular, that the report went a long way to undermine the conclusions of the OFI:

*“The real crucial areas, and those that will have a direct bearing on the test case, are the conclusions in the report juxtaposed with the views expressed during the hearing by the Department, and the subsequent conclusions reached by the Court. I think that it is very important that we reconsider our views in this connection as soon as possible in the light of the report. The points that we need to consider are I think:- ...*

2. *The N.M.I conclusion (layman’s interpretation!) is that the GAUL was inherently safe and suitable for deep sea trawling in all conditions that might reasonably be expected: that on the basis of their research in simulated sea tests, the GAUL would not capsize when hit by a succession of very heavy seas unless water on the trawl deck coincided with the presence of the water on the factory deck;*
3. *The N.M.I findings seemed to confirm the evidence first given to the Court by our surveyor (Mr Scott) but which, on subsequent consideration, we modified. Our second view was apparently that it was possible for the GAUL to capsize merely through the combination of a succession of very heavy seas and water lying on the trawl deck. The Court seemed to take the latter view adding that if the combination occurred broadside on, the vessel would not have had sufficient righting ability to survive. It seems to me that this could be the crucial area in the test case, and that we are almost certain to be asked whether we now accept the N.M.I (and our own initial) conclusion or the modified view, which we put to the Court.*

8.28 The report was duly sent out on 22 June 1978 to all interested parties, including Messrs Graham & Rosen, who were the solicitors acting for the relatives. On

7 December, Messrs Andrew Jackson & Co, solicitors for the owners, wrote to the Department to confirm an assurance that they had received, that the report would not be published until after the litigation was concluded. In due course, following settlement in September 1979 of the litigation that had been instigated against the owners, a technical paper, based on the findings of the N.M.I report was presented by Dr Tony Morrall to a meeting of the Royal Institution of Naval Architects on 15 April 1980 and published in October 1981.

- 8.29 Correspondence from the families continued into 1980. In September, Miss Stockdale recommended trying a new approach in an effort to forestall any further communications. In accordance with this policy, she wrote a personal handwritten letter to Mrs Betts and in like manner to others. It is appropriate to end this record of the history of communications with and by the Department by setting out this letter in full:

*“25th September 1980*

*Dear Mrs Betts*

*My name is Peggy Stockdale, I am near to retiring age and I work as a Senior Executive Officer in that section of Marine Division which deals with the investigation of ships casualties. Most civil servants move around to different jobs every few years, but I am perhaps unusual in that I have been doing the same job for nearly 8 years. This means that I have been dealing with the administrative aspects of the loss of the GAUL from the day we first heard the alarming news that she was missing until now when I sit down to answer your latest letter.*

*Perhaps you will find it difficult to believe that a remote civil servant like myself grieved with you in the loss of your menfolk, but such was the case. I sat amongst you during*

*part of its Public Inquiry at the City Hall in September 1974 and was even further moved when I came to know some of you personally and felt the shock and grief that the loss of that fine modern trawler and her crew had had on the fishing people of Hull - and not only amongst those who were directly involved.*

*But I want you to try to understand the other side of the story. The Government has spent a vast amount of money trying to discover why the GAUL was lost - in the salaries of the surveyors who spend many months interviewing every person they could think of who might help; in having enquiries made in Norway; in arranging the Court of Inquiry and paying for the attendance of the Wreck Commissioner and the Assessors and for Solicitors and Counsel to conduct the case; in paying the costs of the relatives' legal representation at the Inquiry; in having research done at the National Maritime Institute and in many other ways too numerous to mention.*

*We are all convinced that the GAUL was overwhelmed in dreadful weather north of North Cape. But we cannot be sure why a modern trawler, built and equipped to very high standards and manned by an experienced Skipper and crew should have foundered in this way. But the sea is a cruel sea and nowhere crueller than in these waters in which your menfolk constantly risked their lives.*

*But I want to say most emphatically that never for one moment have we in the Department of Trade - either myself, my professional colleagues or our Ministers - believed that the Russians were in any way involved in the*

*loss of the ship and we thought it a mean and cruel thing that such a rumour could have been put about in Hull so that false hopes were raised that the crew might still be alive.*

*There is no evidence whatsoever that the GAUL was a spy ship, so why should the Russians have wanted to take a perfectly ordinary trawler? But just supposedly they suspected her of being a spy ship, how could they have physically taken her in those conditions and silenced all the crew? What would have been the point of imprisoning the crew for all these years and not making some political capital out of it? It would be just too incredible for words.*

*We are certain that the GAUL lies on her side in 900 feet of water in a position 55 miles north by west of North Cape, some 30 miles south south west from where the GAUL was last seen by the SWANELLA. Our reasons for being so sure of this is that at least two trawlers, by means of their echo-sounding equipment, have detected a large obstruction on the sea-bed there. At that point the sea-bed is muddy and there are no rocks, so it was reasonable to suppose that the obstruction was a ship. The recordings when compared with a plan of the a GAUL seemed to match its shape.*

*The position where echo-soundings were taken was the same as that where the MARBELLA trawled up half a life-raft container. We had the container examined by experts and they concluded that it had been lying in approximately 900 feet of water for some years.*

*There then arose the question of whether submersible craft, equipped with cameras should be used to dive down to the wreck. But after consulting the Naval authorities and the operators of submersibles, the Department decided against it. The reason for this was not so much on costs (which would have been very high) but simply because it would not have resulted in anything more than being able to locate the ship and take photographs. At that depth the photographs might not necessarily have shown up the ship's name and certainly would not have revealed why she foundered so we would not really have learnt any more than we already know. Nothing in the 3 years since that decision was taken has caused us to change our mind about this.*

*So I am afraid there is no more I can tell you, but I hope this rather long letter will help you to understand the position from the viewpoint of the Department of Trade.*

*I know and can understand your disappointment when you write a letter to the Prime Minister you get a reply from someone else. But I am sure that when you stop and think about it you will see that the Prime Minister could not possibly know the background and detail of every problem that the people of this country write to her about. So her office sends the letters to whichever Department is dealing with the subject - hence this letter from me.*

*I would like to say again that our sympathy with those who were bereaved as a result of the loss of the GAUL is unbounded, but we cannot go on writing letters forever, saying much the same thing over & over again. So if you*

*find it necessary to write any further letters, please do not think we are being hard or uncaring if our answer merely says "Thank you for your letter the contents of which have been noted".*

*Yours sincerely*

*Peggy Stockdale"*

### **Discussion**

- 8.30 We have taken a lot of time to set out the history of communications between the families and the Department during the first few years after the loss of the GAUL because the decision of the Department not to undertake a search for the GAUL, even after the position of her wreck had been established, was a source of great concern – a concern not assuaged by the content of Mr Roger Clarke’s report on the topic published in May 2000.
- 8.31 I allowed the issue as to why no search had been undertaken to be resurrected because of the strength of feeling on the issue and the desirability of the matter being aired in a public forum – not least because the absence of a search made its own significant contribution to the beliefs held by many, even today, that the loss of the GAUL had some sinister or, at least, non-accidental implications which successive Governments were reluctant to expose.
- 8.32 In the circumstances, it came as no surprise that nearly half of the written final submissions presented by Mr Saloman QC on behalf of the Families was devoted to this topic. The thrust of those submissions was that the reasons given by the Government for not conducting a search were not genuine – or at least a distortion of the true reasons. It was accepted that there was no support for the suggestion that the decision not to search was in some way informed by considerations of national security. But it was contended that the Department were anxious not to undermine the conclusions reached in the OFI and, to that



end, the Department's suggestion that a survey was not likely to assist in determining the cause of the loss of the vessel was specious.

- 8.33 It is clear that, by April 1977, the Department was satisfied that the wreck of the GAUL had probably been located. Even then it must be borne in mind there was no certainty in the matter. It had to be acknowledged that the particular wreck might not be the GAUL or, even if it was, that notwithstanding the information available, the wreck might not be located. Thus, the Department had to bear in mind not just the cost but also the risk of occasioning further distress to the families in the event of failure.
- 8.34 The Department's view was clearly that the vessel had sunk. Their initial reaction was that it should be positively identified by using a submersible. There is no material to suggest that the position of the wreck was being concealed. To the contrary, it appears that all that was being contemplated by the Department was a positive identification of the wreck as being that of the GAUL so that any suggestion that she had not sunk could be disproved.
- 8.35 By June 1977, the Department had information that a full photographic survey could be undertaken and received detailed and costed proposals. These proposals were taken seriously, but were subject to making a submission to the Treasury for funds. However, Mr. Doyle, for instance, was clearly of the view that the expenditure of £50,000 could not be justified and even thought £25,000 would be too much. He therefore advised against an undersea search. (£50,000 is equivalent to about £180,000 today).
- 8.36 His submission to the Minister who was to make the decision indicated the reasoning behind that view – namely that it was not thought that anything would be learned from the underwater survey beyond confirming that this was the wreck of the GAUL. Hence there was no “*marine safety argument*” to justify the expenditure and there would, in any event, remain relatives who would not be convinced by the confirmation that the wreck had been found.

- 8.37 The Minister acted upon that advice and there is no evidence at all to suggest that the Minister's decision was taken on anything other than the advice of the Department expressed in the submission of Mr. Doyle. Nor in our view can it be said that the reasons were unsustainable whether individually or cumulatively, viz. the search was a costly business which might not unearth the cause of the loss, (even if the OFI conclusions were open to question by reason of the research promoted by the Department), let alone provide lessons for improvement to marine safety. Further, there was a real risk of failure: underwater technology has developed exponentially over the last 25 years.
- 8.38 Even if the GAUL was found, the Department was understandably concerned that this might not satisfy the relatives, particularly as several were convinced that the vessel had been seized by the Russians, and the same families were also pressing for a search albeit under the impression that such would be a waste of time. The reality was that these views, perceived as hopelessly far-fetched by the Department, were feeding in turn on the absence of any identified wreck. With the benefit of hindsight, a search in 1977, even if it did not do more than confirm the fact the wreck was that of the GAUL, would probably have stilled the chorus of complaint and distress.
- 8.39 That said, there is no evidence at all to suggest that the Department's belief that an underwater survey would not reveal anything beyond positive proof that the GAUL was at the bottom of the sea was not its genuine belief. The belief itself may be criticised (although given that it has taken the intrusive 2002 survey to discover the open duff and offal chutes it may in fact have been a correct belief at the time) but the reasoning is nevertheless clear and genuine. The view that prevailed was that the costs of a search could not be justified coupled with the fact that the cause or causes for the sinking might still be obscure. There is no evidence that there were any other reasons for the decision other than those stated.

8.40 All this is corroborated by the attitude of the Department after the Minister's decision.

- (i) The Department was fairly lukewarm to receiving video footage from a search undertaken by a private firm on its own initiative because they did not think they would yield anything in terms of marine safety.
- (ii) Even when there was a specific request from a commercial firm as to what they ought to look for on the wreck the Department was devoid of any idea.
- (iii) They informed P&O Subsea that they saw no return in terms of marine safety.
- (iv) They were still citing not being able to justify the expenditure as a reason for not negotiating with a private firm offering to take photographs for a fee.

8.41 It is true that the families were never given the detailed position, let alone that which was given to Thames Television by Mr Doyle on 25 November 1977, viz *“The reported position of the wreck which is thought might be the GAUL is:- Decca; Red C 16.0, Green F 34.5, Finnmark Chain (7E). This is equivalent to a geographical position of 72 deg 04 N, 25 deg 03 E. The depth of the water is 146 fathoms. The position is about 55 miles north by west of North Cape, some 30 miles south south west from where the GAUL was last seen by the FV Swanella.”* In our judgment the somewhat nebulous information as to the position of the wreck afforded to the families was justifiably criticised by Mr Saloman QC in his submissions on their behalf.

8.42 But it is clear that the Department was not seeking to hide the position of the wreck as they believed it to be. They had provided it to ULS Marine before the decision had been taken and they provided it to P&O Subsea after the decision had been taken.

- 8.43 As detailed, in para 8.29 in September 1980, the Department, through the initiative of Miss Stockdale, wrote to Mrs Betts and Mrs Parker, two of the relatives who regularly wrote to the Department informing them of the likely position of the GAUL and seeking to put an end to the correspondence with the Department. In that letter it was explained that the decision not to mount an underwater search was taken on the ground that it was not believed that it would result in anything more than photographs and would not have revealed how the GAUL was lost. This is entirely consistent with the reasons given for the decision which had been taken 3 years earlier.
- 8.44 It is clear therefore, that the reasons given as to why no underwater search had been mounted in the early 1980's were the same as why such a search was not mounted in 1977. It was simply that the Department could see no benefit in terms of marine safety.
- 8.45 In short, we accept the Department's submission that its actions were solely directed to balancing the interests of those immediately affected by the loss of the GAUL with the wider public interest and the resources available. With the benefit of hindsight, it can be seen that the cost of a contemporary search pales into insignificance compared with the cost of the 1998 and 2002 surveys and this RFI. It may even be that the balance of interests might properly have gone the other way in 1977. But nonetheless we accept that the Department made its decision in good faith and for the reasons publicly expressed at the time.

## 9. Spying

- 9.1 The purpose of this section is to focus on the allegation that GAUL or some of her crew were in fact engaged in spying. We have already outlined in some detail the origin and development of this theory. The complete disappearance of the vessel, the difficulty in accepting the conclusion of the OFI as to the cause of the loss, the scepticism as to the assertion that trawlers were never engaged in spying activity, amongst other things, was a fertile basis for speculating that the loss was not attributable to a marine accident. Indeed, as we have seen, this perspective received a considerable boost from the TV programmes broadcast in 1975.
- 9.2 As we have just explained, the refusal of the Government to embark upon a search, largely on the basis that it was thought it was unlikely that anything useful would be learned from the wreck even if it had been found, had been reached in 1977. This remained the stance of successive Governments for the next 21 years. We have concluded that the decision not to conduct a search was a reasoned and legitimate one. This stance was reaffirmed in 1980 with the 'Stockdale letters'. But perversely this decision itself added credence to the spying theory.
- 9.3 Until the discovery of the wreck in 1997, no information subsequently came to hand to justify re-opening the decision. Nor was it suggested otherwise. Nonetheless, there developed an unhappy failure in inter-departmental liaison. Some 20 years after the loss of the GAUL Mr Stuart Randell, MP one of the members for Hull, wrote to the then Secretary of State for Foreign Affairs to ask if the Navy would carry out a search for the GAUL. The Foreign Office referred the letter to the Ministry of Defence for reply.
- 9.4 In due course a Defence Minister replied to Mr Randell in a letter that had been cleared with the Department of Transport. The body of the letter read as follows:-

*“A search of the seabed would of course be a massive undertaking. Because of the limited information available about GAUL’s position when she went down, it would be necessary to search hundreds, probably thousands of square miles of seabed to have a realistic hope of success. The area is renowned for bad weather and littered with wartime and other wrecks, many of which would have to be examined with specialist equipment in order to eliminate them from the search. A search would inevitably cost a great deal both in time and money. In the circumstances, I’m afraid it would not be possible to divert my Department’s resources to such an exercise.”*

9.5 This became the standard text on the subject for the next few years. Nonetheless it was unfortunate in that it suggested that there was almost no information as to the whereabouts of the wreck of the GAUL despite the fact that the Department had accepted in 1977 that the position was identifiable to a greater than 50 per cent likelihood. The explanation, such as it is, is contained in Mr Clarke’s report and we were not invited to re-examine the issue. But again to the extent that people noticed the disparity, it did nothing to instil confidence in the bona fides of the Government in refusing to instigate a search.

9.6 A further programme was broadcast by Channel Four following the collapse of the Soviet Union in 1996, emphasising the likelihood of a conspiracy or cover-up in regard to the loss of the GAUL. Here the range of circumstantial evidence was extended, beyond the inferences that it was said could be drawn from the condition of the lifebuoy, to the apparent failure of the liferafts to release automatically<sup>25</sup>, the fact that there was said to be some evidence that the vessel

---

<sup>25</sup> The researches of Captain Newbury in July 1974 confirm that they were fitted with hydrostatic release devices. It is clear that these devices for some reason failed to operate. We see nothing sinister in this. The explanation could be one of the following: -

(i) The hydrostatic gear was incorrectly fitted and therefore could not operate;

(ii) The hydrostatic gear was correctly fitted but failed to function.

(iii) The hydrostatic gear functioned and released the rafts but they were dragged down with the vessel by their painters so that in due course the seawater pressure forced inflating air out through the safety topping up valve.

was still off Murmansk on 9 February 1974 (which it was claimed had been ignored by the OFI to the extent that the vessel could not have sunk where the court suggested it had), the establishment of a sound surveillance of submarines (SOSUS) network by the United States in 1974 in Norwegian waters, the existence of an unidentified body of a sailor on Russian soil and so on. The programme inferred that, given the incidents of collision between NATO and Warsaw Pact submarines, the GAUL was probably sunk by a submarine and that this might have happened while the trawler was on Government duties: *“Both NATO and the Russians have adamantly denied any responsibility but the evidence strongly suggests that she was sunk by a submarine”*. In our view, there was in fact no such evidence.

- 9.7 Within a few months of the broadcast of this later programme, the energy and initiative of a journalist, Mr Fenton the programme producer, led to the expedition in 1997 during which the wreck of the GAUL was discovered. Mr Fenton’s success in discovering the wreck quickly and at no great expense completely undermined the stance spelled out in the letter to Mr Randell MP quoted above. Equally it is understandable that the suspicion that the Government was fearful about embarrassing revelations if a search was undertaken were refuelled.
- 9.8 Not surprisingly, the award winning Dispatches programme called *“The Secrets of the GAUL”* made by Mr Fenton and broadcast in 1997 following the discovery of the wreck, made much of these points. Furthermore, it emphasised that there was unchallenged evidence that trawlers had been used in a variety of ways in support of spying activity, certainly in the 1950’s and 60’s. It obtained a confession by the former Defence Minister, now Lord Rodgers, that he had been misled in 1974 by his officials in suggesting otherwise, see his letter at para 7.15 above. Indeed, the programme drew attention to the presence in Hull over many years of a Commander Brookes, an SIS Officer, whose full time role was to liaise with the fishing fleet.

- 9.9 The programme rejected the notion that the loss might have been attributable to the flooding in the factory deck, on the basis that that would have been noticed by the crew in time to send out an SOS and suggested that the idea that the vessel had been sailing before the wind was inconsistent with her position heading North-East on the bottom. It finally raised the question as to whether a cable which had been observed in the course of the search for the wreck was part of a SOSUS cable running from Sørøya Island in a North-Easterly direction (said to have been laid under the cover of an operation codenamed Poker in 1968) and as to whether it had some connection with the loss. [But see para 14.5 and footnote 29 page 213]
- 9.10 We turn later to the question of the cable but for the moment confine our comments to the more general issue of the use of trawlers for spying. The RFI heard from two witnesses to assist in obtaining a picture of espionage activity involving the trawler fleet in Hull and the question whether the GAUL might (or might have been thought to) have been involved. This evidence was supplemented by a paper that had been placed in the Library of the House of Commons in March 1998 shortly after the Deputy Prime Minister had directed the MAIB to undertake a survey on the wreck of the GAUL in the wake of the Fenton expedition. It was prepared on the instructions of the then Armed Forces Minister Dr John Reid and described the contribution of British trawlers to intelligence gathering during the Cold War.
- 9.11 We set out this note verbatim:-

*“1. The Cold War through the 1950’s, 60’s and 70’s was a period of suspicion and mistrust between NATO countries and the Soviet Bloc.*

*Intelligence activity at all levels, by all parties, was commonplace. One element of this activity was the collection of information on the high seas. In view of the continuing concern about the possible role of FV GAUL, this paper describes the involvement of British trawlers in intelligence activity during the Cold War period.*



2. *The Norwegian North Cape and the Barents Sea were areas of intense defence interest given the presence of Soviet Naval bases in North Russia and NATO's strategic interest in the Norwegian Sea and the North Atlantic. The advantage of engaging fishing vessels as "intelligence gatherers" was recognised very early in this period.*

3. *The Soviet Navy maintained a large fleet of commercially registered auxiliaries whose sole purpose was intelligence gathering on NATO and western maritime activity. Trawlers were often stationed in strategic waters around the British Isles and made no pretence of fishing. This activity continued into the 1990's.*

4. *As far as the United Kingdom was concerned the general collection of information on the activity of the Soviet fleet involved little more than reporting position and course and, where possible, photographing any vessel of potential interest. This is termed low-level intelligence. Such activity was carried out in international waters by anyone willing to do so. There is no evidence to say when such a practice began, but it represents a long tradition of support by the fishing fleet to the Royal Navy. While going about their business of fishing in international waters, trawlermen volunteered such information as they thought right to report. This voluntary practice became more organised in the early 1960's with the issue of cameras to Skippers if requested, and an established route for passing information to the appropriate authorities, the liaison office in Hull.*

5. *In parallel with this voluntary assistance a scheme existed (dating back to Nelson's time) by which junior RN officers would gain valuable sea-going experience as well as fostering good relationships between fleets, by embarking in Merchant vessels. Due to a shortage of sea-going billets in the 1960s this scheme was extended to include deep sea trawlers. This scheme provided an added dimension to this low-level*

*intelligence gathering activity, and all RN personnel embarked on fishing vessels were encouraged, in the same way as the trawler Skippers had been doing, to report back sightings of interest.*

*6. Separate from the liaison scheme, and from an unknown date in the 1950's, personnel were occasionally embarked on trawlers with the specific aim of gathering intelligence information whether by operation of passive radio listening equipment or visual sightings. This activity was conducted entirely on an opportunity basis, that is the trawler would go about its normal business, in area of its choice, and sightings would be made by chance. Records do not indicate which vessels were used, although it is believed that most, if not all, were owned by Boyd Lines.*

*7. By 1964 it was concluded that such deployment of manpower on an opportunity basis was not a particularly effective exercise as officers often spent weeks at sea following the cod to Iceland rather than working in more military interesting areas. It was therefore proposed that a trawler should be chartered for specific voyages in order to place specialist staff and equipment on board and to have some control over the area in which the vessel operated. There were three such voyages – in June 1965, June/July 1966 and June 1967. The same vessel, the ARCTIC GALLIARD, was used on all three occasions. A specific guarantee was given to the Skipper to compensate him for any resulting loss of catch. Records indicated that reimbursements were made for two trips. Again the results were disappointing and it was decided to cease such operations in 1967. There are no records to suggest that other vessels were similarly chartered either at the time or since.*

*8. In the Spring 1972 an operation was attempted to recover a Soviet test missile which was believed to have landed in international waters in the Barents Sea. It was agreed that a trawler, FV INVINCIBLE,*

would provide a more discreet means than a RN Ship. To aid the search satellite navigation equipment was fitted to the vessel. An RN officer was embarked, ostensibly to calibrate the satellite navigation system. The mission was unsuccessful. In September 1973, a similar mission was mounted. This time the trawler FV LORD NELSON was used. Again the operation was unsuccessful. This operation was the last recorded use of trawlers for specific intelligence gathering.

9. Following the tragic loss of the FV GAUL in February 1974, the involvement of Hull-based trawlers, and the assistance provided by the trawlermen themselves over many years gave rise to the concern that the FV GAUL had been involved in espionage activity at the time of her loss. There is no records whatsoever to suggest that the FV GAUL (or FV RANGER CASTOR as previously named) had ever been involved in any operation of the type outlined above. As the GAUL was only 2 years old at the time of her loss, she would not have been involved in the earlier activity which ceased in 1967. It is not possible to confirm one way or the other whether junior RN officers may have embarked on her as part of the liaison scheme, as records of particular embarkations do not exist. However, records do suggest that the scheme was not widely used between 1969 and 1974, with only 10 junior officers going to sea in trawlers. The chance that one of these may have been on the GAUL on any voyage before that in February 1974 is considered remote. No RN personnel were on board the GAUL during its last voyage; a fact also acknowledged by Hellyer Bros Ltd, the owners of the GAUL in July 1974.

10. The involvement of trawlers in intelligence gathering was largely confined to the 1960's, albeit that two specific operations were mounted in 1972 and 1973. The passage of RN officers in the Barents Sea and North Cape similarly ceased by 1974 as a matter of policy. Records do

*not indicate when the passage of RN officers in trawlers generally ceased.”*

9.12 The first oral witness who gave evidence on the topic to the RFI was EB, an unnamed officer of the Secret Intelligence Service (SIS). He had the rank equivalent to that of First Secretary in HM Diplomatic Service. He was a member of the Central Staff of the SIS that had amongst its responsibilities the investigation of speculative allegations about past and present SIS activities and had for that purpose, access to official records.

9.13 He explained that it had not been possible to identify an existing or former SIS Officer with first hand knowledge of the activities involving the Hull fleet in the 1960's and 70's. His evidence was based purely on an analysis of the records. From those, he was able to state:-

- (i) There was no reference in those records to GAUL (or Ranger Castor) prior to the loss.
- (ii) Neither Skipper Nellist nor Mate Spurgeon (or indeed any other member of the crew of GAUL) were recorded as engaged in any intelligence task on that or any other vessel.
- (iii) There was no record of the embarkation of an intelligence officer on the GAUL on any voyage, including the last voyage.
- (iv) The paper set out above which had been produced by the MOD was (in so far as it dealt with SIS activity) an accurate summary of the use of trawlers in intelligence gathering.
- (v) SIS was not involved in the operations performed by the trawlers Invincible or Lord Nelson described in the MOD paper.
- (vi) Commander Brookes had served with SIS from 1964 till his death in 1971. He acted as an intelligence liaison officer with crews of Hull trawlers. He passed on any information recovered

to Naval Intelligence. He had no permanent full-time replacement.

- (vii) His branch of the service had been responsible for establishing the Trawler Skippers Briefing Scheme as described in the paper, including the provision of cameras.
- (viii) Any Skipper thus engaged was instructed not to enter the 12 mile territorial zone on the premise that no incidents of boarding by a Russian Vessel was known on the high seas.
- (ix) Instructions were also given that, in the event of any encounter with a Russian craft, all compromising material was to be jettisoned.
- (x) The Trawler Skippers briefing scheme came to an end in 1967 as a consequence of a change in intelligence requirements as set by the Joint Intelligence Committee. At that same time, contact with Skippers who had co-operated was also terminated.
- (xi) The only incident post 1967 in the records was a specific request by the MOD for a trawler Skipper to photograph vessels in the course of a visit to a fishing exhibition in Leningrad. The Skipper concerned was Skipper Jack Lilley of the Cassio. (The Mate, subsequently skipper on the GAUL's last voyage Mr Nellist, was not briefed.) [RFI Day 9 p.48]

9.14 The second of these two witnesses was Commander Peters RN, from the Defence Intelligence Staff at the Ministry of Defence. He confirmed that, from his perusal of the files at the MOD, the 1998 paper was true and accurate insofar as MOD activity was concerned. He also confirmed the accuracy of a statement by Commander Clark that was before the court covering much of the same ground.

- 9.15 Commander Peters stated that his researches had revealed no evidence that the Royal Navy (including Naval Intelligence) had chartered the GAUL or employed any member of her crew in intelligence work. There was no record of Naval Officers (or any military equipment) having ever been on board her let alone on her last voyage. Further, whilst he also confirmed the fact that both Invincible and Lord Nelson had been chartered in 1972 and 1973 respectively in an unsuccessful attempt to recover a Soviet Missile (the “*piece of equipment*” referred to in the letter from Mr Bill Rodgers in August 1974 at section 7.15 above), there was no evidence that the GAUL had been involved in any such purpose.
- 9.16 Although Mate Spurgeon had been the Mate of Invincible at the relevant time, the MOD records contained nothing that suggested that he himself had been briefed on the mission. The Skipper had been Roy Waller, whose statement to the RFI indicated that he had indeed been asked by Graham Hellyer the Managing Director of BUT to help find what he was told was a “*camera which had been lost from an American Submarine*”. For the purpose of the voyage the vessel had a Naval Commander on board together with a satellite navigation system installed. Only Mr Waller had been expressly briefed about the mission prior to sailing, although the crew were given some information about it once the vessel had left.
- 9.17 The general picture is well summarised in Commander Clark’s statement at paragraph 9:-

*“Skippers, radio officers and Mates of trawlers were involved in the low level observation and photography of Soviet vessels and aircraft and passive listening. This was on both a voluntary and an opportunity basis. General records and press cuttings on file indicate that some 30 to 40 Skippers were involved in the 1960’s when this activity was at its peak. No records of trawler personnel involved in this activity exist in MOD files. It cannot be stated with absolute certainty that none of the*

*crew of the FV GAUL had been briefed on intelligence collection or issued with photographic or radio equipment during the 12 month months before the loss of the FV GAUL. However this type of intelligence gathering declined in the early 1970's. I have seen nothing to indicate that the crew of the FV GAUL were involved in this type of activity."*

9.18 Whilst we can understand the belief that GAUL or some members of her crew might have been engaged in spying and the scepticism exhibited to all assurances to the contrary, we are convinced that the suspicions are misplaced:

- SIS activities relating to the trawlers briefing scheme in Hull ceased in 1967, as confirmed by several Skippers. In any event, it is accepted that Commander Brookes died in 1971 and no one operated in his place thereafter.
- The RN liaison scheme was on a very small scale: in any event, the evidence of Mr Northard, the shipping master who tallied the crew on board, and Mate Petty, who sailed with the vessel as far as Norway, contradicts any suggestion of any passenger having been on board.
- All the radio and electronic equipment identified by Mr Sangster from the footage obtained during the 2002 survey as being on board was standard for a ship of GAUL's class at the relevant time.

