
DEPARTMENT OF TRANSPORT

THE MERCHANT SHIPPING ACT 1894

mv HERALD OF FREE ENTERPRISE

Report of Court No. 8074.

Formal Investigation

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MV HERALD OF FREE ENTERPRISE

REPORT OF COURT NO. 8074 FORMAL INVESTIGATION

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ADDENDUM BY MR JUSTICE SHEEN

Paragraph 19.6

In this paragraph it is stated that certain handwritten comments on a memorandum dated 10 February 1983 were written by Mr Michael Ayers, who did not give evidence at the investigation. Mr Michael Ayers has drawn my attention to the fact that he did not write any of the comments to which specific reference is made. No criticism of Mr Michael Ayers was made or intended. The sentence on page 28 should be read as if the words "Mr Michael Ayers" had been deleted.

Department of Transport
September 1987

London: Her Majesty's Stationery Office

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THE MERCHANT SHIPPING ACT, 1970

The Roll on/Roll off passenger and freight ferry

HERALD OF FREE ENTERPRISE

registered at the port of Dover (O.N.379260)

Order as to costs

By virtue of the jurisdiction conferred on me by subsection (5) of section 56 of the Merchant Shipping Act 1970 I make the following orders with regard to the costs of the investigation:

- (1) That the Secretary of State for transport pay the sum of £39,675 to Messrs Keeble Crewson and Bridge of 8 Abbey Walk, Grimsby, to cover the costs of legal representation for Mr. Mark Victor Stanley.
- (2) That the Secretary of State for Transport pay the sum of £10,000 to Messrs Ince and Company of Knollys House, 11 Byward Street, London E.C.3., as a contribution towards the costs of legal representation for surviving passengers and next-of-kin of the deceased.
- (3) That Townsend Car Ferries Limited pay the sum of £50,000 to Messrs Steggle Palmer of 2 Bedford Row, W.C.1., the solicitors for the National Union of Seamen and certain surviving crew members and dependants of those members of the crew who lost their lives.
- (4) That the Secretary of State for Transport pay the sum of £25,000 to Messrs Ingledew, Brown, Bennison and Garrett of 26 Creechurch Lane, E.C.3., towards the costs of legal representation for Captain David Lewry and Mr. Leslie Sabel.
- (5) That Townsend Car Ferries Limited pay the sum of £350,000 to the Secretary of State for Transport towards the costs of the Investigation.

Dated this 29th day of July 1987

Wreck Commissioner

Hon. Mr. Justice Sheen, Wreck Commissioner

THE MERCHANT SHIPPING ACT 1970

DECISION OF THE COURT

The Roll on/Roll off passenger and freight ferry

HERALD OF FREE ENTERPRISE

registered at the port of Dover (O.N.379260)

In the matter of a Formal Investigation held at Church House, Westminster and at Alexandra House, Kingsway, W.C.1. on 29 days between the 27th day of April 1987 and the 12th day of June 1987 before the Honourable Mr. Justice Sheen, assisted by E. C. B. Corlett, O.B.E., M.A., Ph.D., F.Eng., F.R.I.N.A., Mr. C. A. Sinclair, C.Eng., F.R.I.N.A., F.I.Mar.E., F.C.M.S., Commodore G. G. Greenfield, R.D., R.N.R., F.N.I., and Captain E. G. Venables into the circumstances attending the capsizing of the Roll on/Roll off passenger ferry *HERALD OF FREE ENTERPRISE* in the approaches to the port of Zeebrugge with the loss of 188 lives on the 6th day of March 1987.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the Report, that the capsizing of the *HERALD OF FREE ENTERPRISE* was partly caused or contributed to by serious negligence in the discharge of their duties by Captain David Lewry (Master), Mr. Leslie Sabel (Chief Officer) and Mr. Mark Victor Stanley (Assistant bosun), and partly caused or contributed to by the fault of Townsend Car Ferries Limited (the Owners). The court suspends the certificate of the said Captain David Lewry for a period of one year from the 24th July 1987. The Court suspends the certificate of the said Mr. Leslie Sabel for a period of two years from the 24th July 1987.

Dated this 24th day of July 1987.

Hon. Mr. Justice Sheen, Wreck Commissioner

We concur in the above decision.

Dr. E. Corlett, Assessor

Mr. C. A. Sinclair, Assessor

Commodore G. G. Greenfield, Assessor

Captain E. G. Venables, Assessor

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