



**TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
QUAIYL TINVAAL**

PROCEEDINGS

DAALTYN

(HANSARD)

**SELECT COMMITTEE OF TYNWALD
ON REDRESS FOR
MR & MRS SPADONI
(ACTIONS OF THE MARINE
ADMINISTRATION)**

**BING ER-LHEH TINVAAL MYCHIONE
LHIASAGHEY ACCAN MNR. AS VNR. SPADONI
(GAGHTEY STIUREY COOISHYN NY MARREY)**

Douglas, Monday, 16th November 2009

Members Present:

Chairman: Mr D M W Butt, MLC
 Mr J D Q Cannan, MHK
 The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson)

Clerk:

Mr J King, Deputy Clerk of Tynwald

Business transacted

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 and resumed its sitting at 12.04 p.m.*

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The Committee adjourned at 12.43 p.m.

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Select Committee of Tynwald on the Report on Redress for Mr & Mrs Spadoni (Actions of the Marine Administration)

*The Committee sat in public at 10.32 a.m.
in the Millennium Room,
Legislative Buildings, Douglas*

[MR BUTT *in the Chair*]

Procedural

The Chairman (Mr Butt): Could I just welcome everyone to this Select Committee of Tynwald on the Petition of Redress of Mr and Mrs Spadoni concerning the actions of the Marine Administration.

To give some background, the Committee was established by Tynwald on 21st April 2009. The motion establishing the Committee was:

‘That Tynwald appoints a Committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to investigate and report on the conduct of the Marine Administration –
(a) in preparing ministerial briefing for the debate in Tynwald in November 2003, with special reference to allegations that Mr and Mrs Spadoni had breached fishing vessel regulations; and
(b) in investigating the causes for major stability failure of the *FV Suzanna D*, owned by Mr and Mrs Spadoni, in May 2000; and any other relevant matter and make such recommendations as it sees fit.’

Now, ladies and gentlemen, the Committee is sitting. I am the Chairman; I am Mr Dudley Butt MLC. On my left is Mr David Cannan MHK, and on his left is the Lord Bishop, Rev. Paterson. Our Clerk is Mr Jonathan King.

The proceedings are being taped by the *Hansard* clerk for the public *Hansard* record. Could I ask anybody who has a mobile phone to please switch it off now, if they have one, as that will interfere with the tape recording.

We first met in public on 13th May 2009 and we heard evidence from Mr John Rimington, a former MHK, and Mr and Mrs Spadoni. Today we have two further witnesses: Mr Baker and Mr Corkill.

Mr Baker is a technical expert, who was present at a number of stability tests conducted on the Spadonis’ vessel, the *Suzanna D*, after she reached the Isle of Man.

The second witness will be Mr Richard Corkill, who was Chief Minister from December 2001 to December 2004, including the time of the Tynwald debate in November 2003 which is referred to in our remit. He has been asked to come at 12 noon today.

Administration of the Oath

The Chairman: Now I believe we have Mr Baker here to give evidence before us. Welcome, Mr Baker.

Mr Baker: Thank you.

The Chairman: I wonder, Clerk, could you ask Mr Baker to take the Oath?

The Clerk: I can.

Mr Baker took the Bible in his right hand and repeated the Oath.

Mr Baker: I swear by Almighty God that the evidence I shall give to the Committee at this and any further hearing shall be the truth, the whole truth and nothing but the truth, so help me God.

The Chairman: Thank you.

EVIDENCE OF MR C BAKER

The Chairman: Thank you for attending this hearing. I wonder, could you start by introducing yourself with your full name, what your qualifications are, and your occupation, please.

Mr Baker: Yes. My name is Chris Baker. I am a naval architect – ‘marine consultant’ is probably more easily understood these days; it is nothing to do with the Navy.

I have always been involved in boats, ever since a child, and as a school holiday job I would work building fishing boats and even crewed on them on occasions. I carried on working with boats. I did the Yacht and Boat Design course at Southampton back in the 1970s successfully. From there, I went on to building racing boats, then went on to work as a naval architect in Dartmouth. From there, in the early 1980s, I met up with Applecraft in Jurby, whereupon I came up here as project manager for the ill-fated *Bounty* project, which soon collapsed after I arrived on the Island – nothing to do with me, I hope.

I stayed on the Island and I started a design business, which focused mainly on condition survey of vessels, and soon after that, with a colleague on the south coast of England, I started a company called Marine Data. Marine Data International is based on the south coast of England and Marine Data (Isle of Man), which is actually my company here – I notice on the record it is ‘Marine Data’; it should actually be Marine Data (Isle of Man) Ltd – it is a separate company. I ran that, and that soon focused on stability work. So I have been doing that on the Island since 1993-94, stability booklets, I suppose. That has been the main income for the company since then. We do between 12 and 15 stability booklets a year, which is not a huge amount but basically it is a one-man business, so that is my speciality, if you like. I currently split my time between charity and mission work in Romania, so I work from Romania sometimes.

I also act as the stability consultant for Safehaven Marine in Cork, where I do all of the stability booklets for the pilot

Procedural

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vessels they build. In the last year, I have done them for the St Malo pilot vessel, Portugal, Venice, two in Southampton. They are quite technically demanding, because you have to arrange each one for the local nuances. Although Europe is meant to be consistent across all the authorities, you find that each local authority, each country authority, has its own flavour, as it were, so I produce all the booklets for those.

I also act as the technical consultant for a company called Solent Refit, who are involved in refitting superyachts down in Southampton. The most recent project they handled was the conversion of the sail-training vessel *Malcolm Miller* where I was the consultant who provided all the technical information for classification. My stability work has ranged from small catamaran work boats through to... I think the largest I have done are the ro-ro vessels which work out of Heysham – the *Merchant Brilliant* and the *Merchant Bravery* – and they are 2,400 tonnes.

The Chairman: Thank you. So that is considerable experience.

Mr Baker: I think so, yes.

The Chairman: You obviously do tests on behalf of companies and individuals. Do you do tests on behalf of any authority like the Marine Administration or the English – ?

Mr Baker: Not often. It is usually a company. Most normally either a company or a vessel owner would approach me.

The Chairman: Thank you. We are here today to talk about the *Suzanna D*. I understand that you did tests on the *Suzanna D*, and you have given us documents of the 2004 test and some other correspondence with the Spadoni family of previous tests, which we have received and are trying to understand. I wonder if perhaps you could give us a chronological list of the tests you did do in respect of the *Suzanna D*, and what your conclusions were after each test.

Mr Baker: I cannot remember whether I was first approached by the Department on the Island or whether it was Mr and Mrs Spadoni. I cannot remember who actually made that first phone call. I am sure that is on record, but yes, I attended and did a roll test – down in Port St Mary, I think it was – in 2000. It was a fairly straightforward test. There was nothing particularly unusual about it. The vessel was presented in the state that it was and we carried out the test. We did the normal checks on tanks and did a visual check on the vessel to make sure all that we would expect to see was there, or an equivalent, and we did the roll test. Very soon after – well, after I had done the calculation – it became obvious that it was a fail, which obviously was not good news for the owners.

The Chairman: Do you know when that was? In 2000, was that?

Mr Baker: Let's have a look exactly.

The Chairman: Thank you.

Mr Baker: It was actually Douglas, wasn't it? I beg your

pardon, on 27th April 2000. That is the date I have here.

The Chairman: Before we go on to the technical detail, what was the next test you did on the *Suzanna D*?

Mr Baker: The next test I did on the vessel would have been the inclining trial up at Ramsey.

The Chairman: What was the result of that?

Mr Baker: The result of the inclining trial was also a fail, and it reflected the same figures as the roll test within a reasonable margin.

The Chairman: Just for the record, I believe the inclining trial is a more technical, more complex test than the roll test.

Mr Baker: Yes, the roll test is a test which you can apply to a certain type of vessel. The vessel has to fall within particular geometric constraints, so the relationship between the depth and the beam and the length and the freeboard have got to fall within certain parameters for you to be able to apply that test. Some of the other things about the geometry must fall into place, like the vessel must not have a deckhouse which comes right out to the side; it has got to be of a traditional form, as it were.

There are certain things you have got to be able to do during the test, like you have got to be able to do a minimum of three rolls, and you would hope to obtain five. I think probably most important is that the actual working of the vessel... any fuel that you use from the vessel during its working must be replaced by catch into a similar sort of area, so the vessel, in essence, does not actually change through its working cycle. So if you were to have a vessel which has a lot of fuel but was making a very light catch, maybe worked over a period of a month and gradually consumed fuel but did not replace it until the end of the month, you could argue that that vessel was not suitable for doing a roll test. They are looking at a fairly narrow band of vessel type: you use fuel; you replace it with fish, so essentially the properties of the vessel do not change. That is the roll test. There is a little bit of flexibility in it which they try to account for with certain factors and measurements of freeboard and stuff like that, but really the vessel has to be of a particular type and the *Suzanna D* falls into that category. That is the sort of test that they have been doing on that type of vessel for many years, but it is restrictive and the one thing you cannot do is you cannot look at the stability over a range of conditions; it has got to be in that one condition.

In an inclining trial, you take the geometric properties of the vessel, the actual size of the vessel. You obviously put it in the water so you can determine how much it actually weighs, because you have a drawing of it so you can say how much it weighs, and then the inclining trial... Simply by moving weights on the deck, the boat heels a certain amount and by measuring that amount of heel you can determine where the centre of gravity is. You have then got the shape, the weight and where the centre gravity is. From that, you can then – either by hand, but more likely these days with a computer program – determine a whole range of conditions against a set criteria, and the criteria are international. So you can do a lot more with a stability booklet and an inclining

trial. It is a much more technical document that you can do proper calculations with.

The Chairman: So on the Ramsey test, then, you did the full incline test and it failed. The vessel failed?

Mr Baker: It did, yes.

The Chairman: Do you know why the vessel failed on both of these occasions?

Mr Baker: It is just inherent in its design. As an exercise for the Spadonis, I... There was originally a very early stability book available. I do not have a copy of that, unfortunately, but there were copies around and I went back to some of the original data. I think you have this particular letter here.

The Chairman: Yes.

Mr Baker: You can demonstrate that, comparing it with current criteria, it only ever passed in one small area, in one condition, so the vessel, under current criteria, would never have passed. I have to say that when the vessel was built I am not sure what criteria it would have been built against on the Dutch fleet at that time. Regulations were obviously different, and presumably it satisfied the Dutch authorities at that time.

The Chairman: Can you just confirm, then: you sent a letter to Mr and Mrs Spadoni dated 15th June 2000, which you supplied to us, and in there –

Mr Baker: No, that is another one. The one I was actually... I did write to them on 15th June. Actually, the one I was referring to was on 24th June. That is the one that looked at the historical evidence of the stability booklet, but then again –

The Chairman: Also on 15th June you had a list of tests over the years where you say ‘Surplus’, ‘Deficient’, ‘Deficient’, ‘Deficient’. Could you explain what they mean?

Mr Baker: It was a document which I did, having... I am not sure if ‘audited’ is the right word, but having looked in detail at the vessel file which the MCA had supplied, at all the various roll tests, I went through them, recalculated them and then listed it showing either fails or marginal passes.

The Chairman: So when you say in numbers 2, 3, 4, 5 and 6, I think it is –

Mr Baker: Yes, they are all deficient.

The Chairman: They are all deficient?

Mr Baker: Yes.

The Chairman: That means –

Mr Baker: Some of them actually showed passes, but there were errors in the calculations.

The Chairman: So in the years from 1990 onwards, in effect, it was always a fail, apart from –

Mr Baker: Even the first one, there is no indication of any deck gear or dredgers on board, so you treat that with caution; and the one that does show a surplus, a mistake was picked up in that calculation, which was reworked, but they still made a mistake in that calculation and it showed a surplus. As far as I could tell, when you looked at the documentation, they had only used a single roll, so it was not a valid roll test anyway.

Mr Cannan: So you would say that the boat was unseaworthy from the beginning?

Mr Baker: It never complied with the stability criteria.

Mr Cannan: Right from the beginning –

Mr Baker: Right from the beginning.

Mr Cannan: – up to your involvement?

Mr Baker: I would say right from the beginning of the boat’s life.

Mr Cannan: From the beginning of the boat’s life, in your professional opinion, it was never seaworthy?

Mr Baker: It never met the statutory criteria for stability, which would... Yes, which would say it would be –

Mr Cannan: It is the same thing, surely?

Mr Baker: – unseaworthy, yes.

The Chairman: Your document of 24th June then, that was based on a stability book... Did you ever see the original stability book that was produced by the Dutch authority?

Mr Baker: Yes, I saw... I think there were five conditions in it. I think we had four fairly poor photocopies of those conditions, yes, and that is what the letter of the 24th is based on.

The Chairman: So that is based on the Dutch stability book?

Mr Baker: Yes.

The Chairman: So, as Mr Cannan says then, from the very beginning, on your calculations, it was always a fail by current regulations?

Mr Baker: Yes, a fail by current regulations, and also I do not know what criteria the boat was originally designed against. I am not 100-per-cent sure on this, but I believe that the Dutch authorities changed their regulations at a particular date, which effectively meant that these vessels no longer complied with the Dutch legislation, and a lot of those vessels came onto other markets, including the UK market. So it could have been that this vessel met with the local Dutch criteria when it was built. It was then operated. The criteria was changed nationally in Holland, back whenever it was, and these vessels were then disposed of around Europe.

Mr Cannan: So, going back to my question, if I may

– ‘Do you agree it was unseaworthy?’ – I asked, from your involvement, if it was unseaworthy –

Mr Baker: In terms of to operate it as a –

Mr Cannan: – but not necessarily in terms of Dutch legislation from the beginning.

Mr Baker: Yes –

Mr Cannan: I am just clarifying, because at that time –

Mr Baker: When it was originally built it may not have been illegal, but it may have been unseaworthy by current –

Mr Cannan: By the time of your involvement. The basis of my original question just a moment ago was: from the time of your involvement, in your wide professional opinion, it was unseaworthy?

Mr Baker: Unseaworthy to operate as a twin-boom fishing vessel, or in fact even as a fishing vessel, yes.

Mr Cannan: I just wanted to clear that up.

Mr Baker: Yes.

The Lord Bishop: So, when the boat was disposed of from the Netherlands, and could have been sold to any other regime within the vicinity in Europe, it would have been illegal by *their* standards as well?

Mr Baker: I do not believe there was harmonisation of standards across the various countries at the time.

The Lord Bishop: But it would have been illegal by UK standards?

Mr Baker: It *may* have been illegal by UK standards, yes.

The Chairman: So when the 1975 regulations came in... I think a question we have is that when regulations change to upgrade safety aspects, do vessel owners have to then re-jig the boats, change them, refit them to fit in with new regulations?

Mr Baker: I am not sure.

Mr Cannan: So from the time Mr and Mrs Spadoni purchased the boat it was in fact, if I can use the slang word, ‘duff’?

Mr Baker: When they purchased the vessel it did not meet the stability requirements –

Mr Cannan: It did not meet them, no.

Mr Baker: – and had not done for some time, had not done for many years.

The Lord Bishop: But there would not have been a

requirement for it to raise the standards?

Mr Baker: Once it was on the UK register there would have been requirements to meet the current criteria, certainly, yes, which is what all these historical roll tests were trying to ascertain. Certainly, yes. I gather, looking at the correspondence, the previous owners had been quite difficult to tie down at times. They had been sighted by flying aircraft on the western approaches, and I think in some cases they had been up to two years late in actually providing information to the authorities.

The Chairman: Can I ask a technical question? I think in 1996 there was a test which measured the freeboard – I presume that is, in effect, the ground clearance – and then in 1999 there was another test and the freeboard was the same despite it would appear that 12 tonnes of concrete floor had been added. There was a concrete floor built. There had been a big change to the vessel between those years, yet the freeboard measured the same.

Mr Baker: Yes, so something does not add up, does it?

The Chairman: Yes, there has been an allegation that the marine surveyors in the UK had either copied each other’s figures or not done the test properly.

Mr Baker: Yes, they have – well, somebody has – either measured the freeboards in error, or not measured them at all and made an assumption. The other possibility is concrete could have gone onto the vessel but when the surveyor measured the vessel something else was not on the vessel – maybe the beams or the fishing gear, I do not know – but yes, you would not be able to put 12 tonnes in the vessel and not see a change in the freeboards.

The Chairman: Thanks. Can I refer to a document which we received – a document written by Mr Peter Chreseson who was a...

Mr Baker: Yes.

The Chairman: Do you know Mr Chreseson?

Mr Baker: Obviously, I worked with him.

The Chairman: He wrote an internal memorandum in the Department of Trade and Industry, dated 29th August 2000. I wonder, were you ever aware of that document when you did your tests and your inquiries?

Mr Baker: Possibly.

The Chairman: If I just refer to a couple of the paragraphs... In paragraph 3 of the document, he says:

‘The MCA failed to carry out our reasonable request that the vessel be assessed against the 1975 rules. That this request was reasonable is shown by the fact that the relevant information to make such an assessment was obtained quickly and with little difficulty.’

This is the crucial part:

‘This information showed that the vessel at no time satisfied the 1975 rules. Having been aware of this, it is unlikely that we would have

considered the vessel fit for registration in the Isle of Man until such time as the vessel did comply with the rules.'

This was in August.

Mr Baker: I have read that, yes.

The Chairman: You have read that, you were aware of that. I just wondered if you had. Did that confirm the tests that you did?

Mr Baker: Yes.

The Chairman: Can we talk about the concrete that was in the vessel? When you tested the vessel in April 2000, what sort of concrete was in the vessel?

Mr Baker: The fishroom floor was sheathed in concrete – you could see there was a concrete finish to it – and there was a pair of concrete blocks set to the aft end of the fishroom, a little bit outboard, yes, and they were there from the first time I saw the vessel.

The Chairman: And on the subsequent test as well?

Mr Baker: Yes, on the subsequent test as well. I have always tried to stick with the numbers and the figures – they are easier to deal with than what people say and accusations – but what I can tell you is that the concrete was there when I first saw it. When we subsequently did a series of inclining trials and roll tests in Douglas, with both the MCA and the Ship Registry witnessing, we did a series of tests, and one of them was a back-to-back test with the concrete in and the concrete out, and it did not make any significant difference.

The Chairman: So there is a concrete floor and there are concrete blocks, two separate concrete –

Mr Baker: We took the concrete blocks out; it did not make any significant difference.

The Chairman: So, if there was an allegation made by any party – the MCA or members of the DTI – that the concrete blocks put in would have affected the stability and been the reason for the fail, what would you say to that?

Mr Baker: I would say they were misinformed; it was not the reason for the fail.

The Chairman: Were you ever asked any questions on that by a member of the DTI or the Marine Administration?

Mr Baker: I do not believe I was asked specifically by the Marine Administration about the effect of the concrete blocks. I know the Spadonis asked me whether I felt the concrete blocks would have caused the vessel to fail, and I did some work, which I believe showed that it would not, and that was confirmed by the tests that we did down in Douglas.

I am just trying to see if I identified exactly what difference the concrete blocks would make, but I can assure you that they made very little difference, mostly because of their position in the vessel. They were relatively high up, around about the centre of gravity, so they did not actually

make much difference in the actual overall centre of gravity of the vessel, and any benefit she might have gained from them was offset by the fact that the freeboard reduced slightly. She was in a position where, with the weight gain over the years, the freeboard had got less and less and it was actually the lack of freeboard which was the main problem with the vessel, so it did not matter how much more weight you put in it, you were just chasing your tail. With lightweight boats, if you put weight in low down they get more and more stable, but you reach a position where it does not matter how much more weight you add in. Because the vessel is effectively sinking in the water, you have got less and less volume above the water and you start chasing your own tail. That is the position they were in: they could not make any difference by adding any more ballast in.

Mr Cannan: So there was an inherent design problem, regardless of concrete, which you have already said.

Mr Baker: Originally, these boats probably worked with a lot lighter gear, when they were first built, but I think over the years the gear tends to change, their mode of operation tends to change. Boats just seem to grow in weight. It does not matter what it is, they just seem to grow in weight. People add things on to them gradually over the years from one owner to the other, and it was certainly the excess in weight over the period of time which compounded the problem.

Mr Cannan: I am just trying to clarify from what you said previously: so really there was not an inherent design problem?

Mr Baker: Yes, there was. Against the current criteria, there was a design problem. It did not meet the current criteria.

Mr Cannan: From 1975, or...?

Mr Baker: Certainly from 1975 it did not meet the current criteria. As I say, I am not –

Mr Cannan: It did not meet the criteria of 1975?

Mr Baker: No.

Mr Cannan: Just getting it on the record, Mr Baker: it did not meet the criteria from 1975 onwards. Thank you.

The Chairman: Can I just ask about the concrete blocks that were added? We have had evidence from Mr and Mrs Spadoni and Mr Rimington, who was acting on their behalf, that the blocks were put in to compensate for other gear that had been taken out, and I think Mr Rimington said they had been lightly cemented in. I wonder what your view of that is, why that would have been necessary?

Mr Baker: My view of whether those blocks were placed in to take the place of fishing gear, specifically for inclining trials, I think is unlikely. They were a well placed permanent set of blocks. They were building standard, grouted, smooth.

The Chairman: I think the evidence says that it was to

replace the ice etc that would be carried.

Mr Baker: My view is I think that was unlikely. I believe they were added in an attempt to improve the stability of the vessel.

The Chairman: And you are saying, in effect, they did not actually affect the stability – improve or deteriorate.

Mr Baker: It was a misguided attempt to improve the stability. I can see why, but it would just...

Mr Cannan: Do you know if Mr and Mrs Spadoni, for the cement blocks, took any professional advice, or was it just their own amateur advice?

Mr Baker: I do not know.

Mr Cannan: I will put it another way: if they had taken professional advice, they would probably have been told, from what you say to us, that the concrete would not have made any difference.

Mr Baker: I would hope that any professional advice from a naval architect looking at this, at any point through this unfortunate series of incidents, would have picked up the problem.

Mr Cannan: And said that putting concrete in would not resolve the problem?

Mr Baker: I would hope that any naval architect looking at it would have said there is a more serious problem here than just putting in concrete blocks.

Mr Cannan: Putting in blocks of concrete?

Mr Baker: Yes.

The Chairman: When the Spadonis purchased the vessel in 1999, they had a refit, which obviously would change the characteristics in some way or other. You have seen the historical tests and then your own tests: was there any significant difference between the historical tests and yours?

Mr Baker: I do not think so. I think Mr and Mrs Spadoni were... I believe they were diligent in what they did in as far as it went, from what they have said to me about taking the engine out, knowing the weight of it, replacing it with a lighter engine plus some ballast, looking at the modifications to the wheelhouse roof and replacing timber with aluminium. I think those are all the sort of things that you would do if you were replacing like with like.

Generally speaking, a surveyor will just tick that off. If you are replacing an engine, sometimes the surveyor might want to see a weighbridge ticket of the old engine, just to be sure of what it actually did weigh, and you would look at the manufacturer's data for the new engine and say, 'Okay, well it is 200 kgs lighter' – which is generally what tends to happen with a newer engine – and you would mark on the stability booklet somewhere that 200 kgs of ballast had been added for that. I believe that is what they did during the process of the refit. There was not anything particular in

the refit that has been drawn to my attention that would have made a significant difference.

The Chairman: So the figures you have, the historical figures pre 1999, show fails and marginal fails; and then the figures, from your figures, from 2000 onwards, do they show a similar level of fail, or has it been made worse?

Mr Baker: My figures show about a 150 mm fail, I think. Back in 1990, there was a 133 mm fail, and that is only using lighter-weight beams, so I would say it has been consistent for a number of years.

The Chairman: So what is your view? Did the refit make it worse, better, or did it more or less stay the same?

Mr Baker: I would say it stayed more or less the same.

The Chairman: Thank you. The Spadonis bought the vessel and then came to the Isle of Man. Mr Spadoni gave evidence about a fairly horrendous trip in bad weather up into the Island, and he said it was because the vessel was rolling in a very extreme fashion, which he thought was a problem with the gearbox. What would your view be? I know you were not there, and you...

Mr Baker: I believe that the problem with the gearbox was due to the excessive rolling of the vessel, as I understood it. I think the gearbox manufacturer was approached and he suggested a modification or a change to the gearbox in order to allow it to pick the oil up from a more secure position within the gearbox, but with hindsight and looking at the stability history of the vessel, then to hear that it was rolling excessively is not surprising.

The Chairman: So, had the vessel been fit for purpose, in effect, would he have experienced the same degree of roll?

Mr Baker: No. No. No.

The Chairman: I would just like to ask your view, as an owner of a vessel say, would that have alerted you immediately to a potential problem?

Mr Baker: It is difficult, really, because I come from a slightly different background and it maybe would alert me, but I know a number of fishing vessels that are deemed to be comfortable to work on, and they, in actual fact, are very, very close to the minimum statutory criteria. That is the way it is. When the *Ben my Chree* first came to the Island, it was deemed to be a very uncomfortable boat, but it was a very, very safe boat and that is because the motions are very sharp and quick. It was very stable. The *Lady of Mann*, in comparison, was deemed to be a very comfortable boat, and that was because it had great big long rolling motions, but by today's standards the *Lady of Mann* was not as safe as the *Ben my Chree*, for instance. So a lot of fishing vessels do roll considerably and are comfortable, but they are very close to the minimum criteria.

Mr Cannan: But they are the right side of the minimum criteria.

Mr Baker: They are, yes.

Mr Cannan: Wherever you have a minimum –

Mr Baker: This is why it is important, I feel, that a proper stability booklet is always produced, because then you can look at all the various criteria when the vessel is low on fuel and has a heavy deck load... that it still meets the criteria.

Mr Cannan: Yes. Wherever you draw the line, as long as you are above the minimum criteria, you –

Mr Baker: Yes, they are minimum safety criteria. It has always been said that it is not criteria to design down to –

Mr Cannan: No, it isn't.

Mr Baker: – and there are lots of other things which affect the safety of the vessel, and one of those is the way that the skipper handles the vessel. I think maybe a lot of these vessels which are close to the minimum criteria... I believe some are a lot safer than others because of the skill of the skipper. The way they handle their vessel makes it a lot safer. Likewise, you could take a vessel which did meet the criteria and, in the hands of the wrong person, it would be an unsafe vessel.

Mr Cannan: If there are minimum criteria, and as long as you are above the minimum –

Mr Baker: You stand a fighting chance.

Mr Cannan: Yes.

The Chairman: Can I move on to the test in 2004 which was ordered by Tynwald: was that the one in Ramsey?

Mr Baker: The one in Douglas, where we did the MCA and the Ship Registry.

The Chairman: Can you tell us about that test, please?

Mr Baker: Yes, that was done with... Obviously, Peter Chreson had tragically left us by then, but it was done with Paul Hansford and the guy from the MCA, Cedric Loughran, and we had a series of tests which we agreed we were going to do.

The Chairman: What was your role? Were you part of the team doing the tests, or an observer?

Mr Baker: I was the consultant who was actually running the tests, and effectively the other surveyors and observers were there to do just that, to observe, but obviously we did it as a team and everybody was happy with what we were going to do before we progressed to the next step.

So we did a series of roll tests. We did three roll tests to try and mimic the previous roll test that we did. There was one we did, a condition, as it was in April 2000, to confirm those tests, and we did a roll test with the aft peak tank filled because there had been one done in 1999 by the MCA with the aft peak tank filled. Then there was another one done with that same tank empty, because there was a question over that particular roll test as to whether or not that tank had been full or empty and what difference that made, so we did that. Then we did an inclining trial in the third condition

and confirmed that. Then, from the inclining trial, we could obviously do all our subtractions and additions until we had a set of data which we could produce, which showed that the figures were consistent and the fail was consistent, that that was the case.

The Chairman: Consistent with the tests in 2000?

Mr Baker: Yes, consistent with the tests in 2000.

The Chairman: And at that stage, the concrete blocks were still fitted?

Mr Baker: They were initially, and then we did a test with the concrete blocks out.

The Chairman: And what was the result of that?

Mr Baker: It says that... I will give you the actual quotation of what was said. Condition 2, it was.

The Chairman: You said before there was no material difference with blocks or not in 2000. I wonder, was that confirmed in –

Mr Baker: I have not got what I actually wrote with me, I am afraid, but there was no significant difference.

The Chairman: Can you just confirm you said in the tests in 2000 there was no material difference with the concrete blocks? You thought it would not have made a difference. I am saying in 2004, when you took the blocks out, was there a material difference?

Mr Baker: No, there was no material difference.

The Chairman: You did the tests with the MCA, and the local Marine Administration as observers, but also with you. Did you have any conversations with them about the vessel?

Mr Baker: Not beyond the actual job in hand, no. I think we were all aware of the importance of getting it right and we focused on doing that. We had considerable resources to hand which we maybe would not normally have had. For instance, in the initial roll tests that we did, because of the proximity of the wall and everything else, we managed to get three completely clear rolls in, which is adequate and meets the criteria. When we were doing it with the MCA and the Ship Registry and with the Marine Administration involved, because we had more people, a tug, a boat and everything else, we were able to move the vessel out from the wall and we were able to do a full five rolls pretty well in every case, so we were absolutely squeaky clean as far as the actual conditions were concerned.

The Chairman: There have been allegations that the Minister for the Department and his political colleagues were misinformed by the Marine Administration about the concrete being a factor – that the Spadonis had made the vessel unstable themselves by adding the concrete – and the Minister and his staff then told Tynwald that, which is part of our brief today. I wonder, was there anything in the conversations you had with the Marine Administration or

the MCA which would have given that impression, that they would then pass on to their political Members?

Mr Baker: No. I have never expressed the view that the concrete made a significant difference to the vessel. No, I do not know. A very unfortunate remark, I think. It was totally untrue.

The Chairman: Thank you. There is also an allegation that there was a conspiracy between the Marine Administration and the MCA to try to deny the Spadonis their rights, in effect. Have you any view on that?

Mr Baker: I am not aware. I did not hear of anything that would suggest there was a conspiracy. Most of my contact with the MCA during this time was with a guy... John Downie. I think he is probably mentioned in the correspondence. The MCA actually contracted me on an official basis to look at variations, possibilities to modify the vessel in order to get her to meet the twin-boom criteria. I worked closely with John Downie for possibly a number of weeks – a short number of weeks, anyway – looking at various options of putting tanks on the side, or making the vessel longer, or enclosing more of the deck – various geometric changes to the vessel to endeavour to get it to comply as a twin-boom vessel. None of them were... They were either completely impractical from a working point of view, or else they were going to be very, very expensive.

There were some quotations worked up with Booth Kelly, the shipyard, whom I have since had a closer relationship with, but at that time they were independent from me. I would imagine that on the basis of those works that we did for the MCA and the demonstrations that we made with the various configurations, that probably was part of why they decided to go the compensation route rather than the modification route. I was not party to that part of the decision, but I am guessing that was part of the information they used.

The Chairman: So, you were aware then that the MCA had offered to try to find modifications to –

Mr Baker: I was aware that they were looking at ways of modifying the vessel to get it to comply, but I think they were going... I guess everybody was hoping that, by some fairly simple modifications, we would be able to get it to comply and then Mr and Mrs Spadoni would be able to go fishing safely and a line could be drawn underneath it; but unfortunately we could not.

The Chairman: Was it your belief that the MCA were going to actually provide the expense, the money to do the...?

Mr Baker: That was my understanding, but that was not actually said to me.

The Chairman: There was a proposal that it could be rectified by means of a transom stern. I am not sure what that is.

Mr Baker: Yes.

The Chairman: Would that have worked?

Mr Baker: It helped, but it was not sufficient. Basically,

the *Suzanna D* is pointed at both ends, putting it simply, and by a transom stern, you put a big square stern on it and effectively the extra volume in the corners of that transom give it more stability.

The Chairman: Thank you.

Mr Baker: We looked at lengthening the vessel, which is also another way of increasing the stability. We looked at enclosing different areas in the deck, which do help, and this is where some of the safety bit comes in. You can take a vessel which is very marginal on the criteria, you can enclose spaces above the deck, which on paper show it as being a safer vessel because it complies with the criteria by a greater margin, but in actual fact, in reality, because you are adding weight up top, initially it makes the vessel more unstable. So it is a skill in getting all of those things correct.

Mr Cannan: So, in your professional opinion, modification was not really an option?

Mr Baker: No, it was not an option in this case; not under the twin-boom criteria. The twin-boom criteria which they were operating under has a 20-per-cent uplift on the standard fishing boat criteria, and that is actually quite significant because of the manner of fishing. The vessel, when she finally went to Ireland, was trading as a conventional fishing vessel, and with substantial modifications she was able to trade as a conventional vessel.

The Chairman: Can I ask about the MCA in the UK? Did you have any part in their negotiations with the Spadonis, apart from the modifications?

Mr Baker: Other than supplying technical data showing options, but I was not party as to whether that was being used specifically in negotiations or not, so no.

The Chairman: The tests that the MCA did in 1999 where they gave the vessel a pass, in effect, can you give any opinion on why that would be, why they would do that, why they would come to that conclusion, when a few months later in the Isle of Man it was failed?

Mr Baker: Without actually going back and looking at the detailed sheets, it says that in the roll test done on 16th November 1999:

‘The hand calculations suggested a marginal surplus of 8 mm. Subsequent calculations by myself show a deficit of 2 mm.’

There is a nasty grey area in all of this in that... I believe it is only verbally – I have never seen it written down – but there is a 10 mm allowance for experimental error, and that to me just seems crazy. If you have a line where you say this is the line you have got to reach, to then say if you go 8 mm over, that is okay... If that is the criterion, make the criterion a little bit higher and say that is the one you have got to reach. So the one in 1999, there was an error but it is within that fudge factor.

The Chairman: So if they had not allowed the 10 per cent, it would have been a fail?

Mr Baker: Ten millimetres. I am not actually sure.

Without looking at the details, I do not know whether that 2 mm was including their 10 mm fudge factor, or not. I would have to confirm that to you. But in 1999 they showed a surplus of 8 mm and by the information, the figures which they supplied and I recalculated, I showed 2 mm deficit.

I produced a system of spreadsheets which actually I can feed these figures into, and although they have not been officially approved in any way, we came to an agreement that they were a good way of doing these calculations. I take the original formula and I put it into a Microsoft spreadsheet in order to be able to put all these figures in to come out with a consistent set of results. The roll test, the way the formula is written and presented, is just fraught with possibilities for mistakes. It is just one of those things where it is open to misinterpretation and you do not get any sort of indication through the calculation as to whether it is going the right way or not.

When you are working with a stability booklet and you are working with real weights and figures and things, you get a natural feel for the way the vessel will handle and the sort of weights it is going to take. With this roll test formula, you can make a simple arithmetic error; you have not got a clue. All sorts of simple things... There is a squared function, and because of all these figures, because the GM is around about 0.9 m, because we are working with a figure around about 0.9, if you square 0.9 you get 0.81. Well, 0.81 is not far off 0.9, so you do not... There are just all sorts of things all the way through that particular formula which have been miscalculated, misinterpreted and just not realised.

The Chairman: That is by the MCA and the UK and previous –

Mr Baker: Previous... Just anybody who has done the calculation.

The Chairman: When the Manx test was done in the Isle of Man, when it first came here, they showed a fail but they gave him a certificate for a month or so. What is your view of that?

Mr Baker: Is that the way it happened? I thought the... Did the vessel not come to the Isle of Man with a pass on its roll test?

The Chairman: A pass, yes, but the first Manx test, for which you were there, I presume (**Mr Baker:** Yes.) was a fail.

Mr Baker: I thought the vessel did not operate after that first roll test.

The Chairman: I believe they were given a certificate for a month –

Mr Baker: Oh, were they?

The Chairman: – preparatory to a further test.

Mr Baker: Right.

The Chairman: Whether they sailed with that, I do not know, but...

Mr Baker: I must admit my presumption was that, once she had had the fail, she was not allowed to fish any more.

The Chairman: Would that be normal procedure?

Mr Baker: I would say that would be prudent procedure, yes.

The Chairman: Thank you.
Mr Cannan, any further questions?

Mr Cannan: I have asked my questions, sir.

The Chairman: All clear?

Mr Cannan: Thank you, quite clear.

The Chairman: Jonathan, anything we have missed?

Anything else you would like to say, Mr Baker, that might help us to understand the situation? Some summing up of your view of the vessel?

Mr Baker: No, I do not think so. I think hindsight is a wonderful thing, and in hindsight there are lots of things that could have been done, which were not.

The Chairman: I think you said before, though, that maths should be an exact science, but it is not.

Mr Baker: Yes.

The Chairman: The calculations had not been done as they should have been done.

Mr Baker: Yes, consistently. I believe the MCA has changed in recent years, but my experience is that you can go from one office to another and there is not any consistency across the MCA offices around the coast. I have been involved with builders where they have built a vessel to MCA rules in one port, they have delivered it to an owner in another port, and the vessel has been impounded because it has not met particular MCA rules because they have been applied differently, and that is just a nightmare.

I think in the early days, when a lot of these roll tests were going on, it was not what they call joined-up government these days. I think there were a lot of individual offices operating without a lot of communication between them. I am sure that some of these mistakes obviously were picked up by some surveyors, because there is correspondence there saying, 'Hey, look, this is wrong, we need...' and there is correspondence showing that the mistake has been picked up. Unfortunately, often there has been another mistake made at the same time but there did not seem to be anybody in overall charge looking at all of this documentation and saying, 'Hey, we have got a big problem here, we need to sort this out.'

The Lord Bishop: Can I just ask just one further... You said a little earlier – I think this is a reasonably accurate quotation – that any naval architect would have seen that there was a serious problem.

Mr Baker: Actually, I said I would have *hoped* any naval architect would have, yes.

The Lord Bishop: Thank you.

The Chairman: Yes, thank you, Mr Baker. Thanks for your attendance. It is possible we may need to come back to you – we hope not – and maybe write to you with some technical information, if we need to.

Mr Baker: Yes, any technical information I can supply you with.

The Chairman: I am very grateful for your evidence, Mr Baker.

Mr Baker: Thanks very much.

The Chairman: Thank you.

We will now adjourn until 12 noon, when Mr Richard Corkill is coming to give evidence. Thank you.

*The Committee adjourned at 11.27 a.m.
and resumed its sitting at 12.04 p.m.*

Procedural

The Chairman: Welcome, ladies and gentlemen. This is the resumed hearing of the Select Committee on the Redress of Mr and Mrs Spadoni. We adjourned a short time ago, having had the evidence of Mr Baker, a marine engineer, and we are now here to hear the evidence of Mr Richard Corkill.

Mr Corkill, could you come forward, please?

Could I just remind everyone if they have mobile phones to switch them off, please, as we are recording this on *Hansard*.

Welcome, Mr Corkill. Thank you for attending.

Mr Corkill: Good afternoon.

Administration of the Oath

The Chairman: The Clerk will administer the oath to you, please, if you are willing to take that.

Mr Corkill: Yes.

The Clerk: If you could take the Testament in your right hand and read that out.

Mr Corkill took the Bible in his right hand and repeated the Oath.

Mr Corkill: I swear by Almighty God that the evidence I shall give to the Committee at this and any further hearing shall be the truth, the whole truth and nothing but the truth, so help me, God.

The Chairman: Mr Corkill, for the record, I will introduce ourselves: I am Mr Dudley Butt MLC, Chairman of the Committee; I think you know Mr Cannan MHK; the Lord Bishop; and the Clerk is Mr Jonathan King. Mr Alford is recording for *Hansard*.

EVIDENCE OF MR R K CORKILL

The Chairman: Thank you for attending. Could you please start by just telling us your full name and what your responsibilities were between 2000 and 2004 in your Government role.

Mr Corkill: I am Richard Kenneth Corkill. From 2000 to 2004?

The Chairman: From 2000 to 2004, which is the area we are interested in.

Mr Corkill: In the year 2000, I was Treasury Minister, and then from 2001 to 2004, end of, Chief Minister. Yes, and Member for Onchan during that time.

The Chairman: Thank you. This Committee is investigating the question of a boat called the *Suzanna D*, which was a boat bought by the Spadoni family from England in 1999. On arrival in the Isle of Man, it failed stability tests and then there was a prolonged discussion between the Spadoni family, the Manx Marine Administration and the English Marine Administration as to future compensation and the future role of the vessel.

As part of the evidence we have been given at a prior hearing by Mr John Rimington, former MHK, he informed us that he had had a conversation with you, which he said that he had taped without your knowledge, on 6th February 2004. The Committee have not seen that evidence and we have not had a transcript of that evidence. Mr Rimington, however, did give evidence on oath as to what he believed the conversation to be, using a transcript of that as an *aide-memoire*. As I say, this Committee has not yet seen that evidence.

As you were a party to being spoken to, unknowingly being taped, we would request your permission, if you wish to give it, for that to be released to the Committee. If you do not wish to do so, we can ask you questions on that evidence anyway.

So I just wonder what your position is regarding the evidence that was on the tape.

Mr Corkill: Well, I was surprised to learn in the press of the tape recording, but the Clerk of Tynwald's Office has kindly provided me with a copy in the interim. I have listened to large parts of it. It is not a very good recording, so... It is a difficult one, because it is obviously being recorded on a dictaphone or something like that, so I think it is unfortunate that it is not a good recording.

In terms of your question, I have listened to the tape. There are parts of the tape that have issues in it not relevant to this at all. I do not have a problem releasing the tape – well, I have got it on a CD – and the recording to the Committee, but I would wish to say that there are areas on the tape that are really private conversations, nothing to do... Because there is one part of the tape which is even Mr Rimington dictating some letters or notes that are not relevant either – it is to do with a Government policy issue.

So the recordings are a bit random, it seems. But in terms of the recordings that are made in there relevant to the *Suzanna D* and the Spadonis, I do not have a problem with the Committee having the tape and perhaps getting a transcript organised, so that you can make of the evidence there what you need to.

The Chairman: Thank you very much. I think we can assure you that we would only use the parts of the tape which are relevant to the Spadoni affair and the *Suzanna D*, and we will ignore the rest.

Mr Corkill: It may well take a lot of picking over.

Mr Cannan: Did it come as a surprise to you, Mr Corkill, that a Minister whom you appointed in your own Government, should be recording conversations with you?

Mr Corkill: I found it a surprise and unnecessary as well, I think, and I suppose, thirdly, disappointing.

The Chairman: Can we go on to the events of that day when the tape was made, which was 6th February 2004. Do you recall that meeting with Mr Rimington?

Mr Corkill: I do. I cannot remember, though, whether he asked for the meeting or whether I had asked for the meeting. It was a meeting on a number of fronts, but the main issue was the *Suzanna D*. I certainly remember having the conversation with Mr Rimington, but it was quite a long time ago now. There is what I can remember and then there is what is on the tape, and having heard the tape again, it jogs your memory, I suppose, to some extent. But yes, I remember the conversation.

The Chairman: I think Mr Rimington made the allegation, really, that he was due to put a motion before Tynwald and that, because of his conversation with you and the content of that conversation, he then withdrew the motion. He is basing that on the allegation that you were told and then told him that the Spadonis were going to be offered a sum of money – £1 million to £1½ million – by the English Administration. Can you confirm that or give your recollection of what actually was said in that regard?

Mr Corkill: What I remember is that this motion was down on the agenda and, obviously, it could have been embarrassing for the Council of Ministers, because it involved two Departments. There was the DTI with responsibility for the Marine Administration and then there was Mr Rimington in his capacity... although he had this issue as a constituency matter.

So I was conscious of the sensitivity of it and I spoke to both Ministers before Tynwald was due to sit, really to get a feel and an understanding as to how deep the feelings were running on this issue. I had not had much to do with the *Suzanna D* issue over the period of time you mention, but when I first became Chief Minister, I did try with a meeting round the table with the Marine Administration, the Spadonis and myself in the chair... bearing in mind this issue had been going on for a long time before I took over the office of Chief Minister. I made an attempt to bring the parties together to see if there was some way of resolving things. That was not the case and so the matter dragged on.

So then there was the issue of Tynwald and Mr Rimington. In the background, I may have had one or two conversations with Marine Administration to find out what was happening, because I was being informed that negotiations with the Marine and Coastguard Agency in the UK were ongoing. I think, from memory, what was on my mind was that if a settlement was imminent and the matter went public through a Tynwald debate, the Marine Coastguard Agency may well

get frightened of that and back off from any settlement, and in fact maybe even change their stance completely.

My understanding of settlements is that usually there is a clause in there which both parties are asked to respect afterwards, which is basically not to talk about it in public. Whether there was such a clause in such an agreement, I do not know, but it is quite usual for that and I was conscious of the fact that the Tynwald motion was coming ever closer, and yet the feedback I was getting was that settlement was also getting closer.

So I put this to Mr Rimington and said that he might well be advised to at least defer his motion; but I had also made it clear to him that really it was a constituency matter for him, and it was his decision to go with that. In fact, he knew more about the case than I did, so it was his judgement call really, but I was just trying to point that out to him.

The Chairman: Thank you. You mentioned that you were getting feedback and you were speaking to the Marine Administration on occasions. Who were you actually speaking to in Marine Administration?

Mr Corkill: It would be Capt. Howell.

The Chairman: And what was the feedback you got, in terms of how the settlement was going?

Mr Corkill: There was lots of feedback in different tones, really. Everybody had been feeling very sore about the whole issue for a long time and my view, using the Chief Minister's Office, was to try and put pressure on parties to actually resolve matters. I think sometimes uncertainty is worse than a decision one way or the other and this had gone on for so many years. So I did ask, during those conversations, as to the level of compensation, in the region of, but I was also conscious of the fact that if there was a settlement imminent, then I had no right to know what that figure was either. So there is a difficult situation, really. But I was led to believe that the figure was going to be substantial and that is the information I mentioned to Mr Rimington.

The Chairman: So the figure actually quoted in the tape, I believe... I have not seen the tape, but Mr Rimington said it was £1 million to £1½ million. Would that have come to you from Capt. Howell?

Mr Corkill: I cannot in all honesty today, because it is so long ago, reaffirm the actual figure, but I do know in my mind it was a substantial figure. It may be on the tape, I do not know. I tried to find it on the tape but I did not; but it may well be there. Yes, that was a conversation, as it were... really an off-the-record conversation, but a conversation that was designed to be helpful to moving matters forward in a fair way.

The Chairman: I can see your motives are sound, but the question is was it Capt. Howell of the Manx Marine Administration or the MCA in the UK that your information came from?

Mr Corkill: It was from Capt. Howell, who was relaying messages from the MCA.

The Chairman: So it is third hand, in a way, the information.

Mr Corkill: Yes.

The Chairman: Were you confident enough to say that to Mr Rimington, based on the fact that it was not direct information?

Mr Corkill: I was trying to really give him as much information as I had available to me, so that he could make his own judgement on matters. I just had a worry that if the motion went forward with all guns blazing, first of all I did not want Ministers warring – that goes with the territory – but, fundamentally, I did not want any settlement that may be imminent to be displaced or upset. It seemed to me, from conversations, that settlement was quite close and so that was the message I put across to Mr Rimington in the conversation, that he should just hear what I had to say and then decide on how to go forward.

There was no other aspect to the conversation. There were no threats, as it were, of me as Chief Minister saying... any other retribution or anything like that. It was specifically about the Tynwald motion.

The Chairman: Mr Cannan.

Mr Cannan: We had professional evidence this morning in which it was indicated to us that the vessel was not fit for purpose from 1975, that modification was not an option and that, contrary to what was said in Tynwald, the placing of concrete in the vessel made absolutely no difference to its own seaworthiness. Were you aware of all that when you had this conversation with Mr Rimington? That is three questions: were you aware that the boat, from 1975, was not fit for purpose – professional evidence, not... that modification was not an option, and that the placing of concrete in the vessel made no difference whatsoever to its unseaworthiness?

Mr Corkill: In terms of the date mentioned in the first question, Mr Cannan, I cannot recall from what date my thinking is now, in relation to when it was not seaworthy.

Mr Cannan: But you realised it was unseaworthy?

Mr Corkill: Yes, I realised that the Marine Administration here in the Isle of Man had professionally done its job, and the figures that had surfaced were quite clear that it should fail. They did fail it and I think it was a good thing they did, because obviously it is a serious safety issue.

In terms of the technical aspects – the modifications and whether concrete would change it – I cannot recall now. I remember there were a lot of discussions going on about whether alterations had been done, when they had been done, or if they had been done even, that there was a disagreement between the owners and the Marine Administration, but I cannot remember what was actually resolved.

But on the day Mr Rimington came to speak to me – I think it was this day anyway – he had figures which he believed demonstrated that, in terms of the UK Marine Coastguard Agency work, the figures had been replicated year after year, rather than properly measured. That was the mainstay of what he said about the MCA, that he believed that figures had been rubber stamped from one year to the next, rather than properly measured.

Mr Cannan: Updated with the new – ?

Mr Corkill: Updated is the word. Yes.

Mr Cannan: We accept that.

Mr Corkill: So I was aware of that, but in a way, in my mind, that was historical at the time, because the real situation I was dealing with was the Tynwald motion and whether a settlement between the MCA and the Spadonis was imminent, and it was my belief that I should not be involved in any detail or aspect of that settlement, but I thought it was in the Isle of Man's interest overall, and Government's interest overall, and the Spadonis' interest overall for it to be resolved, rather than dragged out any more than the years that had already gone by.

Mr Cannan: And the fact that concrete had been placed in there, you were aware that it made no difference whatsoever to the outcome of the seaworthiness of the vessel?

Mr Corkill: Mr Rimington explained concrete being in one position and perhaps in another position in the boat, but technically I did not understand what he was saying at the time, yes.

The Chairman: Mr Corkill, part of our remit, as this Committee, is to look at the allegation the Spadoni family have made that statements were made in Tynwald which, in effect, alleged that they had added concrete and made the boat unstable, and they were, in effect, being blamed for the situation themselves. During your conversation with Mr Rimington, according to his evidence, he said you had discussions about that and that you said words to the effect of, 'It's known that they did have concrete because they had Redimix there and they owed bills to Redimix etc.' Mr Rimington's evidence says that. So somebody, if he is correct, has talked to you about Redimix and about concrete. You had been given information that concrete was a factor which may have put the blame on the Spadonis. Can you remember where you got that information from and how that came around?

Mr Corkill: That must have been in discussion with the Marine Administration in the Isle of Man, but I think it was after these things had been said in Tynwald prior. I am not sure on the timeline on that. I would have to consult what notes I have got.

The Chairman: Would it be fair to say then that you gained an impression, either from the Tynwald debate or from what you were told by Capt. Howell, that the Spadonis had added concrete which had made the vessel more unstable?

Mr Corkill: I think what was clear to me was that there were deep-rooted suspicions and mistrust throughout the whole of this event, which is very unfortunate, because then it is difficult then to actually get a resolution to something, and of course seeds of doubt can be sown with a comment like that.

But the conversation I had with Mr Rimington that day was really to try and get to the truth of things and to basically make sure that the Marine Coastguard Agency, if they were at fault, dealt with the matter. I have always regarded it as, I think –

Mr Cannan: A UK matter?

Mr Corkill: Well, not completely a UK matter, but certainly the responsibility of the Marine Coastguard Agency to deal with something that originally was on their books. I have always thought that, and Mr Rimington and I agreed on that.

Mr Cannan: How did this story develop that, somehow, by putting concrete in the boat, the Spadonis were to blame for its stability, as it turns out now to be basically a red herring, on the basis of professional evidence we have heard from a naval architect? How did that develop into all this mistrust, as you recall? Did it come from the Department of Trade and Industry, for instance?

Mr Corkill: We were dealing with a situation where a vessel came to the Island with a UK certificate in place, is how I remember it, and so when it failed, I suspect the Marine Administration were, at the very least, curious as to what had happened to the vessel. Because of the time that has elapsed, I wonder whether anyone really knows the whole sequence of events. I think that is very difficult, but certainly the DTI, I suspect on behalf of the Marine Administration, said for quite a long time that concrete added to the vessel had altered its stability, but whether it was a failure before and a failure afterwards and would have been a failure anyway, I am not technically qualified to answer that.

Mr Cannan: We were given technical information this morning that the concrete was immaterial as to the stability of the vessel.

Mr Corkill: I would hope that all decisions that the Marine Administration and the Marine and Coastguard Agency make are dealt with on technical data which is professionally done. That is the beginning of everything in things like this.

Mr Cannan: Yes, but it was the story getting around that the concrete was somehow used as an excuse to negate the allegations that the vessel was unstable, certainly from 1975.

Mr Corkill: There was a lot of distrust around at the time and what I tried to do was to basically, as Chief Minister, scythe away what was going on and encourage the MCA to get a settlement with the affected parties, because it was going round and round and round. I will have to check... The Committee will know this conversation that I had with Mr Rimington, whether the issue of concrete had been raised in Tynwald before that date or whether it was only after. I cannot recall now.

The Chairman: Can I ask a question about the MCA – the Marine Coastguard Agency in the UK. Did you have direct conversations with them? Did they put you under any pressure at all to try to resolve the matter? Is that why you became involved in negotiation?

Mr Corkill: No, not at all. I had certainly no pressure from the MCA. If anything, I was pressurising from my side of the table to get the MCA to settle and deal with what, to my mind, had been always their obligation, but I did not speak to them directly. I may have asked Capt. Howell, in one of our conversations, to relay the fact that the Chief Minister

was disturbed by the amount of delay on this whole issue and that, as an individual on behalf of Isle of Man Government, he wanted it resolved, but I do not recall, and I am sure I did not speak to anyone at the Marine Coastguard Agency. They certainly did not pressure me.

The Chairman: When the figure of £1 million or £1½ million was mentioned to you, do you know at what stage the negotiations were then? Was this the maximum figure that was going to be given or had they negotiated downwards, or were you told that this was the figure that was likely to be given?

Mr Corkill: I remember being told it was a substantial settlement, imminent, and I cannot recall the figures that were talked about, but I see on the transcript that came with this tape that a figure is mentioned, but I cannot remember that. But the record of the tape will give you that answer.

The Chairman: How close to settlement did you think it was at that stage?

Mr Corkill: I thought it was very close. As I said before, I thought a motion to Tynwald might well have delayed things further, and that is the point I made to Mr Rimington. I suppose we would only know what impact that might have had if he had gone ahead with the motion. It struck me that the fact that a Government Minister was tabling a motion in Tynwald was also applying pressure to the MCA to deal with it.

The Chairman: Thank you.
Mr Cannan.

Mr Cannan: I have asked mine, thank you very much.

The Chairman: As to the withdrawal of the motion by Mr Rimington, you said you left that as a matter for him to decide.

Mr Corkill: Well, it is in his discretion always as a Member anyway, yes.

The Chairman: Was he put under any pressure by you in any other way?

Mr Corkill: Not at all, no. No, certainly at that time I was very pleased with Mr Rimington in terms of some of the things he was achieving as a Minister, particularly as regards waste management and the green issues, which he was making a lot of headway with, so we really looked at it from the point of view of what was the best solution. So I did not put any pressure on him at all, which is why I find the recording a disappointing outcome.

Mr Cannan: And he may have recorded previous conversations with you on other matters, apart from anything.

Mr Corkill: Well, anybody may have, but I can say... I cannot believe –

Mr Cannan: That is a side issue, Mr Corkill, but if they do it once, they are probably doing it... your Ministers are doing it...

Mr Corkill: I could not –

Mr Cannan: You cannot comment, no, I know.

Mr Corkill: – possibly comment or surmise, Mr Cannan, but the aspect... To put it bluntly, if he had wanted it recorded and put the microphone on the table, it would have been a better recording and I would have said exactly the same as I said to him anyway. I cannot believe there are many conversations in the Chief Minister's Office that could not be recorded anyway. There are one or two issues to do with security and things like that that you would not want public, but with other politicians, it is just disappointing.

Mr Cannan: Very disappointing.

The Chairman: Finally from me, Mr Corkill, the crux of this matter is the belief that maybe the Spadonis had affected their own stability by their own actions. Were you given to believe that was the case, that it was their fault that the boat had become unstable?

Mr Corkill: What I remember at the time was that that argument had been put forward and other arguments to say that was not the case had also been put forward, and in my mind, I remember thinking, 'Well, this is a technical issue, someone technically should be able to actually decide this matter.'

I remember also that the person who had done the tests at the MCA had since died, and so the audit trail going back was a difficult one. That is what I remember, but I did not have a view on it myself at all. What was absolutely number one top of my mind was the fact that a dangerous, unstable vessel had been registered – or licensed, whatever the word is – and it was only because it had come to the Isle of Man that that aspect had been picked up by our own experts.

The Chairman: Mr Cannan.

Mr Cannan: I basically repeat, does it come as any surprise to you to know that we have been given expert advice, serious professional advice today, to say that the concrete made no difference whatsoever?

Mr Corkill: Well, I suppose I am relieved to hear that you know that absolutely, because that has been one of the issues that needed to be completely resolved for many years.

Mr Cannan: That is what we are here for, to find out, yes.

Mr Corkill: The only caution I have in the back of my head is, having been in Government – not as many years as you have, Mr Cannan – is that sometimes you employ an expert from one side of the table and you employ an expert from the other side of the table and you would not think you were talking about the same subject sometimes, so –

Mr Cannan: A bit like lawyers prosecuting and defending!

Mr Corkill: But I have not heard that evidence, so it is not for me to throw any doubt on what you have heard this morning.

Mr Cannan: No, but you will take it that it was serious professional...?

Mr Corkill: When the report comes out, I shall read it with interest.

Mr Cannan: You accept that there was serious professional evidence given.

Lord Bishop, sorry.

The Lord Bishop: Just one question: in referring to a substantial settlement with Mr Rimington and whether or not you quoted the figure of £1 million or £1½ million, can you remember whether your motive for that was that you thought the Spadonis were onto a good thing, they ought to take it and run, or whether you thought the Spadonis were actually getting what they deserved – that was the sort of figure that they should be paid? Can you remember thinking whether either of those was going through your mind?

Mr Corkill: It is a long time ago. What I recall is that the figure seemed so large that it did not seem to be in the interests of the Spadonis to encourage Mr Rimington with his motion any further, because it might upset the appercart with the negotiations – because at the end of the day Mr Rimington could bring a motion or just defer the motion for a month. So that was paramount. I think also, to be honest, bearing in mind that this was the information in my mind at the time, I was also relieved, as Chief Minister, that I was not going to have to sort out two Ministers –

Mr Cannan: Having a punch-up.

Mr Corkill: – 'having a punch-up', in Mr Cannan's terms, in Tynwald. But at the end of the day they could have done that. If they had wanted to go forward and do that, I would not have stopped it. So my real worry was that with agreements that can be quite complex, hammered out by lawyers, there are usually clauses which stop people talking about things afterwards. That was the only thing I can really remember. It is probably not a full answer, but –

The Lord Bishop: No, it is fine. Thank you.

The Chairman: There has been some comment that the relationship between the Isle of Man and the UK authorities had been a bit strained at one point, during the *Solway Harvester* incident, and that it was in the Isle of Man's interest to maintain good relationships with the MCA. I wonder, did you see any conflict of interest between supporting the Spadonis but on the other hand keeping the MCA happy in their relationship with us and the Marine Administration? In other words, did the English connection take priority over the Spadonis?

Mr Corkill: I seem to remember Mr Rimington raised this at the time, saying that he thought this was something that the Marine Administration in the Isle of Man were conscious of and that they were looking after that relationship primarily, but I have to say I saw and heard no comment or evidence to that effect at all. I cannot recall that being an issue, but I do know it was being said. But from where I sat, I could not see that happening. I think the independence of the Marine Administration and the DTI responsibilities were quite clear.

Whether they were right or wrong, I do not know, so long after the event.

There is a working relationship, obviously, between the Marine Coastguard Agency and the Isle of Man because of the very nature of what they do, overlapping on a day-to-day basis, but if that had been an issue, then they would not have failed it, would they? That is what I think – or maybe they would, anyway. If it is only acting as a rubber stamp for the UK, then they would not have any independent thought on things, would they, in charge of a shipping registry?

The Chairman: The question really is: were you willing, as a Government, and as Chief Minister, to give second place to the Spadonis compared to our relationship with the UK?

Mr Corkill: Not at all, no. Well, I certainly have not, and my comments to officers were that the Chief Minister's view was that the MCA should settle matters and deal with an issue.

I cannot say any more than that, in the position I was in, but I felt it was a sore and it needed to be dealt with. I think previous Chief Ministers had thought the same, because there was a tremendous amount of correspondence in the Chief Minister's Office about it, which is why originally I

called a meeting between interested parties to see if a new face in the Chief Minister's chair could actually make things go forward; but that was not to be at that time.

The Chairman: Thank you very much.

Thank you, Mr Corkill, for coming and taking time to attend the Committee. We are very grateful. That is the conclusion of the evidence as given today. We may possibly come back to you at some future stage or communicate by writing over the transcript, and we will let you know. Thank you for your attendance.

Mr Corkill: If I can just say, in relation to the recording, if I can be of assistance to the Clerk in preparing what the Committee needs, I will certainly offer that help, because it is very fragmented recordings. If you need a transcript and it is not clear on the transcript, I might be able to help with that.

The Chairman: Thank you.

The Committee is now adjourned.

The Committee adjourned at 12.43 p.m.