

PLUTEUS LIMITED

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H M Coroner, Cumbria
65 Duke Street, Barrow-in-Furness,
Cumbria LA14 1RW

Sent by Fax +44 1229 812202

31st August 2015

Dear Sir,

RE: Rule 28 Report – Michael Robert Hanlon

We refer to your letter of 23rd July 2015 addressed to Patrick Bond of Marine Response, and in particular the section "Regulation 28: Report to prevent future deaths" (PFD).

We do not propose to repeat the contents of [REDACTED]'s email of 15th June 2015 and the attachment thereto ("the Owners Submissions"), but noting your findings and conclusions, for the record we hereby restate the Owners Submissions.

We are keen to co-operate and address the concerns you have identified as a result of the inquest. However, please note that in doing so, no acknowledgement or admission of failings or liability is intended or to be inferred.

At paragraph 7 of the PFD, you have identified two areas of "Action Required", as follows:

1. To provide all crew members with a key to enter the boat save when the owners /guests were on board when a 24 hour watch should be implemented (the First Action), and
2. To ensure that all officers properly record the crews shift rota and that working hours are recorded daily and the captain should check periodically that this policy is being maintained and overtime work justified to him when needed (the Second Action).

(together, the Action Points).

We understand from the terms of the Chief Coroner's Guide to the Coroners and Justice Act 2009 (paragraph 173) and the specific guidance on PFDs issued in the Chief Coroner's Guide No.5 (dated 4 September 2013) (paragraphs 24 and 30), that specific remedial actions should not usually be recommended in a PFD.

Nevertheless, given the views you have expressed as to the action you would recommend if you were empowered to do so, we have referred the Action Points to both the captain of Faith, and Wright Maritime Group LLC (Wright Maritime) who are retained to advise on safety and security matters in relation to the vessel.

In connection with the First Action, Wright Maritime and the Captain have both commented that providing keys to seafarers for access outside of hours has proven to be unreliable, unsatisfactory and impossible to control, particularly because keys can be lost or forgotten. This can potentially lead to problems with access

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and also to potential security breaches if the lost key is found by persons who are unauthorized to access the vessel.

As part of a refit programme, commencing in 2014, a new, "keyless", entry system has now been installed (after some delays, in summer 2015) on board Faith whereby each crew member on arrival is issued with a personal access code (rather like a cash withdrawal PIN code), which they can choose themselves (thus making it more memorable), which is unique and personal to them and which should be kept confidential. This has removed the need for keys, which is the common form of access in yachts of Faith's age.

Since inception, the keyless entry system has proved to be a reliable means of access and, in all the circumstances, is felt to be a better and more reliable means of access than providing each crew member with a key.

At the time of the incident a system was in place such that if a crew man returned and could not access the interior of the vessel (for example, if the code – which at that time was a long standing general code, rather than a unique code issued to each crew member – had been forgotten) the crew member could either ring the ship's doorbell or telephone in to the boat. In such circumstances the appointed duty watch keepers would respond to any incoming calls, including the door phone till 22:00 hrs, after which they retire. The telephone system is programmed such that any incoming calls which ring unanswered for more than 3 rings, will sound in the Captain's cabin. Under the new system, with the unique personally chosen codes, it is considered far less likely that a code will be forgotten. Nevertheless, the back-up system of calling in will remain. Please also note that a 24 hour watch system is implemented in place of the keyless entry when the owner or guests are on board.

The new keyless system that has been installed addresses the concerns you have set out in the PFD. However, we of course remain open to any further thoughts you have on this subject.

In connection with the Second Action, a system of recording working hours and hours of rest is and has always been in place as per International Maritime Organisation and International Labour Organisation requirements. Given the concerns you have identified in the PFD, steps will be taken by the Captain by means of a Captain's Standing Order to ensure appropriate procedures are put in place to monitor those working hours and to ensure that crew members are not working additional hours without the requisite rest periods, in particular between shifts, unless the safety of the boat, crew and passengers is in danger. The Captain's Standing order is to be issued in the week beginning 31st August 2015.

We have concerns with regard to the wider circulation / publication of this letter in particular in relation to Faith's security arrangements, particularly when the owner and guests are on board. In the circumstances such information should be regarded as private and confidential, and not for wider circulation / publication.

If we can be of any further assistance or provide any further information, please let us know.

Yours faithfully,
For and on behalf of Pluteus Limited



Director

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