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IRELAND

Tuesday, July 08, 1997



Department criticised over fatal **ferry** sinking



A judge yesterday criticised the Department of the Marine over its role in the Castletownbere **ferry** tragedy, in which four people died on February 24th, 1994.

Judge A.G. Murphy said an official from that Department was in the area the day before the accident, **and** saw the unlicensed **and uninsured** Blue **Ferry** operating while the licensed vessel, the Misneach, was being inspected.

He said no steps were taken to stop the **ferry** operating or to see that the law was not broken.

Yesterday in the Cork Circuit Court Mrs Mary Moriarty sued the Minister for the Marine, Cork Co Council, Mr Colum Harrington **and** Bere Island Ferries for the loss of her 11-year-old daughter Tracy. Her husband **and** Vincent also died in the accident **and** she has issued High Court proceedings in respect of his death.

All the defendants denied liability. Judge Murphy dismissed the case against the council but held that the other defendants were responsible.

Mr Gerry Healy SC, for Mrs Moriarty, said the accident happened between 9.00 **and** 10.00 a.m. in smooth, calm waters. The case against the Minister for the Marine was that he allowed the public to use an unlicensed, uncertifiable **ferry**.

Castletownbere harbour was under the control of the Minister. "What happened there was happening under the



noses of the harbour master and other officials of the Department of the Marine," he said.

The Blue Ferry went into service in 1986. On the day of the tragedy it was replacing a more modern ferry, the Misneach, purchased in 1993, which was being inspected by Department of the Marine officials for its annual certification and licensing.

"The tragic irony was that while one vessel was being certified for the purpose of carrying passengers, another ferry which was uncertified was doing its job," he said.

A van was taken on board and a county council lorry arrived with a load of road repair material. The van was taken off to allow the lorry to back on to the ferry via a ramp and then the van went back on board.

The vessel attempted to leave for the island but it was taking on water, so it went back to the pier. The lorry was moved slightly and the ferry set off again.

The weight of the lorry was unknown, said Mr Healy, because there was no weighbridge in the area. But it was overloaded with material which was wet and very heavy. It was believed it was carrying in excess of the gross allowable weight of 13 tonnes.

There was only one crewman on board. When water started coming in he went to switch on a bilge pump, which was not automatic. The deck was not watertight.

The ferry travelled only a short distance before it capsized, and Tracy and her father were trapped inside. Her body was recovered by divers later.

Mr Colum Harrington, managing director of Bere Island Ferries, said that the day before the accident Mr Bolger from the Department of the Marine called and was looking at the Misneach. He knew the Blue Barge was being used while the other was laid up.

He told him he could get a licence for that vessel also, but witness told him that the company was not strong enough for two licences.

He said he knew the regulations were that he must have a licence. But he knew of other unlicensed barges operating, some even with Government contracts, and he felt safe using it unlicensed.

He would have been delighted if he had been told he could not use the barge. It would have been a way out for him as he

was under pressure from the islanders to run the ferry.

He would not have used the barge if he knew it was dangerous.

Mr Harrington said he was living in the community on Bere Island and it was very hard to turn around and refuse people. He ran the ferry not to make money but to help one another under pressure. He knew no one would stop him using the ferry because it was unlicensed.

Mr Martin Crowley, skipper of the Blue Barge, said that on the day of the tragedy he had no difficulty with the barge, nor had he any conversation with the driver of the lorry. When they took to sea the second time, he was in the wheelhouse when someone told him there was water flowing through a hole in the engine room. He put on the pump immediately.

He decided to turn the ferry around and return to port. The barge was listing slightly but he believed he would make it back.

Judge Murphy said the vessel was uninsured, highly dangerous and unserviceable even in calm waters.

The Minister's man was in Castletownbere the day before the tragedy occurred and saw the unlicensed ferry plying its trade. He took no steps to stop the use of the vessel.

The judge will give his decision concerning his award to Mrs Moriarty today.