

# The Whiddy Island Disaster - High Court Action

**Michael Kingston**

In Dáil Éireann on Thursday October 3, 2019, the Second Stage of *The Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019* was debated. It is a Bill that was introduced by

Deputy Mattie McGrath following lobbying by the family of John O'Brien who tragically died in a pleasure boat accident in Waterford in 2010 with his friend Patrick Esmonde.

The family were unhappy with the investigation and have questioned the 'competency' of the

Marine Casualty Investigation Board (MCIB), and have had the courage to do something about their concerns.

In the debate Deputy Mattie McGrath stated: 'Michael Kingston is a global maritime lawyer who lost his dad, Tim, 40 years ago in the Whiddy Island disaster. Michael Kingston has been

invaluable to us and to Anne-Marie O'Brien and the Esmonde family.

'Mr Kingston has advised governments all over Europe and the world, but for some reason the department will not engage with him. What is wrong? Is it the case that the prophet is never recognised in his own village?

'We have people here who are willing and able, have expertise and want to help in the spirit of the Irish meitheal. They want to be good citizens.'

**ON THE OCCASION OF THE 40TH ANNIVERSARY OF THE FASTNET YACHT RACE DISASTER, MICHAEL KINGSTON THANKS THE RESCUE SERVICES AND LIGHTKEEPERS**

DEAR friends in the RNLI, Irish Coastguard, Irish Lights, Irish Navy and in particular Baltimore RNLI, and Gerald Butler - on duty on this night 40 years ago on the Fastnet Rock.

I write to thank you for all that you do, and have done, to protect life in the most unbelievably dangerous circumstances, and it is appropriate I do so this evening.

As in my below message last year, when trying to save the iconic beam of the mighty Fresnel Lens of the Fastnet Lighthouse, the occasion has an extremely personal connection for my family as it was in this storm, which stirred Bantry Bay that my father, Tim Kingston's body rose from its resting place to be found at the shore of Whiddy Island, together with his colleague Cornelius O'Shea, both having died with 48 others in the Whiddy Island Disaster 8 months earlier.

Whilst utter tragedy was unfolding in the race, we have always thanked God for that glorious deliverance in amongst such tragedy and this week 40 years ago we were able to lay my father to rest.

I therefore know only too well also the incredible bravery of the Baltimore Lifeboat on the night of January 7, 1979, eight months earlier, going in and around the Betelgeuse inferno at Whiddy Island, trying as best they could to save life and recover victims. My family & I will be forever grateful to them for their efforts.

The sea is a dangerous place, and there are many people alive today, who would not have been, but for the incredible bravery of your services, particularly on this night 40 years ago.

When I travelled on the Irish Lights helicopter last year to the Fastnet, with Captain Robert McCabe, to analyse the Light change proposal, I was on a secret mission, with the 40th Anniversary of the Betelgeuse Disaster and the Fastnet Disaster, happening so close together, firmly in my mind.

I smuggled in my safety suit a hydrangea flower, which is the flower of Brittany (42 French people died in the Betelgeuse), but also now a West Cork flower, and I was going to quietly throw it into the sea, on my own to remember those who died in both disasters and say a prayer for our rescue services.

However, to my amazement, on duty that day helping oversee some maintenance, was Gerard Butler, who was of course on duty this night 40 years ago. When I unzipped my safety suit, the hydrangea fell out, and of course I was observed in a quizzical manner, so I explained my thoughts.

In the company of such honourable men of the sea, my plan was transformed into a ceremony on the balcony of the Fastnet, with Gerald Butler, Ronnie O'Driscoll, Captain McCabe, Mark Purdy, and their colleague Phil, whose surname I do not have.

We prayed for all the victims of the Fastnet Race, and for all the victims of the Betelgeuse, and for our rescue services, and our Lightkeepers, and those in your services who have sacrificed their lives for our society.

I thought of all the Fastnet Light Keepers who frequented my Aunt, Norma's pub in Goleen, The Corner House, down through the years, in particular my great friend Dick O'Driscoll from Castletownbere, and Steven O'Sullivan from Goleen. As we were on the Rock itself doing this, I want to share this with you tonight, and the photos from that day.

With my own seafaring family history and tragedy in my mind at all times, I have fought ferociously for regulation and its implementation across the world, so that you, our precious rescue services, do not have to be called out unnecessarily.

I am acutely aware that in such a short space of time the Baltimore Lifeboat had to deal with the Betelgeuse Disaster and then the Fastnet Race. One of those events is enough for anyone in a lifetime, but two in such a short space of time requires incredible bravery, as do all the other call outs for all of you.

I would like to take this opportunity to thank you all for supporting the Betelgeuse Commemoration in January, and I think very much tonight of the Baltimore Lifeboat crew who are no longer with us who braved both those occasions, including Noel Cottrell, and I am deeply grateful to his sons, Brendan and Cathal, current Baltimore Lifeboat crew, for all the support they gave our families in January, with many members of your crews from other stations, and of course Kieran Cotter of Baltimore, on duty this night 40 years ago, as well as Derry McSweeney and Donnie Sheehy on duty on 08 January 1979.

Above all of course we think of those who died this night 40 years ago and their families. For their families they are as alive today as they were in 1979. We also think of all those who have passed away in your services.

May those who died rest in peace, and may you always be kept safe and may God be with you always.

Every best wish and may those who died rest in peace

Michael Kingston, Goleen.



**Inset - throwing a remembrance flower from the Fastnet, Michael Kingston (3<sup>rd</sup> left) is joined by Irish Lights personnel, Phil, Ronnie O'Driscoll, Gerald Butler and Capt. Robert McCabe and below CourtmacSherry Lifeboat members 1979**



This is exactly what happened in 1979 in Bantry Bay when the *Betelgeuse* was not carrying a simple 'inert gas system', which was included in SOLAS1974 but had not been ratified by Ireland at the time of the accident.

This would have prevented the ultimate explosion. Those who were swimming to Whiddy Island, including my father, had no chance.

In my opinion, the Whiddy Island victims died ultimately because of a failure of our State to enforce 1979 domestic regulation at the Whiddy Island Oil Terminal, where the reduction of safety provisions by Gulf Oil was allowed to take place without check.

I hope readers will understand the importance of this application and please look in more detail on the GoFundMe Page 'Whiddy Island Disaster - High Court Action' which has been set up to assist in this cause. If costs are recovered, donations will be returned or donated to listed maritime charities.

Further details: [kingston1928@hotmail.com](mailto:kingston1928@hotmail.com)

Readers of *Inshore Ireland* will be familiar with some of the work that I do with governments, and international organisations such as the Arctic Council, the International Union of Marine Insurance, Lloyd's of London, and the International Maritime Organisation, and others.

In Summer Edition of *Inshore Ireland*, I am pictured in the Government of Iceland Delegation at the International Maritime Organisation. There we made a statement regarding important international regulatory developments and a plea for nations to ratify the Cape Town Agreement for Fishing Boat Safety, which Ireland have thus far failed to do.

Readers will also be aware that much of my motivation to protect life at sea, and our environment stems from the fact that my father lost his life in the Whiddy Island Tragedy on January 8, 1979.

They have to rescue vessels that may otherwise be safe if their standards were better, and if Ireland had exercised its influence as a nation on the international regulatory regime, instead of letting our complacency come back to haunt us on our own doorstep.