

This is Google's cache of http://www.heraldscotland.com/news/12293888.Hero_and_colleague_take_the_rap_for_explosions_which_left_167_dead_Judge_blames_workers_for_Piper_Alpha_disaster/. It is a snapshot of the page as it appeared on 29 Jun 2018 09:18:56 GMT. The [current page](#) could have changed in the meantime. [Learn more.](#)
Full version[Text-only version](#)[View source](#)

3rd September 1997

Hero and colleague take the rap for explosions which left 167 dead

Judge blames workers for Piper Alpha disaster

A JUDGE yesterday blamed two men for the Piper Alpha disaster, including one posthumously awarded the Queen's Commendation for Brave Conduct while on the burning platform.

It is the first time that blame for the accident has been attributed to named individuals.

More than nine years have passed since the platform explosions left 167 dead. Last night, family and friends expressed shock at the finding.

A spokesman for the Offshore Industry Liaison Committee, the oil workers' pressure group, declared: "The two men named were victims of the company's negligence and mismanagement. To blame two dead men for failings that lay at the door of senior managers is disgraceful."

Lord Caplan blamed Robert Vernon, 51, and Terence Sutton, 28, for the "awesome, dreadful catastrophe" by way of "negligence on their part".

That finding appears to contradict those of Lord Cullen, whose 125-day inquiry into the accident circumstances neither accused them by name nor provided direct evidence as to what happened on Piper Alpha.

Lord Cullen's handling of the inquiry - in which platform owner Occidental was subject to severe criticism - is said to have led to his appointment at hearings into Dunblane.

A friend of widow Audrey Vernon said she was "devastated" by Lord Caplan's comments, and added: "It is all the more distressing for Audrey because at the time Robert was hailed a hero ... he went back into the flames to try and save people."

"I remember Audrey used to say she would much rather her husband was alive and normal than dead and a hero. Now they are taking that away from her as well."

Mr Vernon received the bravery award after putting on breathing apparatus and entering D module to start the fire pump. When unsuccessful, he attempted to get into the evacuated control room to activate an alarm. He was never seen again.

Lord Caplan found that the accident happened because of the "respective negligence" of Mr Vernon, as lead production operator, and Mr Sutton, a valve fitter from Fraserburgh.

He said Mr Vernon should have known what was going on within production processes and was negligent in repressuring a pump when the pressure safety valve had been removed from the relief line.

He said it followed that Mr Sutton was negligent because he failed to fit a flange securely, the most likely cause of a leak.

Lord Caplan stressed: "I am well aware how unfortunate it is that I have to blame Mr Vernon and Mr Sutton who both were killed by the accident and therefore are not able to explain their actions and possibly exonerate themselves.

"However, I require to determine the case on the basis of the available evidence incomplete as that might be."

His accusations follow Scotland's longest-ever civil action at the Court of Session, raised by Elf Enterprise Caledonia Ltd, successor to Occidental Petroleum, which operated the platform in 1988.

It wanted to reclaim £140m in damages paid out to survivors and relatives after the tragedy.

In his judgment, Lord Caplan confirmed he was not shown a copy of Lord Cullen's inquiry report and was unaware of his conclusions or the basis of his analysis of the accident.

However, he insisted there was a lot of hard evidence about the cause of the accident despite many of the witnesses who might be expected to have critical knowledge of facts surrounding it being dead and the platform itself resting "at the bottom of the sea."

After hearing more than three years of evidence, Lord Caplan found against the bid to claw back damages from sub-contractors whose workers included most of the men who died.

However, it emerged last night that the case, in which more than 13 million words were recorded during 391 days of evidence, may be appealed and even re-run.

With so much money at stake, the findings could be appealed to three Court of Session judges, then the House of Lords, by American-based Occidental or its successor, now known as Elf Exploration.

In addition, Occidental's insurers who made the payouts may decide to raise an action against the sub-contractors to contribute towards them.

Lord Caplan signalled the action should have been raised by the insurance firms and not the oil company in the first place.

Elf sued 24 sub-contractors in a total of 146 actions to claw back damages, claiming an agreement with contractors in which they were liable to compensate for the payouts. The contractors denied liability, arguing the agreement operated only if the deaths and injuries were caused by their negligence.

In the test case involving seven firms, Lord Caplan absolved six and ordered the other to pay less than £13,000 in damages. In effect, he found the wrong people had raised the action. He also said Elf failed to prove losses which would entitle them in law to recover the sums sued for under the indemnities.

But Aberdeen-based Coflexip Stena Offshore was ordered to pay £12,885.57 damages because the terms of its indemnities were different to the other six defenders.

In his six-volume, 1453-page judgement, Lord Caplan acknowledged that he did not know the evidence before the Cullen inquiry, but argued the present proof was "more extensive".

He added: "Clearly, there were witnesses in this case who did not appear at the Cullen inquiry and others who had reviewed their positions since the inquiry."

Lord Caplan added that the Cullen findings did not enter into his considerations. He emphasised that this opinion was "not in any sense a review of these findings".

During Cullen, Occidental accused Mr Sutton, from Score UK, of failing to fit a pipe seal properly to a pressure safety valve.

That charge was strenuously denied by Score.

As for Mr Vernon, Lord Cullen found someone else should have assumed his work on a crucial valve was incomplete at shift handover and should have informed his replacements.

Ms Leslie Gray, of law firm Paull and Williamsons which acted for Occidental, said: "The judgment is lengthy and complex and will require very careful consideration by the legal team to enable them to advise our clients what appropriate action to take."

A spokesman for Coflexip Stena Offshore hinted more action could follow. He said: "We are reviewing the position. Our solicitors will be studying the judgment closely before we make a more detailed response."

It is estimated that counsel and instructing solicitors earned millions in legal fees during a case so long that a shorthand writer and lawyer fell in love and married. The total cost, including Lord Caplan's £117,000-a-year salary, could be £12m.