

CAPTAIN SUPERINTENDENT OF CONTRACT BUILT SHIPS,

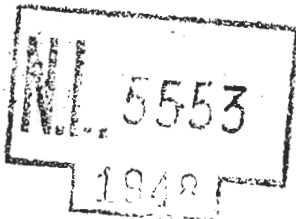
Admiralty Offices,

128, Grainger Street,

NEWCASTLE-ON-TYNE, 1.

24th August, 1948.

H.D. Samuel, Esq.,
Room 428,
Queen Anne's Mansions,
St. James Park,
London, S.W.1.



Dear Mr Samuel,

A query has arisen as to the wearing of the White Ensign by H.M. Ships building under private contract.

O.U.5332 states "ensign is to be flown on the day of the launch and not thereafter until ship is formally accepted and taken over."

During the war, the ship was partially taken over by the Navy and the White Ensign flown at sea during trials. This was necessary due to possible enemy action.

O.U.5332 is now being re-written and the draft states that the White Ensign is to be flown on the day of the launch and not again until the ship commissions. This latter day may be anything up to a month before the ship is finally accepted and acceptance trials at sea are carried out during this period.

O.U.5332 and the Builders' Contract state that the ship and all therein is entirely the responsibility of the Contractor until acceptance. If there is a collision at sea it is his liability, but the ship, having commissioned with a reduced crew, will be flying the Ensign from the day

of commissioning and I feel that in that case claims would be made against the Admiralty.

I would very much like legal advice on this. I feel that the Ensign should not be flown until the ship is accepted. Will this make any difference to "commissioning"?

I am coming down to London on Tuesday and Wednesday, 14th and 15th September, and could call at Queen Anne's Mansions for a talk with your representative. Would this be convenient? I would like a decision by 17th September as a destroyer commissions on that day.

I gather Mr. McKay has left, his name not being in the directory. Not knowing anyone else in your department, I've taken the liberty of writing you direct, privately, as I feel it is a thing that can be settled without putting it up officially to the Secretary of the Admiralty.

Yours sincerely,



CAPTAIN, R.N.,
CAPTAIN SUPERINTENDENT OF
CONTRACT BUILT SHIPS.

Naval Law Branch,
Queen Anne's Mansions,
St. James's Park, S.W.1.

2nd September, 1948.

Dear Captain Claridge,

Samuel is on leave at present and so your letter of the 24th August about the wearing of the White Ensign by H.M. Ships building under private contract has come to me. I should be glad to see you if you care to call in on the 14th or 15th September. Perhaps you would let me know in advance which date you would propose to come and what time would be convenient.

My immediate reactions to your letter are to say that although a ship may still be at builders' risk, she commissions before her final trials for a number of reasons; not least among these would be disciplinary reasons and the White Ensign is the proper national colour for a ship of war in commission. I do not think that the wearing of the White Ensign would affect questions of liability if the contract provides that she is to be at the disposal of the builders though if naval personnel are on board in charge of the vessel the builders might, it seems to me, have some claim against the Admiralty under the new Crown Proceedings Act for the negligence of naval personnel.

Captain A.F. Claridge, R.N.
Captain Superintendent of Contract Built Ships,
Admiralty Office,
128, Grainger Street,
Newcastle 1.

3. I am afraid I am not familiar with the procedure as regards taking over new ships and I agree that a talk with you would be most helpful before we consider making any official pronouncement in a re-issue of O.U.5332. If we do not reach a decision by the 17th December, no doubt the destroyer which commissions that day will follow the usual procedure.

Yours sincerely,

Telephone No. NEWCASTLE 25171.
Telegrams: "ADSUPT, NEWCASTLE-ON-TYNE,"

CAPTAIN SUPERINTENDENT OF CONTRACT BUILT SHIPS,
Admiralty Offices,
128, Grainger Street,
NEWCASTLE-ON-TYNE, 1.

6th September, 1948.

Dear Mr. Hanna,

Thank you very much for your letter
K.L. 5553/48 of 2nd September. I would like to
come and see you on this matter at 10.30 on
Wednesday 14th September - I hope that this will
be convenient.

I fully agree that the accident side is
not the only question involved in flying the White
Ensign. The Captain is appointed in command as
from the date of commissioning and of course, from
that date has authority to punish and take
necessary action, and I feel that on that score,
the ship should be flying the White Ensign.

I will bring down extracts from the old
and the proposed new regulations and would much
appreciate your advice.

Yours sincerely,

C. P. Clavering

Hanna, Esq.,
Queen Anne's Mansions,
London, S.W.1.

Captain Claridge called in to see me today to discuss this question and came to the conclusion that the procedure laid down in A.F.O. 2032/37, Para. 3 is correct, and he arranged that he will recommend D.N.C. when re-writing O.U. 5332 to incorporate this paragraph.

W. H. A. ...

for Head of N.L.
16th September, 1948.

CAPTAIN SUPERINTENDENT OF CONTRACT BUILT SHIPS.

Telephone No. :—
Newcastle 25171K

Admiralty Offices,

Telegrams :—
Admsupt, Newcastle-on-Tyne."

128 Grainger Street,
Newcastle-on-Tyne, 1.

6th October, 1948.

Dear *M^r Hanna*

Herewith a personal copy of a letter I have sent to the Director of Naval Equipment regarding wearing of the White Ensign. No doubt, it will come your way officially before long.

Yours sincerely,

Ed Clavidge

*I am not sure
of what he now proposes
is what an officer's
correct?*

M. Hanna Esq.,
London, S.W.1.

From:- The Captain Superintendent of Contract Built Ships,
Admiralty Offices, 128, Grainger Street,
Newcastle upon Tyne, 1.

Date:- 6th October, 1948.

Ref. No. 1433

To :- The Director of Naval Equipment, Bath.

Wearing of White Ensign and Commissioning Ship

Contract Built Ships

Owing to the large number of trials requiring Naval personnel to work the ship and equipment, it is the accepted practice to commission a ship built by contract with a trials and navigation party immediately after the Final Inspection by C.S.C.B.S., and prior to final acceptance.

This means that there is a period between commissioning and the handing over of the ship to Naval service when the crew are living on board and running part of the machinery and equipment but during which, the ship is still the responsibility of the Contractor.

The question of responsibility was raised in my predecessor's No. 23399 dated 28th December, 1946 and action is being taken on it in Admiralty Docket P.04913 now held by the Director of Naval Construction, Bath.

It is not proposed to discuss this question any further here, but it is requested that an early decision on the matter may be promulgated.

It is desired here to raise a subject closely allied to the above, namely, the wearing of the White Ensign.

Present regulations state that the Ensign is to be worn on the day of the launch of a ship, "but not thereafter until the ship is commissioned" (O.E. 5332/37 Chap. III Paragraph 3 (v)). This has meant that on occasions a ship has worn the White Ensign whilst still the property and responsibility of the Contractors. No real harm can be seen in this, provided the Contractors are agreeable and what is more important, providing that thereby the Admiralty will not be involved in any legal proceedings or be held responsible in the event of any accident.

It is obviously desirable that the Ensign should be hoisted as the ship commissions and the crew commence to live on board. At the same time, it is felt that the Ensign should not be worn until the ship is under Naval authority, i.e., when she has been accepted and signed for.

In Admiralty Docket P.04913 it has been suggested that during trials, the officer appointed "in command on commissioning" should run the ship as agent or servant of the Contractor. No objection can be seen to this and if it is approved, would stop the wearing of the Ensign from the time of commissioning.

Until a final decision is given on Docket P.04913, no concrete proposal can be forwarded, but it is requested that when the decision is made, a ruling on when to wear the Ensign may also be given, in order that it may be included in O.U. 5332 which is in the process of being revised.

(Sgt.) G. P. CLARIDGE
Captain, R.N.

CAPTAIN SUPERINTENDENT OF CONTRACT BUILT SHIPS.