



Navy Command

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Our Reference: 27-04-2009-083426-003

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27 May 2009

Dear XXXXXXXX,

Release of Information

Further to our last correspondence of 28 April 2009, I am writing to inform you that I am now in a position to provide you with a substantive response to your request for information about the collision involving HMS SOUTHAMPTON on 3 Sep 1988. Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000 (FOIA).

Please find enclosed the narrative, findings and recommendations of the Board of Inquiry into the collision involving HMS SOUTHAMPTON. Some information has been withheld from the enclosed documents in accordance with the absolute exemptions of the Act at section 40, personal information and section 44, disclosure otherwise prohibited - In this case, by the Human Rights Act – the right to respect for private and family life.

Some information as also been withheld in accordance with section 26, Defence. As the exemption under section 26 is a qualified exemption, the Department has considered the balance of the public interest in disclosing and withholding this information. This information relates to a vital supporting system, release could result in a loss of tactical advantage in terms of defence or capability or effectiveness. In addition, if released this information would provide knowledge liable to assist potential adversaries in times of conflict.

Included within the information supplied are details of the damage sustained in the incident. The actual cost of repair is not held. However, the following Written Answer in the House of Commons Debate, Hansard Volume 174, Column 609W provides an estimate:

Following the collision, it was decided to combine the cost of repairs with the ship's 1989 refit placed with Swan Hunter Ltd after competition. The estimated total cost of the repair and refit (including equipments purchased separately by the Ministry) is £45 million.

On the matter of the courts martial relating to the incident, three Naval officers were subject to court martial proceedings and charged with negligence under the Naval

Discipline Act 1957. The consequential penalties were, one officer was severely reprimanded and one reprimanded. The third officer's conviction was quashed on review by the Admiralty Board.

This letter constitutes the notice required to be given under section 17(1), (3) and (7) of the Act.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-XD@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely

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The Constitution Unit, a research body at University College London, is carrying out an independent evaluative study of the Freedom of Information Act 2000 in co-operation with a number of public authorities, including the Ministry of Defence. An important part of the evaluation process is gathering the experiences and opinions of FOI requesters like you. Any information you provide will only be seen by the Constitution Unit and will be handled in accordance with its privacy policy explained in the survey. The Ministry of Defence will only see the published results: no individual responses will be visible to us and your participation will have no effect on your future dealings with the Ministry.

If you would like to take part in this study, please visit the following link to be taken directly to the survey: <http://tinyurl.com/6prff8>. Or, if you prefer, contact Ben Worthy at b.worthy@ucl.ac.uk or on 020 7679 4974 to ask more about the study.

If you have filled this survey out before, we invite you to fill it out again in light of the recent response to your request.