IN THE CORONERS COURT OF THE FALKLAND ISLANDS

CASE NO COR/04/22

22nd September 2022

BEFORE

HIS MAJESTY'S CORONER, MALCOLM SIMMONS

In the Inquest Touching the Death of

Macauley John Davis

Factual Findings and Conclusions

Forward

Before I begin my findings and conclusions, I would like to thank counsel for their hard work and assistance, which I have very much appreciated and which has enabled the inquest to run smoothly and effectively.

I would also like to acknowledge the dignity of Macauley's Fiancée, Pilar, and his family throughout these proceedings, which I know must have been extraordinarily difficult for them.

The emergency services personnel involved in this incident should also be commended for their professionalism. The crew of the BIH search and rescue helicopter did a professional job in what were clearly challenging circumstances. Dr. Edwards and her team used all of the resources at their disposal and tried valiantly but, ultimately in vain, to save Macauley.

I would also like to express my sincere condolences on Macauley's tragic death and I am sure that others in court would want to join me in that regard.

Interested Parties and Representation

Pilar Castro (fiancée of the deceased) – Alison Inglis of Waverley Law, Stanley, Falkland Islands;

Family of the Deceased – Alison Inglis;

Falkland Islands Government – Andrew Dawson on behalf of the Attorney General of the Falkland Islands;

Maurice Davis – Mark Neves of Falklands Legal, Stanley, Falkland Islands;

British International Helicopters Limited - Not represented at the Inquest;

Ministry of Defence of the United Kingdom – Not legally represented at the Inquest. An observer of the UK Ministry of Defence was present in Court. In addition, the Defence Inquests Unit of the Directorate of Judicial Engagement Policy of the UK Ministry of Defence observed proceedings by video/telephone link.

Witnesses

Fourteen witnesses gave evidence before the court:

a) Pilar CASTRO
b) Tanzey GOUGH
c) Mathew NEWTON
d) Phyllis DAVIS
e) Michael CLARKE
f) Jan CLARKE
g) Maurice DAVIS
h) Group Captain James GRINDLAY
i) Gardner FIDDES
j) Steuart BARLOW
k) Sebastien LAFON
l) Michael HOLMAN
m) Martin FORD
n) Dr. Rebecca EDWARDS

In addition to those witnesses who gave testimony before the Court, the evidence of other witnesses and documentary evidence was read into the record in accordance with section 33 of the Coroners Rules of the Falkland Islands.

Hearing dates

12th April, 26th May, 7th July, 20th, 21st and 22nd September 2022

Factual Findings and Conclusions

1. Set out below are my findings of fact and conclusions. Unless otherwise stated, they have been reached on the balance of probabilities.

2. In reaching my findings and conclusions I have taken account of all the evidence I received, both oral and written. However, what is set out below is not intended to be, and is not, a review of all the evidence. Rather, my intention is to explain, by reference to parts only of the evidence, why I have reached my findings of fact and conclusions.

Macauley John Davis

3. I am satisfied that the person who died was Macauley John Davis who was born on 14th August 1995 in the Falkland Islands. At the time of his death, he was single but engaged to be married, a farm hand and he lived at 2 Goose Green Farm, Falkland Islands.

Summary

4. On 10th April 2022 the deceased, Macauley John Davis ('Macauley'), and his uncle, Maurice Davis were taking two horses from East Falkland to Bob's Islands. This involved crossing a stretch of water. For part of the way Macauley and Maurice Davis were able to ride the horses. Maurice Davis was pulling a small boat behind him. There came a point when both men got into the boat. Maurice Davis began rowing the boat towards Bob's Island. Macauley held the reins of both horses. The boat entered a kelp bed before capsizing, depositing both men in the water. Neither was wearing a life jacket. Neither carried any buoyancy aides and there was none in the boat.

Location of Incident

5. Steuart Barlow is the Deputy Harbour Master of the Falklands Islands Maritime Authority. He is an experienced mariner who gave evidence about the waters around the Falkland Islands. He also gave evidence about the boat and its condition. I am very grateful to him for his assistance in describing the geography of the Islands, tides, water depths, water temperatures and conditions.

6. The incident occurred east of Douglas Station between East Falkland and Bob's Island (21FUC9554598700). Bob's Island is located in the area of Douglas Station (fig 1). Douglas Station is 27 nautical miles (as measured in a straight line) from Stanley and is within the area of Port Salvador. From Stanley, Douglas Station is approximately 50 miles by road.

Fig. 1: Location of Bob's Island

7. Bob's Island is relatively flat (fig 2) and lies approximately 550 metres, or 0.3 nautical miles, from the closest point to the mainland to its west, and approximately 1630 metres (0.88 nautical miles) to the north-east of Big Rabbit Island.

Fig: 2

8. Macauley and Maurice Davis entered the water on a causeway at a place known locally as Hope Cottage Moro Point. Access to Hope Cottage Moro Point from Douglas Station by suitable vehicle is across difficult terrain. The distance between Douglas Station and Hope Cottage Moro Point is approximately 6 miles.

Tides

9. Douglas Station is within the area of Port Salvador. Tidal information is publicly available for Port Salvador Entrance. Port Salvador Entrance is approximately 9 nautical miles by sea from Bob's Island.

10. Tides around the Falkland Islands are 'Mixed Semi-Diurnal Tides'. These are tides where the tidal cycle consists of two high and two low tides with differing heights 'per lunar day'.

11. Low water at Port Salvador Entrance was at 08:59 local time with a height of 1.0 metre and high water was at 16:46 local time with a height of 1.7 metres. Therefore, at the approximate time of the incident, the tide would have been rising and nearing high water.

12. The range of tide at Port Salvador Entrance (the range being the difference in height between Low Water and High water) on the date of incident was 0.7 metres with a duration of 7 hours and 35 minutes between low water and high water (fig 3). This comparatively small tidal range and duration indicates that the tidal flow around the area of Bob's Island would have been negligible. It would have manifested as a current in the water.

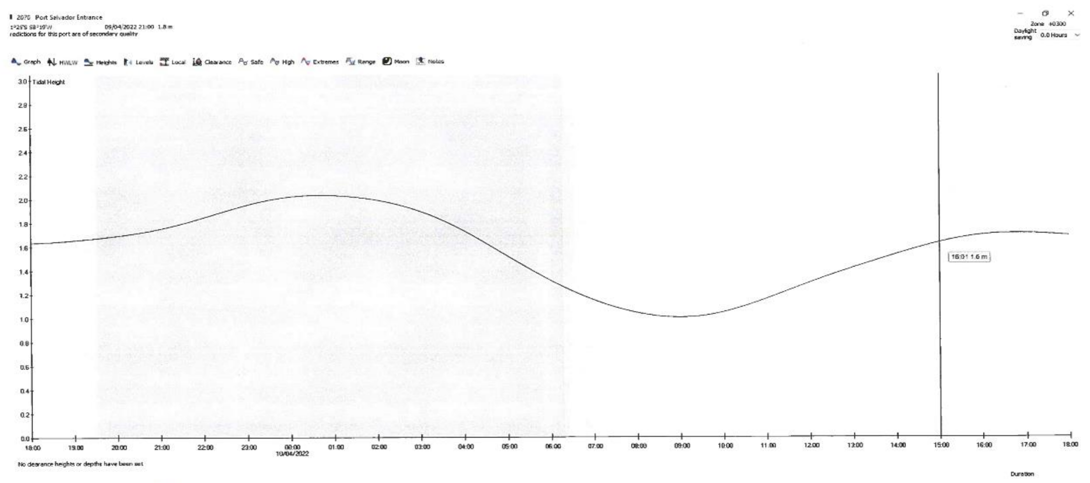

Fig 3: Tides on 10th April 2022

2070 Port Salvador Entrance

51°25'S 58°19'W 10/04/2022 14:47 1.6 m

Predictions for this port are of secondary quality

Graph HWLW Heights Levels Local Clearance Safe High Extremes Range Moon Notes

10/04/2022			11/04/2022			12/04/2022			13/04/2022			14/04/2022			15/04/2022			16/04/2022		
	Time	Height		Time	Height		Time	Height		Time	Height		Time	Height		Time	Height		Time	Height
High	00:40	2.0 m	High	02:22	2.0 m	High	03:52	2.0 m	High	04:55	2.1 m	High	05:47	2.2 m	High	06:34	2.3 m	High	07:19	2.4 m
	16:46	1.7 m		17:28	1.8 m		17:49	1.8 m		18:07	1.9 m		18:31	2.1 m		19:02	2.2 m		19:37	2.3 m
Low	08:59	1.0 m	Low	09:59	0.9 m	Low	10:50	0.9 m	Low	11:34	0.8 m	Low	12:12	0.7 m	Low	00:14	0.9 m	Low	00:51	0.7 m
	20:30	1.6 m		21:54	1.5 m		22:49	1.3 m		23:34	1.1 m					12:45	0.7 m		13:16	0.7 m

Fig 4: Tides in tabular format

Depth of the water

13. The Incident occurred in an area of water with a variation in depth between 0.1 meters to 4.9 metres. No actual soundings are provided on this particular stretch of water. Given the approximate time of the incident and the available tidal information, the depth of water at the approximate location of the incident could, on interpretation of the charts, have been 1.7 metres at the shallowest point and up to 6.6 metres at its deepest point.

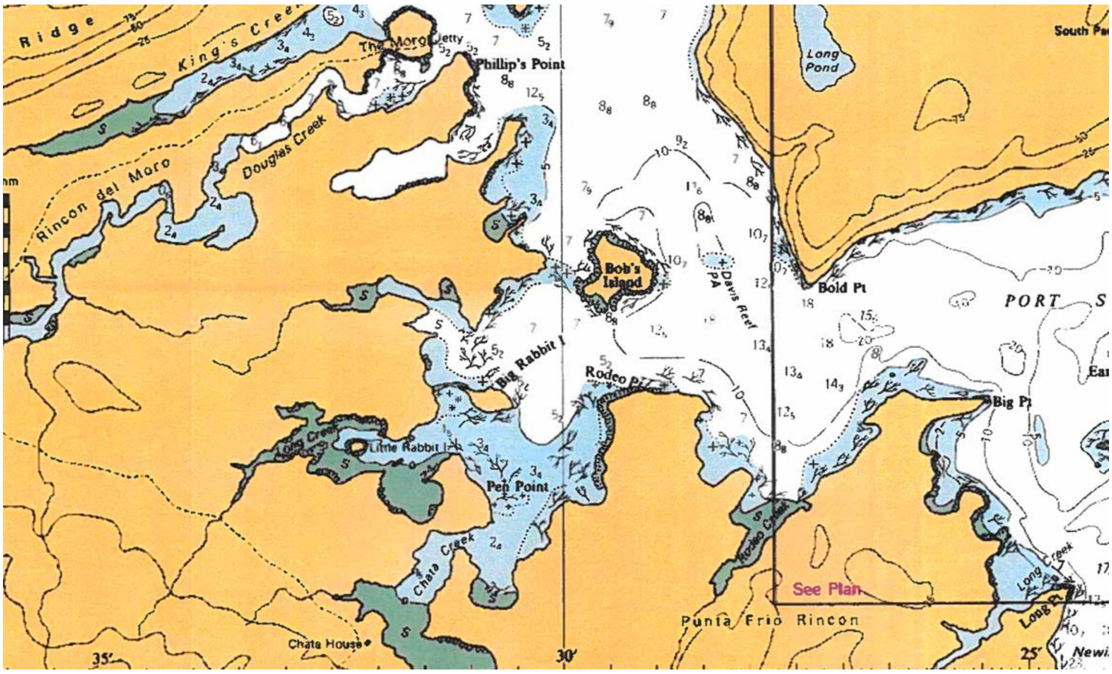

Fig 5: Depth chart

14. The depth chart (fig. 5) shows the depth at the lowest astronomical tide.

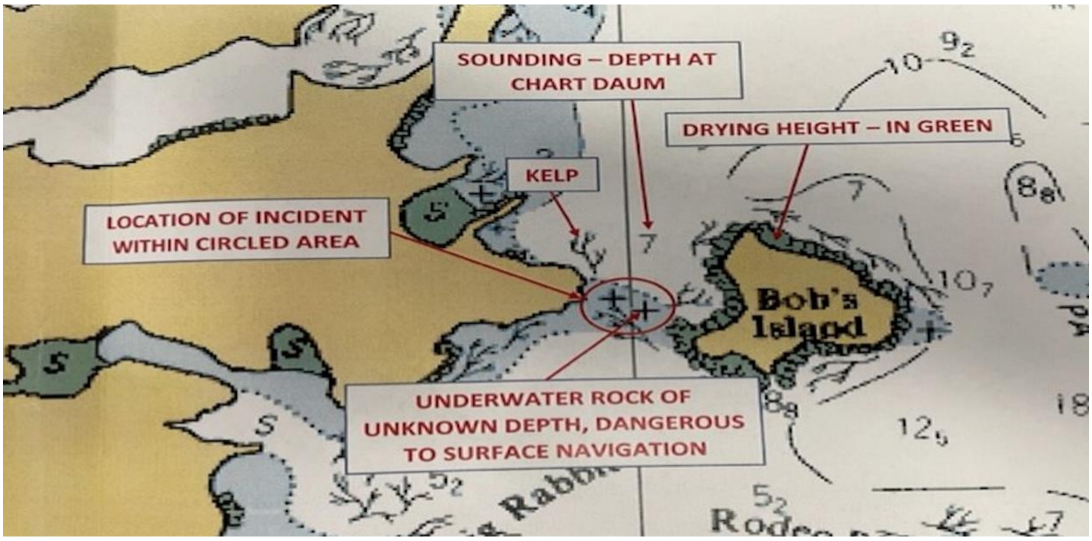

Fig: 6

15. In his evidence Steuart Barlow referred to a submerged rock (fig 6) that does not appear on the navigational charts.

Water Temperature

16. Based on information received from the Department of Natural Resources, a Falkland Islands Government department that provides data taken from Conductivity, Temperature and Depth dips that were received on 12th April 2022 in Port William in both sheltered and Open water, the estimated water temperature on 10th April 2022 would have been approximately 9°C. This information is also checked against the remotely sensed Copernicus data (Satellite). Data closest to Bob's Island received on the 12th April ranged between 8.7°C and 9.1°C (fig 7).

Location	Date	Lat	Long	CTD Measured	Copernicus Satellite
P1-1 (20m) Sheltered	**12.04.22**	51 39.6 S	057 45.4 W	9.02°C	8.62°C
P1-2 (100m) Open Water	**12.04.22**	51 41.97 S	057 32.92 W	8.73°C	8.63°C
Bobs Island	**12.04.22**	51 27.3	058 29.25		8.97°C

Fig 7: Water Temperature

Kelp

17. Kelp is a type of seaweed that grows wild around the coast of the Falkland Islands. Kelp grows vertically from the seabed and will then sprawl out on the surface of the water. It may vary in its thickness on the water surface.

The presence of kelp is significant for two reasons:

a. When a small craft enters a kelp patch, it will severely increase the friction between the boat and the water thus slowing the boat down. A boat which is being maneuvered within a kelp patch will be very difficult to control as greater effort will be required to achieve forward momentum within the kelp patch. If paddles/oars are being used to propel the vessel the presence of kelp is likely to significantly hinder the individual paddling. If there are any lines attached to the boat, especially if these have knots or loops in them, they could easily become entangled in the kelp.

b. Depending on the thickness of the kelp, swimming could become impossible.

18. There were large kelp beds in the vicinity of Bobs Island and between Bobs Island and Moro Point as indicated (fig 8) on the Depth chart (fig 5 and fig 6).

Fig: 8

The boat and its condition

19. Following the incident, the Harbour Master of the Falklands Islands Maritime Authority, Captain Joanna Cox, inspected the boat and wrote a report. The conclusions of her report were adopted by Steuart Barlow in his evidence.

20. The boat was of glass fibre construction – 6' 7" x 3' 8". The approximate 'freeboard' (the distance from the waterline to the top of the open side of the boat) was 7". There was no identification plate on the boat to indicate its make or safe rating. Given the boat did not have an identification plate, it is not known how many persons the boat was rated – or designed – to carry. In her report, Captain Cox compared it to a pram dinghy of size designed for a single person weighing no more than 88.9kg or two children. She was unable to find an example of a similar size and type of craft that was rated as suitable for two adults.

21. In his evidence, Steuart Barlow said a boat of that size and type would ordinarily be rated as safe to carry a maximum of one adult and one child. In his opinion, the boat was not suitable for two adults.

22. The photographs at fig 9 and fig 10 were taken of the boat by police when it was recovered.

Fig: 9

Fig: 10

23. In her report, Captain Cox described the boat as being in a "poor condition" with numerous glass fibre repairs on its underside (fig11). However, I am satisfied the condition of the boat was not responsible for it capsizing.

Fig: 11

24. Steuart Barlow gave evidence that the boat's dimensions and the fact it is relatively lightweight meant it would not take much internal shift of weight to change the centre of gravity, thereby causing the boat to become unstable.

25. It was his evidence that, if the boat were overloaded, the stability of the boat could be adversely affected. More weight in the boat would result in the boat sitting lower in the water, meaning that ultimately the freeboard is reduced. This would result in the angle of flooding being reduced, meaning that the angle at which the vessel needed to be tilted before the edge of the boat became submerged would be smaller than that of a boat which was loaded within the safe parameters of the manufacturer's calculation and recommendation. A shift in internal weight or an external force, could make the boat capsize.

Time recordings

26. Inevitably, in an incident of this nature, with different agencies being involved and communications within and between agencies, there will be discrepancies in time recordings. This was apparent in this case. In addition, some agencies recorded events in 'Zulu' time,

being GMT. It also transpired that the initial telephone calls made and received by the Royal Falkland Islands Police were advanced by one hour.

27. There were also discrepancies in the time of events as recorded by witnesses in their statements and recorded data. In particular, this became apparent during the evidence of the crew of the search and rescue helicopter operated by British International Helicopter Services Limited to which I refer herein.

28. I took all of this into account in reaching these findings and conclusions.

Falkland Islands Maritime Authority

29. The Falkland Islands Maritime Authority ('FIMA') were notified of the incident at 15:03.

30. At 15:15, FIMA declared a 'Major Incident'.

31. At 15:15 FIMA contacted the JOC and made formal request for helicopter support. FIMA informed by JOC that helicopter expected to be airborne at 16:00 but were trying to bring that forward.

32. At 15:37 FIMA contacted JOC with what is described in the FIMA log as "correct" position of incident, being *51/27.0/058/30.0W*. The JOC advised the helicopter was expected to be airborne at 15:50.

33. FIMA log refers to a conversation with Matthew Newton at 15:41 when both casualties were noted to be "conscious and shouting".

Falklands Fire and Rescue Service

34. Gardner Fiddes is the Chief Fire Officer of the Falkland Islands Fire and Rescue Service ('FIFRS').

35. FIFRS were first notified of the incident at 15:23. At 15:25 they requested an update. At 15:34, FIFRS officers were paged. At 15:52 officers were "tasked". By the time FIFRS officers were en route, a rescue helicopter was already airborne. The RFIP log records that, at 16:08 'Fire 2' containing six FIFRS officers was at Estancia House, en route to Douglas Station. By that time, the search and rescue helicopter was approaching the scene.

36. The Falklands Fire and Rescue Service has at its disposal a Rigid Hull Inflatable Boat ('RHIB').

37. It is intended the RHIB would operate only in Stanley Harbour and Port William. It is not fitted with appropriate navigational or self-righting equipment to make it suitable for sea journeys of the type that would have been required to reach Salvador Water and Bob's Island.

38. The RHIB was moored in the Canache area, at the far end of Stanley Harbour. The total distance by sea from the Canache to Bobs Island is approximately 51.5 Nautical Miles. The top speed of the RHIB is 32 knots in good weather. At 30 knots, the journey would have taken approximately 1 hour and 43 minutes. It was also suggested in evidence that the 'endurance' of this particular RHIB, being circa two and half hours, limited it effectiveness over longer journeys.

39. The RHIB could not be used because it was not fitted with suitable navigational or self-righting equipment. In addition, the crew were not trained for sea-going journeys.

40. However, even if the RHIB had been suitably equipped, the distance between Stanley and Bob's Island would make it impracticable to deploy the RHIB.

41. Due to the distance and terrain, it was impracticable to transport the RHIB on a trailer to Hope Cottage Moro Point. Teal Inlet would have been the nearest 'inland' water accessible by road. From there, the RHIB could be launched to Bobs Island. However, towing the RHIB to Teal Inlet would have taken approximately two hours and there was no pre-determined launch site.

42. The Falkland Islands Fire and Rescue Service recovered the capsized boat on 12th April 2022. The photographs at fig 8 and fig 9 were taken by PC Wendy Van Rensburg during the recovery.

British Forces South Atlantic Islands

43. Group Captain James Grindlay is the Deputy Commander of British Forces South Atlantic Islands ('BFSAI'). He gave evidence that Helicopter Search and Rescue ('SAR') capability is provided under contract to UK Ministry of Defence by British International Helicopters for "Defence purposes".

44. If operational commitments permitted, the chain of command would release SAR assets to assist in other tasking, including civilian coordinated SAR activity.

45. There is no contract between MOD and/or BIH and the Falkland Islands Government to provide SAR services for the civilian population of the Falkland Islands.

46. It was his evidence that the agreement between BFSAI and Falkland Islands Government is that assistance will always be undertaken on a "best endeavour" basis, pertaining to the operational situation at the time.

47. When the Joint Operations Centre (JOC) is notified of a potential SAR requirement and regardless of a final launch decision, preparation activity will begin to ready the crew and aircraft, including an assessment of the mission viability. The JOC will confirm asset availability and initial timeline estimate as soon as available.

48. Authority to launch SAR within BFSAI for a civilian emergency ultimately must come from the command group (Command Sec, DCom, CBFSAI in that order). The JOC, as the first point of contact, will elevate any request via the Air Cdr to the command group to gain said authority. Concurrent activity would ordinarily take place during this approval process.

49. It was his evidence that discussions are ongoing on a draft Memorandum of Understanding (MOU)/Service Level Agreement (SLA) between MOD and the Falkland Islands Government.

50. Mr. Dawson for the Attorney General referred me to the principle of Military Aid to the Civil Authorities ('MACA'). In his statement, Mr. Horberry says these do not strictly apply in the Overseas Territories. In any event, it is my understanding of the MACA principles that such support is intended in what might be described as 'emergencies' or 'major civil crises' at national, regional or local level. That is not the case here. This was not an ad hoc or exceptional event. Those principles cannot be used to justify in these circumstances a reliance by the Falkland Islands Government upon the military to provide a helicopter search and rescue service.

British International Helicopter Services Limited

51. British International Helicopter Services Limited ("BIH") is a private company contracted by the UK Ministry of Defence to provide combined search and rescue and support helicopter service to the British Forces South Atlantic Islands operations.

52. The Senior Commercial Manager in the 'Special Projects Multi Air Platform Delivery Team' of the UK Ministry of Defence confirmed the contract between the UK MOD and BIH is for the *"provision of an all-weather SAR helicopter service, able to operate throughout the Falklands*

Islands region and in the maritime environment. The SAR service must be responsive, able to search a wide area of interest, capable of locating and recovering military personnel (including fast jet ejectees) and civilians, and equipped to medically stabilize casualties/survivors from all risk areas including mountainous terrain and maritime environments. The service must support training activities and be capable of moving equipment by under-slung load (including a fire-fighting bucket) to the location of casualties, emergency crews, and maritime shipping."

53. The contract includes a provision that the search and rescue service should be responsive and "capable or recovering military personnel …and civilians…"

54. BIH was not – and is not - a 'first responder' for the civilian population of the Falkland Islands.

The Helicopter

55. The helicopter used by BIH and deployed during the rescue was an AgustaWestland AW189. The crew normally comprise two pilots and two rear crew. The rear crew ordinarily comprise a winch operator and a winch man, at least one of whom should be medically qualified.

56. The pilot, Sebastien Lafon, gave evidence. There were two rear crew members: Michael Holman, winch operator and Martin Ford, winch man. Both gave evidence.

Evidence of witnesses at the scene

57. Pilar Castro was the fiancée of Macauley Davis. They had been together for 8 years and had known each other since they were children. On 9th April 2022, she and Macauley had stayed at River View Farm with relatives. It had been agreed that the following day Macauley would assist Maurice Davis take horses to Bobs Island. Macauley had wintered horses on different islands but had not previously taken horses to Bobs Island.

58. Ms. Castro said that it was around lunchtime on 10th April 2022 when Maurice Davis rang Macauley to say that he and his wife, Phyllis Davis, had arrived. Macauley and Ms. Castro met them at the paddock at the farm. They had the two horses in a horse box. Maurice and Phyllis Davis were accompanied by Tanzey Gough, Tanzey's daughter and Tanzey's partner Matthew Newton.

59. The group travelled in convoy to Hope Cottage, Douglas Station. Macauley and Phyllis Davis then rode the horses to the embarkation point opposite Bob's Island, arriving at around mid-afternoon. Mrs Davis then handed her horse to Maurice Davis.

60. Maurice Davis and Phyllis Davis had previously transported horses between the mainland and Bob's Island. They had been accompanied on two occasions by Tanzey Gough and Matthew Newton. Matthew Newton described to police having taken horses over at low tide when the reef was approximately 100 to 150 meters of solid ground then approximately 30 to 40 meters of water. He thought the water at low tide was approximately 1 meter to 1.5 metres deep.

61. Referring to those earlier occasions, Phyllis Davis, Tanzey Gough and Mathew Newton said the tide was lower and the horses could be walked across. Phyllis Davis said that on those occasions they had also used a different, bigger boat.

62. Both Phyllis Davis and Maurice Davis described the practice of taking horses across water. They said the horses would normally swim behind or alongside the boat. Maurice Davis said this was in order to "control" the horses.

63. Matthew Newton told police Macaulay had told him low tide would be at 15.30 hours. In his evidence he could not recall that conversation. He told police that when they arrived, the tide was on the rise and there was less of the causeway visible. In his evidence before the court, he said the tide was low enough to take the horses across to Bob's Island. Mr. Newton appeared to have no concerns about the tide.

64. Ms Castro said Macauley had checked the tide times the day before and that the tide was meant to be low. Upon arrival at the shore, she remembers Maurice Davis saying the tide was high. She said Macauley appeared nervous and questioned if they should wait until the next day to take the horses across. She said Maurice Davis had said that the horses needed to go over to the Island that day. In his evidence, Maurice Davis said he was not concerned about the height of the tide and could not recall Macauley suggesting they delay.

65. Phyllis Davis said both Macauley and Maurice Davis had checked the tides. She said Maurice Davis had told her the tide should be low when they reached the crossing point. She said that when they arrived at the water's edge she had expected the tide to be lower. She said Maurice Davis told her the tide was higher than expected but that it should be OK.

66. Tanzey Gough told police the water was deeper than any of them had expected. In her evidence she said she could not recall any concern being expressed about the tide.

67. Neither Macauley nor Maurice Davis was wearing a life jacket. There were no floatation devices in the boat. Ms. Castro said Macauley was a competent swimmer and that he could get himself out of trouble.

68. It was intended that both riders would follow the shingle causeway between the mainland and Bob's Island (fig 12).

Fig: 12

69. Tanzey Gough took photographs of the two men as they entered the water and proceeded towards Bobs Island. She also recorded six video clips on her mobile telephone. The first photo was taken at 14:16 (fig 13) and the last photo at 14:17. Four short video clips depict the two men on the horses in the water and then in the boat. The first video clip is timed at 14:17 and the fourth video clip at 14:28. The final two video clips depict the arrival of the helicopter and recovery of Macauley and Maurice Davis.

Fig: 13

70. Maurice Davis and Macauley rode the horses into the water. Maurice Davis towed the boat by means of a rope (Fig: 14). In the video, Maurice Davis can be seen wearing a hi-vis gilet.

Fig: 14

71. Both riders initially appeared to follow the causeway. Ms. Castro recalled Maurice Davis saying that there was a drop but that the horses knew where they were going and would swim across to the Island.

Fig: 15

72. Ms. Castro said she watched Macauley and Maurice Davis as they crossed. She saw them drop slightly and she assumed that was the deep point. They then got off the horses and into the boat. Maurice Davis got in first, followed by Macauley.

73. It is clear from the video that as Maurice Davis climbed into the boat, it was unstable. The video does not show Macauley getting into the boat. Both men are subsequently seen in the boat.

74. Maurice Davis rowed the boat while Macauley held the reins of the horses. In the video, Macauley can be seen seated in the stern of the boat while Maurice Davis is sat in the bow. Both horses are behind the boat and appear to be walking. Macauley is holding the reins (fig 16).

Fig: 16

75. In the video, the horses subsequently appear to be swimming parallel to the boat (Fig: 17). Macauley is still holding the reins.

Fig: 17

Fig: 18

76. The horses swim in front of the boat (Fig: 18). Macauley is still holding the reins.

Fig: 19

77. In the video evidence, Maurice Davis can be seen using one oar to correct the path of the boat as the horses swim ahead of the boat and cross from right to left (Fig: 19). Macauley continues to hold the reins.

78. In his evidence, Matthew Newton said the horses started to swim off to the left, towards the kelp bed. That is what is depicted in the video. The video stops at this point.

79. In his evidence Matthew Newton said the horses appeared to be pulling the boat. Macauley was still holding the reins. He described the boat getting "held up" by the kelp, that was creating friction on the underside of the boat.

80. Tanzey Gough said she had turned her back and then heard Phyllis Davis say "*Oh no*". She turned around and saw the boat had turned over and both men were in the water. She told police she recalled Matthew Newton saying words to the effect "the horses pulled the boat over." Maurice Davis was adamant the horses were swimming free before the boat capsized.

81. Maurice Davis said he felt a big bang under the boat which lifted the boat and turned it over completely. He said he saw sea lions swimming around and was sure a seal hitting the underside of the boat had caused it to capsize. Ms. Castro said she had seen seals swimming around after the boat had capsized, when both men were in the water. She assumed they had seen both men kicking and had come over to investigate. Tanzey Gough also said she had

seen seals near the boat after it had capsized. Phyllis Davis did not see seals before the boat capsized. Mathew Newton could not recall seeing seals in the water before the boat capsized.

82. It was put to Maurice Davis that the boat had hit a submerged rock. He was adamant it had not.

83. Maurice Davis said that, after the boat capsized, he had struggled to get to the surface through the kelp which he described as "extremely thick". He could not swim.

84. Maurice Davis began shouting whereupon Matthew Newton went into the water towards them with some rope. However, the water was too deep. He shouted to the persons standing on the bank to call '999'.

85. It appears they had some difficulty getting a signal for a mobile telephone. At 14.54, Tanzey Gough eventually got a signal and contacted the Royal Falkland Islands Police ("RFIP").

86. At 14.57 RFIP telephoned the Joint Operations Centre ("JOC") at Mount Pleasant Complex and requested helicopter rescue. RFIP provided JOC with a grid reference (21FUC9554598700) and stated two people were in the water at Bob's Island, east of Douglas Station. That information was provided by Mathew Newton who was speaking to another police officer at the same time.

87. At 14.54, Tanzey Gough told police both men had been in the water for approximately 10 to 15 minutes.

88. Phyllis Davis telephoned Angeline Joshua, the daughter of Michael Clarke who lived nearby and who she believed had a boat. Angeline Joshua informed her father and her brother, Jan Clarke.

89. Macauley and Maurice Davis held on to the upturned boat. It appears they unsuccessfully tried several times to right it.

90. Jan Clarke arrived approximately thirty minutes later on a motorbike. Michael Clarke arrived after him. He said the terrain was difficult and, although a distance of only approximately six miles, ordinarily it could take 45 minutes by car.

91. Michael Clarke said that when he arrived at the scene the tide was nearly fully in and as high as it was going to be that day. He could see a small white dinghy completely overturned in the water about two thirds of the way across to Bob's Island. From his knowledge there was a large kelp patch and estimated the water was about six meters deep. He said he thought the upturned boat was in the kelp patch.

92. Michael Clarke said horses have been taken across to Bob's Islands many times over the years. However, he would never have attempted to take horses across to the Island unless they were able to walk across without swimming. He said that in order to cross safely, it was essential to have the right tide conditions.

93. Jan Clarke said the tide was about three quarters of the way in and that the water was high. He has known this stretch of water from childhood. He said at low tide there is a bank on which the horses could have walked all the way across. He said with the water at the height it was, he would never have attempted to take horses across to the Island as it was far too dangerous. He said the capsized boat was in an area of thick kelp.

94. It is clear from the BFSAI timeline, referred to in evidence as the 'SAR Bobs Island timeline', that, following the information received from the RFIP at 14:57, the Joint Operations Centre contacted BIH to inform them of the situation and bring them back onto state to respond to the incident.

95. The timeline refers to a location (21FUK95545,98700) received from the RFIP. The location recorded is incorrect. However, it is clear from the audio recordings of communications between the RFIP and JOC, that the correct location information was given by the RFIP to the JOC. In any event, FIMA provided further clarification of the location prior to the helicopter being airborne.

96. Sebastien Lafon was the pilot of the helicopter. He has been a helicopter pilot since 1992. He has worked in the Falklands Islands since 2016.

97. It was his evidence that, due to staff shortages, a helicopter was not expected to be on state before 16:00.

98. On 10th April 2022, he was due to start his shift at 16:00. At 15:15 they received a call from the BIH Operations team that two men were in the water. They were given permission to start their duty earlier. He and the co-pilot, Olivier Luc Pierre Louis Pellereau, drove to their base. They collected the winch operator, Michael Holman, and the winch man, Martin Ford, en-route. They arrived at the helicopter at 15.33.

99. They were provided with some details regarding the two casualties. They were told the older of the two men had a pacemaker fitted. The location information received from the JOC was that there were two persons in the water at "Bob's Island near Volunteer Point."

100. Martin Ford queried the location because the latitude and longitude was not Volunteer Point. The location was confirmed by JOC as 'Bob's Island'. Another staff member

was able to show the location of Bobs Island on the map. The crew had the correct location at the time of launch.

101. The helicopter launched at 15:50.

102. Mr. Lafon said the weather was “not good”. Visibility was good but the cloud base was low. He said they had to fly above the clouds to cross Wickham Heights in the vicinity of Estancia and find a gap in the cloud to descend. A thick bank of cloud can be seen on the aircraft’s onboard camera (fig 20)

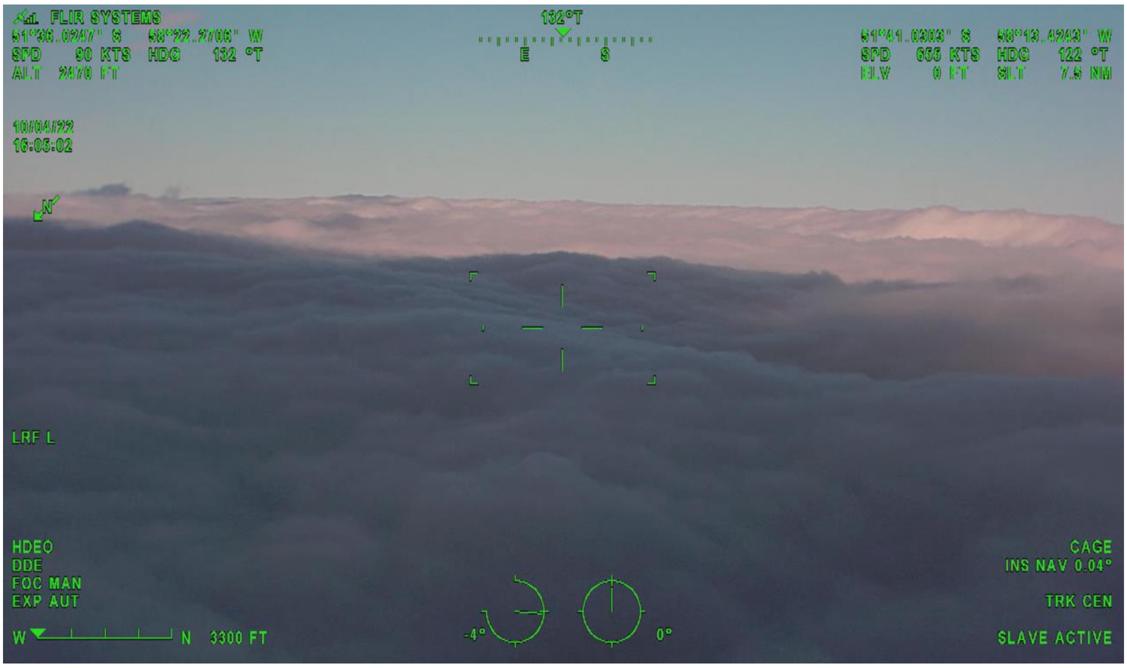

Fig: 20

103. They were assisted to the location of the casualties by a Falkland Islands Government Air Services (“FIGAS”) aircraft that was already on scene. The helicopter descended through a gap in the cloud above the scene (fig 21).

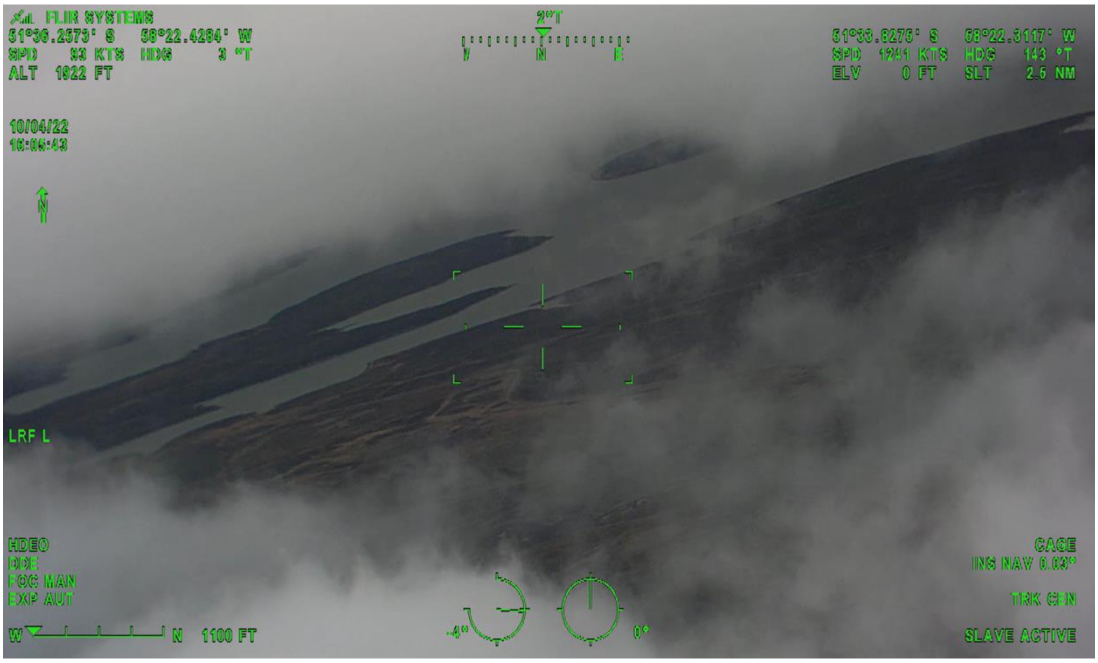

Fig: 21

104. The helicopter arrived at the scene at 16:09. The flight time was approximately 19 minutes. Mr. Lafon said he saw the two men in the water at the front of the up-turned boat.

105. Mr. Holman said the plan was to bring Maurice Davis up first because of his cardiac condition. He said he could see an upturned small dinghy with two people at the bow. Maurice Davis was observed hanging onto the boat and was moving. Macauley was holding onto the boat at arm's length and was looking up at the rescue crew. Mr Holman said he saw Macauley move his head. Both appeared to be conscious.

106. At 16:11 the winch was deployed. Mr. Holman was able to observe what was happening below the aircraft and was following the directions given by the Mr. Ford.

107. As Mr. Ford placed a rescue strop around Maurice Davis, Mr. Holman noticed Macauley appeared to be laying back in the water. He thought that he might have submerged. Mr. Ford turned and realised Macauley had slipped beneath the surface.

108. Mr. Ford pulled Macauley to the surface. The rescue priority had now changed to rescuing a drowning survivor, who had gone under water and had appeared to make no effort to resurface. Mr. Ford thought Macauley had been under the water for about 5 seconds.

109. Mr. Ford removed the harness from around Maurice Davis and instructed him to hold onto the boat. Maurice Davis refused to release his grip on Mr. Ford as he attempted to place

the harness around Macauley. The aircraft attempted to tow all three men towards shallower water. However, this was not possible. Maurice Davis was eventually persuaded to release his grip on Mr. Ford and hold onto the boat.

110. Mr. Ford described entanglements around him and Macauley that he cut prior to lifting Macauley. Macauley was covered in kelp and, having been lifted, was lowered again to remove the kelp. He was on board the aircraft at 16:21. He was unresponsive when he was lifted into the helicopter. Macauley was placed on a vacuum mattress in the recovery position.

111. Maurice Davis was on board the helicopter at 16:24. The aircraft departed scene at 16:27.

112. No resuscitation procedure took place on Macauley between 16:21 and approximately 16:24. This is because there were only two rear crew in the helicopter. When Mr. Ford was lowered to recover Maurice Davis, Mr. Holman was operating the winch.

113. After 16:24, initially Mr. Ford conducted single-person resuscitation on Macauley and he was then assisted by Mr. Holman. Oxygen and defibrillator were used. An IO was inserted. No shockable rhythm was apparent. CPR continued.

114. The helicopter landed and KEMH at 16:50.

Medical Intervention

115. Dr. Edwards was informed by the helicopter crew that Macauley had shown no sign of life in the helicopter and had been in asystolic cardiac arrest throughout.

116. Dr. Edwards observed an intraosseous line had been inserted into Macauley's left humerus. An 'i-gel' tube had also been inserted to assist with breathing. She was informed the deceased had been given adrenalin "when appropriate".

117. An endotracheal tube was inserted for artificial ventilation. CPR continued. A 'bear hugger' blanket was also used to warm Macauley and he received warm fluid bladder washes. A nasogastric tube was inserted to give warm flushes to the stomach.

118. Dr. Edwards undertook a "rhythm check" that revealed a ventricular fibrillation arrest which is a shockable rhythm. Macauley was shocked and CPR continued. Macauley remained in a state of ventricular fibrillation arrest and was given multiple doses of adrenalin and amiodarone. He was subsequently given multiple shocks "as his myocardium had shown on 1 or 2 occasions an organised complex". Despite this, at no point did he have a cardiac output.

119. At 18.01 Macauley's body temperature was 30.4. At 18:34 he had cooled to 24.4 degrees C.

120. Shortly after arriving at the KEMH, it became clear Macauley's lungs were filling with fluid. Initially this was water but then turned into a blood-stained frothy liquid. Approximately 1.5 litres of water were suctioned from the lungs. Dr. Edwards states that "this amount of fluid coming up from the lungs would suggest that he had a wet drowning and that salt water had gone deep into his lung tissue, this can cause osmosis as the salty water will draw fluid from the lungs into the airway and you reach a point where, irrespective of how good your resuscitation is, there is no gas transfer across the lung tissue meaning that he cannot expel CO_2 and you cannot introduce oxygen into the body."

121. Dr. Edwards took three blood samples from Macauley's femoral vessels that were, in her words, "incompatible with life".

122. Macauley was in cardiac arrest for over two hours (from 16:30 to 18:35) and at no point did he show any sign of life.

123. Macauley had an overwhelming lung fluid infiltration meaning there was no gas transfer possible across his lung tissue. His blood tests showed that his gases and his central bloods were worsening. Macauley was cooling, not warming and his skin was becoming more mottled and by 18:35 he had clear lividity/livor mortis developing. His blood had become clotted. CPR was ceased at 18:35 and he was pronounced dead at 18:35.

124. Macauley was otherwise a healthy young man.

Medical cause of death

125. Cause of death was 1.a. hypothermia, b. drowning.

Time of Death

126. Macauley was certified dead at 18:35 on 10th April 2022 by Dr. Rebecca Edwards at the KEMH, Stanley, Falkland Islands.

Summary

127. Having considered all of the evidence, I make the following findings on a balance of probabilities.

Decision to take horses to Bob's Island

128. On 10th April 2022, Macauley John Davis and his uncle, Maurice Davis, were taking two horses from Hope Cottage Moro Point on East Falkland to Bob's Island. Both men entered the water on horseback. Maurice Davis was pulling a small boat behind him. They rode the horses part way. The water was deep. The tide was rising. There were large kelp beds in the vicinity of the crossing point. Conditions were such that, in my view, it was dangerous to attempt the crossing when they did in the manner in which they did. Neither man was wearing a life jacket. There were no buoyancy aids in the boat. The absence of lifejackets or flotation devices put both men in a highly precarious position.

129. When the water became too deep, both men clambered into the boat. Maurice Davis rowed the boat towards Bob's Island. Macauley held the reins of both horses. Initially the horses were behind the boat. The horses began swimming. At a certain point, the horses were parallel to the boat and then swam in front of the boat and to the left. Macauley continued to hold the reins.

130. The evidence was contradictory about whether Macauley was holding the reins when the boat capsized. On balance, I am satisfied that he was holding the reins when the boat capsized. Upon the boat capsizing he instinctively released the reins and the horses swam towards the Island. Macauley and Maurice Davis found themselves in very cold water in the midst of the kelp bed. The kelp was thick and would certainly have hindered their movements.

131. It was suggested the boat might have hit a rock. When the boat was inspected following the incident, there was no apparent recent damage. I recognise that damage to the boat was not inevitable. While hitting a rock is a possibility that cannot be excluded, I make no particular finding on that. It was suggested by Maurice Davis that a seal or seals hitting the side of the boat had caused it to capsize. On the evidence, I find it unlikely seals caused the boat to capsize.

132. The fact is, the boat was entirely unsuitable for two adult men. The weight of the two men meant the boat was low in the water, difficult to manoeuvre and unstable. Any shift in weight in the boat could cause it to capsize. The boat entered the kelp bed which created friction on its underside and further increased its instability. The horses were swimming in

front of the boat and difficult to control. Macauley continued to hold the reins. It was a combination of these factors that caused the boat to capsize.

Rescue

133. Telephone reception at the scene was poor. At 14:54, the Royal Falkland Islands Police received an emergency call from Tanzey Gough. By that time, Macauley and Maurice Davis had been in the water for up to 15 minutes. The temperature of the water was approximately 9 degrees.

134. At 14:57 the police operator informed the Joint Operation Centre of the BFSAI and requested the assistance of a rescue helicopter.

135. When the emergency call first came in, the helicopter had to be brought back on state to respond to the incident and the crew contacted.

136. At 15.15, the crew were contacted in their quarters. They arrived at the helicopter at 15:33 and launched at 15.50.

137. The crew initially received confused information about the location of the incident. However, they had the correct location at the time of launch. This did not, in my opinion, delay launch or cause or contribute to this tragic death.

138. Cloud and poor visibility meant the helicopter took a longer route to the scene. However, Mr. Lafon thought any delay was nominal. The helicopter arrived at the scene at 16.09. By that time, Macauley and Maurice Davis had been in the water for approximately 1 hour and 30 minutes.

139. The winchman descended to the casualties at 16.11. Macauley could be seen above the water and conscious. However, shortly after the winchman had entered the water, Macauley slipped beneath the surface and made no effort to resurface. He was brought to the surface by the winchman but was unresponsive. Mr. Ford estimated Macauley was under water for approximately 5 seconds.

140. Macauley was lifted into the helicopter at 16.21. By that time, he had been in the water for approximately 1 hour and 40 minutes. Maurice Davis was lifted into the helicopter at 16.24.

141. The helicopter arrived at the KEMH at 16:50 and efforts to resuscitate Macauley continued until 18:35 when he was pronounced dead by Dr. Rebecca Edwards.

142. Dr. Edwards and her team made valiant efforts to resuscitate Macauley but, regrettably, to no avail.

143. Macauley and Maurice Davis waited a very long time to be rescued. We know that, once the helicopter was airborne, even in poor weather, it took only 19 minutes to be on scene. I do not criticise the UK military or BIH in my findings. They are not a first-responder for the civilian population of the Falkland Islands. There is no contract between the UK military and/or BIH and the Falkland Islands Government to provide helicopter search and rescue or support services to the civilian population. Instead, there is an understanding between the UK military and the Falkland Islands Government that the UK military will utilise its assets to support the provision of emergency services for the civilian population on a 'best endeavour' basis.

144. Of course, one also has to consider what might have been the situation if, for example, poor weather had prevented the helicopter taking-off. In such circumstances, at present, rescue would likely arrive by road from Stanley and could take up to two hours. This is a sobering thought for anyone undertaking any activity that might potentially have harmful consequences. It is very clear that, on these Islands, help is not just around the corner. Had Macauley been wearing a life jacket, I am confident we would not be sitting here now.

145. This was a tragic case involving the death of a young man who was well-known and very well-liked in the community. Like so many such cases, his death was entirely avoidable.

146. This began as an innocuous event that, through circumstances and poor judgement, had tragic consequences. A finding of 'misadventure' is still available to the Coroner of the Falkland Islands. Misadventure might be a conclusion when a person deliberately undertakes a task that then goes wrong, causing death. This is a classic case of death by misadventure. It was an unintended consequence of a deliberate act. However, the use of that term is now generally deprecated and a conclusion of 'accident' in such cases considered preferable.

147. I can only imagine how difficult it must have been for those standing on the shore, particularly Pilar Castro, Macauley's fiancée, watching these tragic events unfold but being unable to do anything to help.

148. Again, I express my condolences to all of you for your loss.

Observations

149. It became apparent to me in the early stages of the investigation into this death and the emergency services response, that not all first-responders were familiar with the geography of these Islands and the location of settlements. While, in my opinion, this did not contribute to this tragic death, it exposed a gap in knowledge that should be corrected. Therefore, I make two observations:

i. All 'first-responders' and other relevant personnel should receive a comprehensive briefing and familiarisation programme that includes the geography of the Falkland Islands, the location of settlements and its people;

ii. Detailed, Ordnance Survey-type maps should be provided to all first-responders and be readily accessible by emergency workers.

Prevention of Further Deaths

150. Important lessons can be learned from the emergency services response to this incident. While I do not criticise the emergency services personnel involved, steps should be taken to improve the ability of the emergency services to respond to similar situations in the future.

151. Pursuant to Rule 39 of the Coroners Rules 1995, I intend writing to the Falkland Islands Government to express my concern about certain matters relating to the provision of emergency services.

152. It is clear that the current arrangements for a responsive helicopter search and rescue service for the civilian population of the Falkland Islands are inadequate.

153. This case demonstrates the dependence of the Falkland Islands Government on the UK military to fill a gap in emergency service planning. That cannot, in my view, continue in the longer term.

154. Given the geography of these Islands, a helicopter search and rescue service forming part of a first-responder capability for the civilian population of the Falkland Islands is, in my opinion, essential.

155. This case also highlighted the fact the Falklands Islands Fire and Rescue Service does not have at its disposal a vessel equipped for sea-going rescue. In this case it would have made

no difference. However, it is inevitable that at some time in the future, an asset of this type could serve an essential role in preventing deaths.

Conclusions

At the Inquisition taken for our Sovereign Lord the King at Stanley, Falkland Islands opened on 12th April 2022 and concluded on 22nd September 2022 before and by me, Malcolm Simmons, His Majesty's Coroner, touching the death of Macauley John Davis, the following matters are found:

Name of deceased: Macauley John DAVIS

Medical cause of death: 1.a. hypothermia, b. drowning.

Time, place and circumstances of the cause of death: On 10th April 2022 at 18:35 Macauley John Davis died as a result of hypothermia and drowning when the boat in which he was being carried capsized while taking horses between Hope Cottage Moro Point, East Falkland and Bob's Island.

Conclusion of Coroner as to death: Accidental Death

Particulars required by the Registrar:

Date of death: 10th April 2022, King Edward VII Memorial Hospital, Stanley, Falkland Islands

Deceased: Macauley John DAVIS

Gender: Male

Date and place of birth: 14th August 1995, Falkland Islands

Age: 26

Rank/profession: Farm Hand

Cause of death: 1.a. hypothermia, b. drowning.

Malcolm Simmons

H. M. Coroner for the Falkland Islands