

Prosecution Report 2018

Day angling skipper fined for breaching small code vessel rules

Defendant: Roger Lennon

Date of Hearing: 16th January 2018

Offence: Breach of the small commercial vessel code of practice.

Details: Roger Lennon is the owner skipper of the vessel 'Skerry Belle' operating out of Ramsgate. Investigations by the MCA last year, revealed Lennon was operating the vessel on a commercial basis, taking members of the public out to sea on fishing trips, without having a commercially endorsed skippers' certificate. The vessel was also operated on occasions during the hours of darkness, although the vessel did not possess the necessary certification to operate at night. Lennon pleaded guilty to not having a commercially endorsed skippers licence (expired) and running night trips in a vessel that was only certificated for daylight use.

Penalty: Fined £4,500 with more than £7,000 costs.

Not Guilty manslaughter verdict returned following the loss of the Cheeki Rafiki

Defendant: Douglas Innes

Date of Hearing: 25th April 2018

Offence: Failing to operate the yacht in a safe manner contrary to section 100 of the Merchant Shipping Act.

Details: Andrew Bridge (22) from Surrey, James Male (22) from Hampshire, Steve Warren (52) and Paul Goslin (56), both from Somerset, all died when the Cheeki Rafiki capsized in May 2014 while returning across the Atlantic Ocean to Southampton from Antigua Sailing Week. Mr Innes had been accused of failing to have the yacht properly checked ahead of its voyage and to ensure that its certification was in date for the intended trip. During the voyage, Mr Innes received an urgent email from Andrew Bridge on board the Cheeki Rafiki saying there were problems and water was coming in. He received a second message a little later saying the situation had got worse. Mr Innes returned home, called the UK Coastguard at Falmouth and emailed the crew suggesting they check the bolts of the keel. The court heard that a number of bolts had failed before the yacht had even left the UK in October 2013 en route to Antigua. It was the failure of those bolts that eventually caused the keel to detach from the yacht when she was in mid-Atlantic more than 700 miles from Nova Scotia in Canada, leading to a

catastrophic capsizes.

An extensive search and rescue by the US and Canadian Coast Guards was launched for the crew after two personal locator beacons were set off. The yacht was eventually found by a container ship on 17th May, two days after Mr Bridge's urgent email had been received by Mr Innes. No bodies have ever been found. The life raft was found still attached by swimmers from the USS Oscar Austin on 25th May 2014.

Penalty: 15-month prison sentence, suspended for two years and fined £50,000 (sentenced 11th May 2018)

Thames river cruise company fined for operating without a valid safety certificate

Defendant: Sodexo Ltd

Date of Hearing: 18th May 2018

Offence: Operating without the valid certificate, contrary to Section 24 of the merchant shipping (Survey & certification) regulation.

Details: 'Symphony' is a Scandinavian style river cruise boat - operated by Bateaux London Ltd, a subsidiary company of Sodexo Ltd - specialising in banqueting style cruises for up to 260 guests at a time. In June 2017, the vessel was inspected by MCA surveyors and was found to have several deficiencies. An improvement notice was issued ordering the owners to rectify them. This was on the understanding that a new DSM certificate would be issued once the vessel complied. The DSM certificate expired on the 11 August 2017, but Bateaux London failed to rectify the faults or contact the MCA. Between the 11 August 2017 and 21 September 2017, the vessel operated without a valid Domestic Safety Management Certificate. During this time the vessel operated cruises with over 10,000 passengers and crew. When a company representative was interviewed by the MCA's Investigation and Enforcement Unit, they admitted that the vessel had turned over in excess of £500,000 during the 6-week period it was operating without a valid DSM.

Penalty: £30,000 fine, victim surcharge of £125 and £4800 towards the cost of the prosecution.

Captain of Russian oil tanker fined over £25,000 over safety failures

Defendant: Vitaliy Trofimov

Date of Hearing: 14th June 2018

Offence: Failing to comply with the International Safety Management (ISM)

Details: Vitaliy Trofimov, Captain of the Russian registered 85m long tanker 'TECOIL POLARIS' pleaded guilty to serious non-compliance of safety requirements which placed the vessel – to be loaded with 1,665 tonnes of lubrication oil – at risk. The vessel arrived at Humber Port on the evening of Tuesday 5 June 2018 having come from Hamina, Finland. Humber Port Authority reported concerns about the master and crew's competency as the vessel approached and berthed at Immingham Docks, Humber.

The vessel was inspected by MCA Inspectors on the morning of 6 June 2018. They found a catalogue of deficiencies in navigation and safety equipment, together with significant non-compliance with the ISM Code. These included not having correct navigation charts or voyage plan, incorrect stability calculations, navigation equipment not working and defects with lifesaving equipment. The vessel was subsequently detained and its safety certificate cancelled.

Penalty: £1400 fine and £24361.99 in costs

Fishing vessel owner fined for breaching small fishing vessel rules

Defendant: John Lake

Date of Hearing: 25th July

Offence: Operating an unsafe vessel and failing to comply with the small fishing vessel code of practice.

Details: The 13 metre fishing vessel 'Audrey Patricia' had been subject to a pre-arranged inspection by the MCA at Boston and was found to have a catalogue of deficiencies related to emergency procedures and lifesaving equipment, which resulted in the vessel being detained. The deficiencies included emergency drills not being carried out by the crew, liferaft being nearly 4 years beyond its service date, missing and out of date emergency flares, fire extinguishers out of date, insufficient serviceable lifejackets and emergency fuel shut off not working. It was clear the vessel had been neglected by its

owner and was not in a safe condition to go to sea. The vessel was being used as part of Mr Lake's shellfish business.

Penalty: £4,500 fine, £170 victim surcharge and £6,458 towards the cost of the prosecution.