

Prosecutions 2012

Ship owners fined for overloading

Defendant: At Southampton Magistrates' Court

Date of Hearing: 9 February 2012

Date of Offence: 23 November 2010

Offence: Breach of Load line Regulations.

Details: The vessel was loaded to its marks with rock salt and sailed from Goderich to arrive at the Manchester Ship Canal on the 23rd November 2010. Rock salt was in high demand to treat UK highways at this time.

As the vessel entered the River Mersey, the pilot on another passing vessel noticed that the Plimsoll Line and load lines were not visible and the vessel appeared very low in the water.

When the vessel arrived in the Queen Elizabeth II Dock it was inspected by MCA Port State Control Officers, who found that the load line that marks the safety limit of the vessel was submerged by 39.5 cm.

Penalty: Was fined £28,015 with costs of £5000.

Fishing vessel skipper pleads guilty of failure to keep a proper lookout

Defendant: At Stornoway Sheriff's Court

Date of Hearing: 29 February 2012

Date of Offence: 12 January 2011

Offence: International Regulations for the Prevention of Collisions at Sea

Details: On 12th January 2011 the fishing vessel 'Silver Chord II', collided with and sank the fishing vessel 'Sapphire'. Both vessels are registered in Stornoway and operate out of that port.

The 'Silver Chord II' was heading home to Stornoway after a day trawling for prawns in the North Minch. The skipper left his wheelhouse for a short time to assist his crew in sorting the catch.

The skipper of the 'Sapphire' was operating his fishing vessel single-handed, which was stopped in the water whilst he hauled his net. The 'Silver Chord II' crashed into the port side of the 'Sapphire.' The water poured in so quickly that the vessel sank within minutes. He was able to jump safely onto the 'Silver Chord II.'

Our investigation revealed there was no lookout on either vessel at the time of the collision.

Penalty: Was fined a total of £1000.

Russian master prosecuted for grounding on north Uist and failing breath test

Defendant: At Stornoway Sheriff's Court

Date of Hearing: 28 March 2012

Date of Offence: 22 March 2012

Offence: Breach of the Merchant Shipping Act 1995 Section 58 (2)(b)(i) by failing to properly navigate his ship and breach of the Railways and Transport Safety Act 2003 by being over the limit for alcohol.

Details: On 22 March 2012 the master of the Dutch cargo ship 'Flinterspirit' was arrested and charged with breach of the Railways and Transport Security Act 2003. The master had grounded his vessel on Flodday Mor on the 19 March 2012 and failed a routine breath test 2 days later.

The 'Flinterspirit' was on a voyage from Pori, Finland to Belfast when the vessel grounded on Flodday Mor, North Uist at 10:50pm GMT (Greenwich Mean Time) on the 19 March 2012. The vessel's time was 1 hour ahead of GMT and the second mate was due to take over the watch from the master.

The second mate felt a judder and rushed up to the bridge; there was no one there. The second mate called the chief mate to the bridge and together they sounded the general alarm. When the master still did not appear the second mate went down to his cabin where he found him in bed.

The chief and second mate contacted the coastguard and carried out an inspection of the ship's ballast tanks. They discovered that the fore peak tank and the bow thrust compartment were both flooded.

The ship was on a rising tide and the ship's officer's de-ballasted number 3 and number 1 ballast tanks, at approximately 3:00am on the 20 March the ship floated free. The vessel was brought to Stornoway so divers could carry out an underwater inspection, however bad weather prevented it from being berthed until the 22 March.

Penalty: Was fined a total of £13,500.

Mariner fined for forgery

Defendant: At Southampton Magistrates' Court

Date of Hearing: 18 April 2012

Date of Offence: January 2011

Offence: Breach of the Merchant Shipping Act 1995 and Forgery and Counterfeiting Act 1981

Details: In January 2011 the defendant had applied to sit an Orals Examination for a Masters Certificate of Competency (CoC).

The application was supported by discharge certificates and watchkeeping certificates showing service on 2 anchor handling vessels and totalled 19 months. This was accepted and the appropriate documentation was issued.

In early October 2011, he came to the attention of the Enforcement Unit of MCA. Based on information received, checks showed that, in fact, he had been serving on an Offshore Floating Storage Unit (FSO).

The owners of the anchor handling vessels confirmed that he had never worked on one of their vessels. The discharge and watchkeeping certificates provided by him were therefore fraudulent.

When interviewed he admitted that he had been working on the FSO rather than the anchor handlers. Investigations showed that his time on the FSO did not fulfil the sea time requirements to sit the exam for his Masters CoC.

Time on FSOs counts only as half sea time towards a qualification issued by MCA up to a maximum of 9 months. This is clearly set out in Marine Guidance Note (MGN) 92. He was aware of these rules following problems with his previous application for examinations for Chief Mates CoC.

He was charged with submitting a false application contrary to section 47 of the Merchant Shipping Act 1995 and 2 charges of using a false instrument contrary to section 3 of the Forgery and Counterfeiting Act 1981.

Penalty: Was fined a total of £7,603.21.



Lord Rank

Defendant: At Coleraine Magistrates' Court

Date of Hearing: 7 June 2012

Date of Offence: 8 June 2010

Offence: Breach of the Merchant Shipping Act 1995 Section 100

Detail: On 8 June 2010 the sail training yacht Lord Rank, grounded on Carrickmannon Rock in Northern Ireland and was subsequently lost.

All persons on board were rescued.

The vessel normally carries young trainees on sail training voyages, but on this occasion was carrying members of Downtown Radio on a fund raising cruise.

The MCA investigation found that the skipper had failed to passage plan and had failed to follow the operating procedures.

He subsequently had his RYA / MCA Yachtmasters certificate of competence removed by the RYA Yachtmaster qualification panel.

MCA's investigation also found that the trust had failed to properly manage the vessel to ensure its safe operation.

Penalty: Was fined £250.

Polish master sentenced for collision with ferry

Defendant: At Downpatrick Crown Court

Date of Hearing: 31 May 2012

Date of Offence: 7 March 2012

Offence: Breach of the Merchant Shipping Act 1995 and the Railways and Transport Safety Act 2003.

Details: On 7 March 2012 the merchant ship 'UNION MOON', registered in the Cook Islands, was outbound from the port of Belfast when he collided with the inbound ferry 'STENA FERONIA'.

There were 51 passengers and 47 crew on board the ferry and 6 people on board the cargo ship. Fortunately no-one was injured in the collision, however there was substantial damage to both ships.

The 2 ships were approaching the fairway buoy which marks the beginning of the main channel into Belfast Harbour.

As the UNION MOON passed the Fairway Buoy, she should have altered course to starboard on to an easterly heading, but unexpectedly altered course to port in to the port side of the approaching ferry.

Penalty: Was given a custodial sentence of 12 months on each of the 3 counts to run concurrently.

Fishing vessel collision with Southend-on-Sea pier lands skipper in court

Defendant: At Southend Magistrates' Court

Date of Hearing: 8 August 2012

Date of Offence: 17 February 2012

Offence: Breach of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996

Details: Shortly after 07:05 hours on 17 February 2012 the 'Paul Patrick', a UK registered 9.6m fishing vessel collided with Southend on Sea pier.

CCTV in operation on the pier recorded the incident.

The CCTV captured the final moments of the vessel hitting the pier at more than 5 knots. Three people on the vessel were seen to run from the stern towards the bow immediately after the collision.

The Paul Patrick was stuck hard and fast to the pier and as several members of the public watched, the crew used angle grinders to release the vessel. At the time of the collision the tide was at its highest.

Penalty: Was fined £3000 plus costs of £9,888.28.

Unsafe vessel lands owner in court

Defendant: At Torquay Magistrates' Court

Date of Hearing: 24 October 2012

Offence: Breach of S.284 of the Merchant Shipping Act 1995, allowing the vessel Greitje to 'jump detention' and S.260 for failing to respond to a Direction order.

Details: The former fishing vessel Grietje had arrived in Brixham Harbour in 2005 but plans to convert her into a houseboat came to naught.

Her condition deteriorated and the Greitje was detained as dangerously unsafe by the Maritime and Coastguard Agency (MCA). Over the following years new owners came and went but nothing was done to rectify the poor condition of the Greitje.

Eventually the vessel was seized by the local harbour authorities and offered for sale. The vessel was bought for £1.

The new owner was advised by MCA that the Greitje was detained and should not sail for Brixham without clearance.

Over the ensuing months, many reminders about the detention were given by MCA.

MCA also attempted to engage with him about any plans to repair the vessel. Despite all the warnings, etc., on the 2nd June 2011 the Greitje disappeared from its berth in Brixham.

As a result of concerns about the condition of the vessel and its fitness to be at sea, a search operation to locate the Greitje was commenced by the Coastguard. It was eventually located off Cornwall heading west.

It eventually arrived in Cardiff on the 7th June 2011 where it was re-detained by MCA. As a result an investigation into the voyage of Greitje was started.

The owner failed to respond to any attempt by MCA to contact him for his version of events surrounding the voyage between Brixham and Cardiff.

Subsequently he was served with a Direction Order issued in accordance with the Merchant Shipping Act 1995 requiring him to produce any documentation relating to any alleged sale of the vessel. However he failed to respond.

Penalty: Was fined £500 plus costs of £250.

Master of ship fined after collision in Dover Straits

Defendant: At Southampton Magistrates' Court

Date of Hearing: 30 October 2012

Offence: Three offences under the International Regulations for Preventing Collisions at Sea 1974, as amended

Details: The 'Spring Bok' is a 12,113 GT Refrigerated Cargo Ship (Reefer) registered in the Netherlands.

On 24 March 2012 she was on passage from Rotterdam to Aruba and was traveling in the South West lane of the Dover Straits Traffic Separation Scheme.

A small Liquid Gas Carrier was also heading south west and traveling at 7-8 knots whilst the Spring Bok was transiting at 18-20 knots. At approximately 10:14 UTC the Spring Bok ran into the stern of the Gas carrier. An investigation into the collision was started.

The Captain was the Officer of the Watch on the Spring Bok. The visibility in the Dover Straits had been poor but had improved to about 2.5 miles off Dungeness. After the visibility had increased he had sent the lookout down.

His son and brother-in-law were also on the Bridge, but not in any official capacity.

He admitted that he had seen the Gas Artic some 20 minutes before the collision. However, he had no recollection of seeing it again until it appeared from behind the forward cranes moments before the collision.

Damage on both vessels was comparatively light.

A more serious collision was avoided by the actions of the Master of the Gas Artic who saw the approaching Spring Bok and altered course immediately in order to avoid the collision.

Penalty: Was fined £1500 plus costs of £1000.

Charter angling boat skipper fined £6,500

Defendant: At Southampton Magistrates' Court

Date of Hearing: 7 November 2012

Offence: Breach of Rule 10 (b)(i) under the International Regulations for Preventing Collisions at Sea 1972, as amended

Details: On 24 March 2012 the vessel 'Jolly Fisherman' was monitored by Dover Coastguard travelling in a North Easterly direction in the South West lane of the Dover Strait Traffic Separation Scheme (TSS), contrary to Rule 10(b)(i) of the Convention on the International Regulations for Preventing Collisions at Sea 1972.

During the vessel's passage it forced several Merchant vessels to alter course to avoid a collision. Dover Coastguard made several attempts to contact the Jolly Fisherman with no response.

The vessel travelled 17 miles in the wrong direction in the Dover Strait TSS.

Penalty: Was fined £7500 plus costs of £2254.

French skipper of racing yacht 'Safran' fined

Defendant: At Southampton Magistrates' Court

Date of Hearing: 6 December 2012

Offence: Breach of Rule 10 (b)(i) under the International Regulations for Preventing Collisions at Sea 1972, as amended

Details: On 6 June 2012 the Safran left Lizard Point in Cornwall, in an attempt to beat its own previous record set in 2011 for the fastest sail around the United Kingdom and Ireland.

At 11:43 pm the Safran was seen by Dover Coastguard traveling in a North Easterly direction in the South West lane of the Dover Strait Traffic Separation Scheme (TSS).

On the 7 June 2012 at 04:00 the yacht failed to proceed in the appropriate traffic lane in the Sunk traffic separation scheme.

During its passage several merchant ships altered course to avoid a collision with the yacht. Dover Coastguard made a number of attempts to contact the yacht with no response.

Eventually the French Coastguard got in touch and pointed out that the vessel was traveling the wrong way in the TSS. The skipper replied saying he was trying to break the record for sailing around the UK and Ireland and would not alter course.

In total the Safran travelled 28 nautical miles in the wrong direction in both separation schemes. This was in breach of Rule 10(b)(i) of the Convention on the International Regulations for Preventing Collisions at Sea 1972.

Penalty: Was fined £8,700 for the offence on 6 June and £666 for the offence on 7 June (both reduced due to the early guilty plea) plus costs of £4,125.

Fire on fishing boat leads to court appearance

Defendant: At Southampton Crown Court

Date of Hearing: 7 December 2012

Offence: Charges under the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 for the owners and managers.

Details: On 7 January 2008 the UK registered fishing vessel Shark sailed from La Corunna in Spain with a crew of 16, mainly Spanish and Portuguese nationals.

On 19 January 2008 the Shark suffered a severe accommodation fire while at sea approximately 17 miles to the west of Malin Head.

The fire on board the Shark was extensive. It extended to the galley kitchen, and 3 cabins used by the crew for sleeping, to alleyways in the accommodation section of the boat and the upper parts of the vessel. In 2 of the sleeping cabins the bunks, bedding, furnishings and lockers were totally consumed by fire. The crew were badly affected by smoke.

A major search and rescue operation, involving UK and Irish Coastguard, helicopters, lifeboats and Irish navy, took place.

Fourteen of the crew were evacuated by lifeboat and helicopter from the vessel.

The fire was extinguished by members of the Irish Navy. The Shark eventually made it to Killybegs, Republic of Ireland.

After arrival the vessel was inspected by surveyors from MCA. Several major defects were noted, many of which were noted to have pre-dated the fire and affected the safe operation of the vessel.

An investigation by the Enforcement Unit of MCA was started into the operation of the Shark by its owner and managers.

Penalty: The owner was fined £100,000 plus costs of £35,000, the managers fined £20,000 plus costs of £25,000.

Breaches of the Railways and Transport Safety Act

Defendant: At Exeter Crown Court

Date of Hearing: 19 December 2012

Offence: Charges under the Railway and Transport Safety Act 2003.

Details: Members of a Customs squad boarded the vessel MV Sandettie on 15 December 2012 for a random routine search.

They had suspicions that the captain had been drinking, as they could smell alcohol on his breath. They then contacted the Police and Brixham Coastguard.

The Master claimed to the Police Officer that boarded the vessel that he had not drunk anything since the previous evening, but cooperated and gave a breath test sample which proved positive. This was at 18:38 on the 15th.

He was then arrested and taken to Torbay Police Station and gave an evidential sample of 53 microgrammes in 100 litres of blood, at 20:23 on the 15th.

Penalty: Was sentenced to 70 days in prison, minus 10 days for time already spent in custody. The sentence was suspended for 18 months. He was also given a Prohibited Activity Order that bans him from partaking of alcohol in UK territorial waters and ports.

Walsall canal boat operator pleads guilty to breaches of safety legislation

Defendant: At Walsall Magistrates' Court

Date of Hearing: 19 September 2012

Offence: Breach of a Prohibition Notice against operating without a Passenger Ship Safety Certificate or Domestic Management Certificate.

Details: The UK registered canal boat 'Hatherton Belle' is a 20 metre vessel that had been adapted to carry up to 45 passengers along the Staffs and Worcester Canal from Calf Heath Marina.

The owner, who also operates a bar next to the Marina, used the canal boat to take paying parties on cruises along the canal. It was brought to the attention of MCA that the Hatherton Belle had no Passenger Ship Safety Certificate or Domestic Management Certificate.

The owner was served with a Prohibition Notice and continued to take paying passengers on cruises along the canal.

When interviewed by MCA Enforcement Officers he admitted breaching the Prohibition Notice and not having any formal Boatmaster qualifications to allow him to captain cruises.

Penalty: Was fined £10,000 plus costs of £4,654.33.