



THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

(No. S. 470)

m.t. "IRVANA" O.N. 185291

In the matter of a Formal Investigation held at The Town Hall, Fleetwood, Lancs, on the 17th and 18th days of November, 1964, before John Roland Adams, Esquire, one of Her Majesty's Counsel, assisted by Captain P. Pedersen, Captain H. I. McMichael, O.B.E., and Skipper D. A. Roberts, J.P., Assessors, into the circumstances attending the stranding on or about the 23rd day of March, 1964, of the British motor trawler "Irvana" of Fleetwood, Official No. 185291, in Cushendun Bay, County Antrim, Northern Ireland, as a consequence whereof the said vessel sustained serious damage.

The Court having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds for the reasons stated in the Annex hereto, that the said stranding and consequent damage were caused by the wrongful act or default of Charles Louis Scott, her Skipper, and suspends the Full Certificate of Competency issued to the said Charles Louis Scott at the port of Fleetwood on the 24th day of April, 1962, for a period of 24 calendar months next following the said 23rd day of March, 1964.

Dated this eighteenth day of November, 1964.

J. ROLAND ADAMS, *Judge*.

We concur in the above Report.

P. PEDERSEN
H. I. McMICHAEL } *Assessors.*
D. A. ROBERTS }

ANNEX TO THE REPORT

1. At about 2150 hours on the 23rd March, 1964, the motor trawler "Irvana" of 317 tons gross, 135.7 feet in length, 26.6 feet in beam and drawing about 6 feet 6 inches forward and 14 feet 6 inches aft, grounded in a rock-studded part of Cushendun Bay, County Antrim, and there remained until the 25th April, 1964, when she was refloated and towed to Port Glasgow. After examination on a slipway, the vessel was sold for scrap. It was the business of the Court to ascertain the cause of this casualty.

2. It is not material to the scope of the present investigation to set out full details and particulars

of this vessel. Such matters as are material will be stated in the course of the narrative.

3. Cushendun Bay is a shallow embayment on the east-facing coast of Antrim. It is about 1 mile across from Tornamoney Point to a prominence just to the eastward of the village of Cushendun, and the 10-fathom line is only about 4 cables from the point of deepest embayment. The Admiralty Chart for the North Channel, Northern Part (No. 2199) shows an anchorage about 3 cables from the shore line a little to the southward of the middle point between the two headlands. The Irish Coast Pilot, 10th Edition, 1954, page 216, line 28, describes the Bay in the following terms: "Cushendun Bay is entered between a point about 2½ miles northward of Limerick point and Tornamoney point, about one mile farther northward. A wreck, with a depth of 15 feet over it, lies about 3 cables northward of the southern entrance point, and nearly 2 cables offshore; foul ground extends about 2 cables northward, and southward, respectively, from the wreck. The bay affords temporary anchorage during fine weather, in depths of from 5 to 8 fathoms, about 1½ cables south-eastward of the wreck; here the bay is clear of dangers and shoals gradually to the shore." About 4½ cables to the northward of this anchorage position the chart shows the Bay to be rocky, though none of the rocks appear to be of any considerable height above the water. It was among, and almost certainly upon, some of the rocks of this formation that the "Irvana" stranded on a heading of about south-east, that is to say with her stern towards the rocks just mentioned.

4. The "Irvana" left Fleetwood at about 0930 hours on the 23rd March, 1964, on an intended voyage to the deep sea fishing grounds to the west of Iceland. The weather at such time was not remarkable; the winds were from southerly directions, probably of not more than Force 4; visibility was adequate although it was raining with a fine drizzle for most of the way across the Irish Sea and into the North Channel. At some time which it is not necessary to find with precision, the Skipper, Charles Louis Scott, decided to make for Cushendun Bay with the object, according to him, of coming to an anchor there so as to enable his crew to rig

the gear for fishing in comfort, because he apprehended, as a result of hearing broadcast weather forecasts, that the weather would be too bad to allow this to be done safely and conveniently during the passage. It is immaterial to trace the navigation of the "Irvana" from Fleetwood to the vicinity of Cushendun Bay, nor are the courses set material to the Court's inquiry.

5. Skipper Scott had been into Cushendun Bay and anchored there on four previous occasions: twice when not in command of the vessel in question, and twice when himself in command of a trawler. Upon none of these occasions was the approach to the Bay made during the hours of darkness.

6. This is a part of the coast remarkably devoid of aids to navigation in the form of lighthouses or buoys, and the nearest major lights to Cushendun Bay are indeed upwards of 10 miles away and, in the case of the nearest of them, obscured from the Bay by land.

7. The crux of the present matter lies in the fact that Skipper Scott attempted to find a good anchorage position in this Bay in darkness, relying on nothing but his radar to assist him in finding his way to where he wished to go.

8. The evidence was conflicting and in many respects obscure so far as the approaching manoeuvre is concerned. What, however, is certain and can be established from the evidence of Skipper Scott himself is that he failed to avail himself of a number of navigational aids which were available to him.

9. It appears likely that, having picked up certain shore lights which can be seen from seaward at a number of points round the Bay, Skipper Scott headed his trawler on roughly a westerly course towards what he regarded as the middle of the Bay. He was not furnished with a chart on a scale suitable for precise navigation in an area where there are both a wreck and rocks. This was not due to any failure on the part of his owners to equip him with the necessary charts for the purpose of his intended voyage. It was not part of his owners' intention that he should ever go anywhere near Cushendun Bay. Not only did Skipper Scott have no chart which would guide him usefully in this Bay, but he also wholly neglected to make use of the Irish Coast Pilot, with a copy of which he was furnished, so as to find out what he could about the nature of the area. The "Irvana" was equipped with two echo-sounders, whose description can be seen in the Answer to Question 3(a), as well as with one 14 lb. and one 7 lb. hand lead. No attempt was made to use any of these instruments or pieces of equipment, and when he gave the order for his anchor to be dropped Skipper Scott had no idea of how much water there was under his vessel.

10. It was Skipper Scott's own case that, without reference to a chart or to any sounding device, but relying solely upon his distance from the visible shore-line as revealed by his radar, he attempted to anchor at something under 4 cables, as he interpreted the radar echoes, from the visible shore at Cushendun village. Not only had Skipper Scott no idea of the depth of water where he was, he did not even know the direction and force of the tide. The anchoring was attempted at about 1 hour after high-water at Belfast, at which time the tide would have been setting northward across the Bay with a force of not less than 3 knots. This meant that when lying still

in the water the "Irvana" would be setting bodily to the northward at a rate of more than two of her own lengths per minute. This leaves out of account the wind which was blowing in the same direction as the tide was going with a force of about 4 by the Beaufort Scale. The Court is prepared to accept the evidence of the Skipper that he headed his trawler into the wind before letting go his anchor, although there was some conflict of evidence upon this point. The Skipper's own account of how he achieved this was that he made a turn to starboard of about 24 points, and when he was heading about south, or perhaps a little to the east of south, ordered his anchor to be let go. The anchor went down and about 1½ shackles of cable ran out with it and then stopped. There was no means by which any of those concerned with dropping the anchor could be sure that it was on the bottom, because no steps had been taken to ascertain the depth in which the vessel was. If the Skipper's radar observation of his distance from the shore, i.e. about 4 cables, is in any way reliable, it is almost certain that the anchor must have found the bottom, though whether it took hold is another matter. The order had been to veer the cable to 4 shackles, and those forward who were charged with the duty of letting go the anchor appear to have jumped on the chain for 5 or 6 minutes until something like 4 shackles were out. The extraordinary feature about this phase of the matter is that the Skipper went to his berth without taking any steps to find out whether his anchor was holding.

11. It is impossible, having regard to the conflicts of evidence which there are in the case, to be certain what engine movements were made during the course of this unhappy manoeuvre, and it is equally impossible to be certain of whereabouts it was in the Bay that the anchor was first let go. All that is certain is that the vessel was suddenly found to be striking rock with her after part on the port side, and that when an attempt was made to use the engines ahead the propeller struck rock and struck it so repeatedly that the engines themselves came to a stop.

12. It will serve no useful purpose to catalogue all the omissions and follies of which the Skipper was guilty on this melancholy occasion. Enough has been said to make it abundantly clear that the manoeuvre which caused the "Irvana" to finish up on the rocks was as incompetent and unprofessional as it would be possible to imagine.

13. The Court has been gravely exercised as to what is the proper way to deal with this Skipper, whose certificate was placed in jeopardy from the moment of the first development of the Minister's case. Those who have known Skipper Scott throughout his career spoke well of him and his Owners' Manager expressed amazement at the conduct which brought Skipper Scott to his predicament. At the same time he, with manifest sincerity, expressed the hope which amounted to a belief that Skipper Scott has learned a very bitter lesson and that the attitude of mind in him which led to this deplorable incident can be cured. In these circumstances, although it was incumbent upon the Court to give serious consideration to the possibility of cancelling his certificate, it has reached the conclusion that a suspension over a convincing period will meet the justice of the case. More than in most cases, this revealed a piece of individual incompetence which has led to the virtual loss of a good ship and the expenditure of a good

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deal of public money in and about the investigation of the casualty. It is right, therefore, that the man by whose own fault the public has been put to this expense should be made to bear at least some of the cost, and the Court has ordered in the appropriate form that Skipper Scott do pay to the Treasury Solicitor a sum of £250 on account of the expenses of the investigation.

14. It is difficult to reach a fair appreciation of the state of mind of the Skipper and his crew at or immediately before the time when they left the ship. It may be that Skipper Scott was devoting himself so entirely to seeing to it that his crew got safely ashore in life-rafts that he was less alert than he should have been in the direction of steps to save his vessel. Up to the time when the last of the crew left the wreck she appears not to have been leaking nor to have admitted substantial quantities of water, but not many hours later she was found to be virtually full of water in all her compartments. Whether this could have been prevented with certainty cannot be established, but what is true is that the Skipper took no steps to check the various openings and possible means of ingress of water, and that when the vessel was re-boarded it was found that the fish-room hatch was in such a condition that large quantities of water could find their way into the vessel through it. Clearly it was wrong for the Skipper to give no thought whatever to this aspect of the matter. His excuse for failing to take any steps whatever along these lines was that he had reached the opinion that the ship was about to break up in weather which he believed to be deteriorating.

APPENDIX 1 APPEARANCES

Mr. Barry Sheen (instructed by the Treasury Solicitor) appeared on behalf of the Minister of Transport.

Mr. Jeffreys Collinson (instructed by Messrs. Hill, Dickinson & Company, Solicitors, Liverpool) appeared on behalf of the Owners of the "Irvana", J. Marr & Sons Limited, 228 Dock Street, Fleetwood.

Mr. J. A. Hammond (instructed by Messrs. John Whittle, Robinson and Bailey of Preston) appeared on behalf of the Skipper of the "Irvana", Charles Louis Scott.

APPENDIX 2 WITNESSES

The following witnesses were called:

Mr. George Arthur Thompson—Chief Engineer of the "Irvana".

Mr. Richard Ernest Edwards—Second hand of the "Irvana".

Mr. Dennis Thomas—Bosun of the "Irvana".

Mr. Charles Louis Scott—Skipper of the "Irvana".

Mr. Mark Stanley Hamer—Manager of J. Marr & Son Limited, Owners of the "Irvana".

Mr. Jack Dean Outhwaite—Manager of Fleetwood Trawlers Mutual Insurance Association Limited.

Statements from the following witnesses were also read:

Mr. Arthur Holdsworth—Ship's Rigger, of J. Marr & Son Limited.

Mr. Ernest Cross—Assistant Manager of the Globe Boiler & Ship Repairing Company Limited, Hull.

Mr. Arthur Green—Chargehand Shipwright with the Globe Boiler & Ship Repairing Company Limited, Hull.

Mr. Ralph Matchett—Shipwright with the Globe Boiler & Ship Repairing Company Limited, Hull.

Mr. Edward Fishwick Gibson—Shoregang Labourer, with J. Marr & Son Limited, Hull.

Mr. George Harold Postle—Shoregang Labourer, with J. Marr & Son Limited, Hull.

QUESTIONS AND ANSWERS

Q. 1. (a) By whom was the "Irvana" owned at the time of her stranding?

A. J. Marr & Son Limited, of 228 Dock Street, Fleetwood, Lancs.

Q. (b) Who was her Designated Manager?
Geoffrey Edwards Marr of Dale End, Elloughton, Near Brough, Yorks.

Q. 2. Where, when and by whom was the "Irvana" built?

A. At Grovehill, Beverley, Yorks, in 1952 by Cook Welton and Gemmell Limited.

Q. 3. (a) With what compasses was the "Irvana" fitted?

A. The compasses fitted were one liquid overhead magnetic compass and one POLE liquid magnetic compass.

Q. (b) When were the compasses last adjusted?
A. Both compasses were adjusted on 1st March, 1964, and Deviation Cards were then issued.

Q. (c) Were the compasses in satisfactory working order on the 23rd March, 1964, when the "Irvana" sailed from Fleetwood for the Deep Sea Fishing Grounds at 0930 hours B.S.T.?

A. Yes.

Q. 4. (a) With what other navigational aids was the "Irvana" fitted?

A. *Electronic Navigational Aids:—*
DECCA D606 Radar
"LORAN" APN9 by Redifan
MARCONI "Seavisor" Echo-sounder
MARCONI "Seagraph 11" Echo-sounder
MARCONI "Seapilot/Guardian" D/F

Other Navigational Equipment:—

WALKER "Cherub" Mark III
Log complete
1 14 lb. hand lead
1 7 lb. hand lead
1 40 fathom lead line

Q. (b) Were all such navigational aids in efficient working order during the voyage up to the time of her stranding?

A. Yes.

- Q. 5. Was the "Irvana" in all respects seaworthy when she sailed on the 23rd March, 1964?
- A. Yes.
- Q. 6. Was the "Irvana" supplied with adequate charts and publications for this voyage?
- A. Yes.
- Q. 7. (a) How many crew did the "Irvana" carry on this voyage?
- A. 17.
- Q. (b) Who was in command?
- A. Charles Louis Scott.
- Q. 8. (a) For what reason did the "Irvana" enter Cushendun Bay, County Antrim?
- A. The ostensible reason was to give the hands an opportunity to rig the fishing gear in comfort while the vessel lay at anchor: the Court is unable to be certain whether there was any other motive.
- Q. (b) Who was navigating the vessel at that time?
- A. Charles Louis Scott.
- Q. 9. (a) Where and when did the "Irvana" strand?
- A. Latitude 55° 8' 12" North.
Longitude 06° 01' 54" West.
This position is at the northern end of Cushendun Bay.
At approximately 2150 hours on the 23rd March, 1964.
- Q. (b) What was the heading of the vessel at stranding?
- A. About south-east.
- Q. (c) What was the state of the weather, wind, sea, tide and visibility at the time of stranding?
- A. Weather—drizzle; wind—about southerly, Force 4; sea—choppy; tide—ebb,

setting to the northward withal of about 3 knots force (the Court does not discount the possibility that there may be eddies in the Bay as close to the shore as the "Irvana" was brought); visibility—good, in so far as the observation of any material objects is concerned.

- Q. 10. After the stranding were all proper steps taken by the Skipper for the preservation of his vessel and crew?
- A. As to the crew, yes. As to the vessel the Skipper appears to have thought that the vessel would break up soon after he left her and in this belief he neither took nor ordered any steps to secure any of the openings in the vessel.
- Q. 11. How and when were the crew rescued?
- A. By inflatable liferafts between the time of stranding and the next daylight.
- Q. 12. What was the cause of the stranding of the "Irvana"?
- A. The negligent attempt of her Skipper to bring her to anchor in Cushendun Bay in darkness without taking the necessary steps to ascertain his position or the strength of the natural forces affecting the navigation of the vessel.
- Q. 13. Was the stranding of the "Irvana" caused or contributed to by the wrongful act or default of:—
- (a) Skipper C. L. Scott?
- A. Yes.
- Q. (b) Any other person and, if so, whom?
- A. No.

J. ROLAND ADAMS, *Judge*.

P. PEDERSEN }
H. I. McMICHAEL } *Assessors*.
D. A. ROBERTS }

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