



# THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

(No. S.457)

m.t. "Winmarleigh", O.N. 301844

In the matter of a Formal Investigation held at the Town Hall, Fleetwood, on the 13th and 14th days of July, 1961, before J. V. Naisby, Esquire, Q.C., assisted by Captain H. A. Shaw, O.B.E., Captain W. R. Woodriffe and Mr. G. H. Nicholson, M.I.M.E., into the circumstances attending the stranding of the motor trawler "Winmarleigh", off Maughold Head in the Isle of Man, on the 3rd January, 1961.

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 was due to the fault or default of the mate, James William Ball, and was contributed to by the fault or default of the skipper, Charles Thomas Robinson, and suspends the certificate of competency as skipper, held by the mate, James William Ball, for twelve months from the 3rd January, 1961.

Dated this 15th day of July, 1961.

J. V. NAISBY, *Judge.*

We concur in the above Report.

H. A. SHAW  
W. R. WOODRIFFE } *Assessors*  
G. H. NICHOLSON }

### ANNEX TO THE REPORT

The "Winmarleigh" is a steel single screw motor trawler of 309.88 tons gross, 115.5 feet in length and 25.15 feet in beam fitted with an internal combustion engine.

The "Winmarleigh" was equipped with echo-sounding apparatus, patent log, radar and a Decca Navigator. The echo-sounding apparatus and patent log were not used but the fact that they were not used has no bearing on this casualty. The Decca Navigator was out of order but the radar was in use.

The "Winmarleigh" left Fleetwood about 1300 hours on the 3rd January, 1961 passing Lune Buoy about 1345, in the course of a fishing voyage to the deep sea fishing grounds. At Lune Buoy a course of N.W. magnetic, nothing to the Northward was set and the vessel proceeded at her full speed which seems to have been about 10½ knots.

The course at Lune Buoy was set by the skipper and the watch thereafter up to the time of the stranding consisted of the mate and two deck hands. Somewhere about 1530 the skipper, who had been on and off the bridge, retired to his cabin, which was on the same level as the bridge and just abaft it, having left orders to be called. The orders he gave as to the time when he was to be called are referred to hereafter.

About 1630 the skipper called out from his cabin and asked the mate about the ship's position. The mate replied that he had picked up Maughold Head at a distance obtained from the radar of 15 miles. Either at this time or within the next twenty minutes the light of Maughold Head Lighthouse was seen.

About 1730 the helmsman was relieved. The new helmsman was a lad of 17 years of age who had been at sea for about a year and a half. It was his first trip in the vessel and when he had been at the wheel earlier in the watch his steering had been somewhat erratic as he seems to have been slow to get the feel of her. This had been noticed by both the skipper and the mate and the former had given the latter orders to pay particular attention to the helmsman's steering. Some time after the new helmsman took over the mate altered course to N.W. by N., nothing to the Northward and the helmsman who had been relieved went down to call out the next watch.

The time at which this change of course was made was uncertain but the "Winmarleigh" must then have been something less than five miles from Maughold Head. At some time thereafter, but in the opinion of the Court not long after, the mate went down to his berth to get some Beecham's powders for the helmsman who had complained of feeling unwell but had stated that he was able to carry on till the end of the watch at 1830. The mate had not returned to the bridge before the vessel stranded about 1800 hours.

The mate stated that he had obtained a bearing on the radar of Maughold Head of about 2 points on the port bow when it was 15 miles distant and that when he altered the course the new course would have taken the vessel into a position with the light abeam to port at a distance of two miles after the "Winmarleigh" had travelled two miles on her new

course. The light was then said to be bearing 4 points on the port bow. The Court is unable to accept either of these bearings as accurate. The mate also said he could see on the radar the land of the Isle of Man and the Cumberland Coast and could see visually lights at Ramsey.

What happened after the mate left the bridge is uncertain, the helmsman stated that he was getting anxious about the proximity of the light, called out for the mate twice and pulled her out a bit and just as he was calling for the skipper the vessel bumped.

The skipper was promptly on the bridge, put the wheel hard to starboard and fortunately the vessel came round to an Easterly heading without finally bringing up. After examination and taking soundings the skipper reported to his managers by radio telephone and was ordered to return to Fleetwood. On the 4th January the vessel was placed on the slipway and fortunately the damage did not prove to be very serious.

The Standing Orders for the vessel provide that a deck log should be kept. No log was kept on board the "Winmarleigh" and the evidence indicated that the same was true on many other trawlers. The evidence of the skipper suggested that the reluctance of skippers to keep logs was based largely upon their desire to conceal from possible rivals the area in which they had made a successful catch. In the opinion of the Court, however, a deck log should certainly be kept, at any rate on the outward and homeward passage to and from the fishing grounds, recording at least the courses steered, the times of passing navigational marks and the distances off.

The orders given by the skipper as to when he was to be called were vague. He himself stated that he said he was to be called "as they were drawing across". In the opinion of the Court the orders should have been much more precise and he should have stated that he was to be called either at a time which, or when the vessel was in a position which, would have enabled him to get on to the bridge, look round and appreciate the position of the vessel before it could be necessary to make any alteration of course. Had the skipper been more precise in his instructions and had they been obeyed it is extremely unlikely that this casualty would ever have taken place. The Court finds that this lack of precision did contribute to the stranding and was a fault on the part of the skipper but does not consider that it was serious enough to warrant any penalty.

When the mate altered course on his own initiative, in the opinion of the Court the time had already passed when he should have called the skipper. The exact position of the vessel when this alteration was made, there was not enough reliable evidence to show. The Court does not accept that there was any immediate necessity for the mate to go below at all; but if he had to do so he ought certainly to have called the skipper, who was readily available. His action in leaving the bridge with only the young helmsman referred to above on the bridge, was contrary to the vessel's Standing Orders and to the general practice of seamen and the general practice on this trawler. In the opinion of the Court such action was inexcusable and was the main cause of the casualty and constituted a grave, wrongful act or default on his part. The Court suspends the certificate of Mr. James William Ball for twelve months from the 3rd January, 1961,

## QUESTIONS AND ANSWERS

The Court's answers to the questions submitted by the Minister of Transport are as follows:—

- Q. 1. By whom was the "Winmarleigh" owned at the time of her stranding and who was the designated manager?
- A. Fleetwood Near Water Trawlers Limited. Mr. Basil Arthur Parkes of Hessle.
- Q. 2. When, where and by whom was the "Winmarleigh" built?
- A. 1959, Portsmouth. Vosper Limited.
- Q. 3. Did the "Winmarleigh" leave Fleetwood for deep sea fishing grounds on the 3rd January, 1961?
- A. Yes.
- Q. 4. Was the "Winmarleigh" under the command of Skipper Charles Thomas Robinson and did she carry a crew of 14 hands all told?
- A. Yes to both questions.
- Q. 5. (a) With what compasses was the "Winmarleigh" fitted?
- A. One Deep House 9 inch overhead liquid magnetic compass in the roof of the wheelhouse and a similar compass in the skipper's cabin.
- Q. 5. (b) When were the compasses last adjusted and were they satisfactory during the voyage up to the time of her stranding?
- A. 27th March, 1960. Yes.
- Q. 6. (a) Was the "Winmarleigh" fitted with echo-sounding apparatus, logs, leads, lead lines, radio transmitter, radio receiver and radar?
- A. Yes.
- Q. 6. (b) Were these navigational aids in efficient working order during the voyage up to the time of her stranding?
- A. Yes.
- Q. 7. Was the "Winmarleigh" fitted with Decca Navigator and was this in efficient working order?
- A. Decca Navigator was fitted but was not in order.
- Q. 8. (a) With what type of steering gear was the "Winmarleigh" fitted?
- A. Donkin's power operated steering gear with provision for hand operation.
- Q. 8. (b) Did the steering gear work satisfactorily during the voyage up to the time of her stranding?
- A. Yes.
- Q. 9. Was the "Winmarleigh" supplied with adequate charts and publications for the voyage in question?
- A. Yes.

- Q. 10. Was the "Winmarleigh" worthy at the start of her voyage to Fleetwood?
- A. Yes.
- Q. 11. (a) At what time was she in the vicinity of the Lune Buoy?
- A. About 1345 hours.
- Q. 11. (b) What was the vessel's speed from Lune Buoy?
- A. N.W. magnetic, noth. Full speed about 10 1/2 knots.
- Q. 12. (a) Were any subsequent courses made?
- (b) At what times were these courses made?
- (c) What were the positions of the vessel at those times?
- A. See Annex to the Report.
- Q. 13. Did the "Winmarleigh" pass the Maughold Light?
- A. Yes.
- Q. 14. (a) What was the time of her stranding?
- A. About 1800 hours on 3rd January, 1961.
- Q. 14. (b) What was the state of the sky, visibility and wind at the time of her stranding?
- A. (i) Fine and clear with light breeze about W.N.W. Force 1-2.  
(ii) About low water with a little set to the S.
- Q. 14. (c) What was the position of the "Winmarleigh" at the time of her stranding?
- A. See Annex to the Report.
- Q. 15. During the period of her stranding (a) Were any attempts made to save the position of the vessel?

- Q. 10. Was the "Winmarleigh" in all respects seaworthy at the start of her voyage from Fleetwood?
- A. Yes.
- Q. 11. (a) At what time was course set in the vicinity of the Lune Buoy?
- A. About 1345 hours.
- Q. 11. (b) What was the vessel's course and speed from Lune Buoy?
- A. N.W. magnetic, nothing to the Northward. Full speed about  $10\frac{3}{4}$  knots.
- Q. 12. (a) Were any subsequent alterations in course made?
- (b) At what times were such alterations made?
- (c) What were the probable positions of the vessel at those times?
- A. See Annex to the Report.
- Q. 13. Did the "Winmarleigh" strand in the vicinity of Maughold Light?
- A. Yes.
- Q. 14. (a) What was the time of the stranding?
- A. About 1800 hours on the 3rd January, 1961.
- Q. 14. (b) What was the state of (i) the weather, visibility and wind and (ii) the tide at the time of the stranding?
- A. (i) Fine and clear with good visibility. Wind about W.N.W. Force 1.  
(ii) About low water slack, probably with a little set to the Southward.
- Q. 14. (c) What was the course and speed of the "Winmarleigh" at the time of stranding?
- A. See Annex to the Report.
- Q. 15. During the period before the stranding:
- (a) Were any attempts made to fix the position of the "Winmarleigh"?

- A. Yes. See Annex to the Report.
- Q. 15. (b) Were any land or lights sighted?
- A. Yes. See Annex to the Report.
- Q. 15. (c) Was proper use made of the radar on the "Winmarleigh"?
- A. No.
- Q. 15. (d) Was a proper visual look-out being kept on board?
- A. No.
- Q. 16. After the stranding were all proper steps taken by the skipper for the preservation of his ship and crew?
- A. Yes.
- Q. 17. Who was in charge of the watch on board the "Winmarleigh" from the time of passing the Lune Buoy to the time of stranding?
- A. The mate, James William Ball.
- Q. 18. What was the cause of the stranding of the "Winmarleigh"?
- A. See Annex to the Report.
- Q. 19. Was the stranding of the "Winmarleigh" caused by or contributed to by the wrongful act or default of the skipper, Charles Thomas Robinson?
- A. Yes.
- Q. 20. Was the stranding of the "Winmarleigh" caused by or contributed to by the wrongful act or default of the mate, James William Ball?
- A. Yes.

J. V. NAISBY, *Judge*

H. A. SHAW  
W. R. WOODRIFFE } *Assessors*  
G. H. NICHOLSON }