



THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

(No. S443)

m.t. "Wyre Majestic" O.N. 187853

In the matter of a Formal Investigation held at Fleetwood Town Hall on the 22nd and 23rd days of May before J. B. Hewson, Esquire, Q.C., assisted by Captain P. S. Robinson, Commander D. V. Sutton, R.D., R.N.R. and W. Walker, Esquire, into the circumstances attending the stranding of the motor trawler "Wyre Majestic".

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 stranding of the "Wyre Majestic" was caused by the fault or default of her mate, Norman Southern, in that he failed to exercise seamanlike care in approaching the land, and was negligent in carrying out his watchkeeping duties, and suspends his certificate for eighteen months from today.

Dated this 24th day of May, 1958.

J. B. HEWSON, *Judge.*

We concur in the above Report

D. V. SUTTON

PHINEAS S. ROBINSON

WILLIAM WALKER

} *Assessors.*

QUESTIONS AND ANSWERS

- Q. 1. By whom was the "Wyre Majestic" owned at the time of her stranding and who was the designated manager?
- A. Owners—Wyre Trawlers Limited, of Fleetwood.
Designated manager—Mr. Leslie Wheildon, 18, Princes Way, Fleetwood.
- Q. 2. When, where and by whom was the "Wyre Majestic" built?
- A. Built in 1956, at Selby, Yorkshire, by Cochrane & Sons, Limited.
- Q. 3. Did the "Wyre Majestic" leave Fleetwood for home water deep sea fishing grounds on the 19th February, 1958?
- A. Yes.
- Q. 4. Was the "Wyre Majestic" under the command of Skipper John Kelly and did she carry a crew of 15 hands all told?
- A. Yes.

- Q. 5. (a) With what compasses was the "Wyre Majestic" fitted?
- A. Two magnetic compasses viz: 1 standard (pole) fitted forward of the bridge, and 1 steering (overhead) fitted in the wheelhouse.
- Q. (b) When were the compasses last adjusted and were they satisfactory during the voyage up to the time of her stranding?
- A. Last adjusted 6th August, 1957. They were satisfactory during the voyage up to the time of stranding.
- Q. 6. (a) Was the "Wyre Majestic" fitted with echo-sounding apparatus, leads, lead lines, direction finding equipment, radio transmitter, radio receiver and radar?
- A. Yes.
- Q. (b) Were these navigational aids in efficient working order during the voyage previous to her stranding?
- A. Yes.
- Q. 7. (a) With what type of steering gear was the "Wyre Majestic" fitted?
- A. Donkins electric hydraulic and hand hydraulic steering gear. Also with emergency hand steering gear.
- Q. (b) Did the steering gear work satisfactorily during the voyage up to the time of her stranding?
- A. Yes.
- Q. 8. Was the "Wyre Majestic" supplied with adequate charts and publications for the voyage in question?
- A. Yes.
- Q. 9. Was the "Wyre Majestic" supplied with adequate life-saving appliances and were they well maintained?
- A. Yes.
- Q. 10. Was the "Wyre Majestic" in all respects seaworthy at the commencement of her voyage from Fleetwood?
- A. Yes.

- Q. 11. At what time and in what position was an alteration of course made off the Point of Ayre?
- A. About 6.20 p.m. on the 19th February, 1958, with Point of Ayre about abeam to port, bearing about S.W. (magnetic), distant about $\frac{1}{4}$ mile.
- Q. 12. What was the vessel's course and speed from the Point of Ayre?
- A. N.W. $\frac{1}{2}$ W. (magnetic).
Speed through the water about 11 knots.
- Q. 13. (a) Were any subsequent alterations of course made?
- A. Yes.
- Q. (b) At what time were such alterations made?
- A. About 7.10 p.m. alteration to N.W. by W. (magnetic).
- Q. (c) What were the probable positions of the vessel at those times?
- A. Point of Ayre bearing 127 degrees (true), distant $6\frac{1}{2}$ miles.
- Q. 14. Did the "Wyre Majestic" strand in the vicinity of Mull of Galloway Light?
- A. Yes.
- Q. 15. (a) What was the time of the stranding?
- A. About 9 p.m. on the 19th February, 1958.
- Q. (b) What was the state of (i) the weather and visibility and (ii) the tide at the time of the stranding?
- A. (i) Fine. Good visibility.
(ii) About half flood.
- Q. (c) What was the course and speed of the "Wyre Majestic" at the time of the stranding?
- A. N.W. by W. (magnetic). About 11 knots through the water.
- Q. 16. During the period shortly before and up to the time of the stranding
- (a) were any attempts made to fix the position of the "Wyre Majestic"?
- A. No.
- Q. (b) Were any land or lights sighted?
- A. Yes.
- Q. (c) Was any use made of the radar, direction finder and echo-sounder of the "Wyre Majestic"?
- A. No.
- Q. 17. After the stranding were all proper steps taken by the skipper for the preservation of his ship and crew?
- A. Yes.
- Q. 18. (a) Who was in charge of the bridge of the "Wyre Majestic" at the time of the stranding?
- A. The mate, Norman Southern.
- Q. (b) Was that officer under the influence of drink to such an extent as to be incapable of exercising his duties properly at that time?
- A. No.
- Q. (c) If so, did this contribute to the stranding and its consequences?

A. No.

Q. 19. What was the cause of the stranding of the "Wyre Majestic"?

A. The mate of the "Wyre Majestic" failed to exercise seamanlike care in approaching the land, and was negligent in carrying out his watchkeeping duties.

Q. 20. Was the stranding of the "Wyre Majestic" caused or contributed to by the wrongful act or default of the mate?

A. Yes.

Q. 21. Was the stranding of the "Wyre Majestic" caused or contributed to by the wrongful act or default of the skipper or any other person or persons?

A. No.

ANNEX TO THE REPORT

This Inquiry was held at the Town Hall, Fleetwood, on the 22nd and 23rd May, 1958.

Mr. R. F. Stone appeared for the Minister of Transport and Civil Aviation, instructed by the Treasury Solicitor.

Mr. Jeffreys Collinson, instructed by Messrs. Hill, Dickinson and Company, Liverpool, appeared for the owners and the designated manager.

Mr. Richard Blackburn of Messrs. Blackburn and Company, Fleetwood, appeared for the skipper.

Mr. N. W. M. Sellers, instructed by Messrs. Weightman, Pedder and Company, Liverpool, appeared for the mate.

The "Wyre Majestic" was a steel, single screw motor trawler, built in 1956 by Cochrane and Sons Limited, at Selby, Yorkshire. She was 337.86 tons gross, about 132.5 feet in length, 27.15 feet in beam and 12.25 feet in depth. She was propelled by a 4 stroke single acting internal combustion engine. Her navigational aids included one standard compass (pole) fitted forward of the bridge and one steering compass, overhead, fitted in the wheelhouse, both of which were last adjusted on the 6th August, 1957, and were at all material times in satisfactory condition. For all practical purposes both compasses had no deviation on north-westerly courses. Her electronic navigational aids were as follows: Marconi Seapilot/Guardian W.T./D.F., Marconi MARK IV Radar, Loran Redifon A.P.N.9., Kelvin Hughes MS24A echo-sounder, Kelvin Hughes MS29F echo-sounder (with expander unit for fish detection), all of which were serviced and working satisfactorily in February, 1958.

Her patent log was not in working order at the material time, but nothing turns on this in this case. Nevertheless, the Court wishes to emphasise that an efficient patent log should at all times be available for use on board all sea-going vessels.

The "Wyre Majestic" was properly supplied with adequate charts and publications for the voyage in question and with adequate life-saving appliances all of which were well maintained.

The "Wyre Majestic" sailed from Fleetwood at about 1 p.m. on the 19th February, 1958, for home water deep sea fishing grounds, manned by a crew of 15 hands all told. About 6.20 p.m. she was about $\frac{1}{4}$ mile to the northward and eastward of the Point of Ayre, Isle of Man, and in accordance with the skipper's orders a course of N.W. $\frac{1}{2}$ W magnetic was

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set towards Crammag Head off which the skipper intended to alter course to N.N.W. magnetic. No allowance was made for the set of the tide which at all material times was flood, flowing in an easterly direction. The tides were about the top of Springs and according to the tidal information on Admiralty Chart No. 45, which was on board the trawler, could be expected to increase in force from about 2.3 knots to about 4.5 knots during the course of the passage to Crammag Head. In the skipper's opinion the force of the tide would be considerably less than that shown on the Admiralty Chart and he stated that on many previous occasions he had steered the same course in similar conditions and always come clear.

The visibility was very good and though the Court is of the opinion that such a course might have taken the "Wyre Majestic" close in towards the Mull of Galloway in the prevailing tidal conditions it was not such that should have been attended by any appreciable risk provided a good look-out was kept and the ship hauled out if necessary. The Mull of Galloway Light has a visibility of 25 miles and in the weather conditions prevailing it should have given ample warning to an efficient watch-keeping officer of any approach to danger when nearing the Galloway Peninsula.

About 6.30 p.m. the bosun and his watch were relieved by the mate, Norman Southern, and his watch, which consisted of deckhands Paul Chilvers and George Henry Andrews. Upon turning over, the bosun informed the mate that the skipper wished to be called at Crammag Head. At this time the Mull of Galloway Light was not in sight, but shortly afterwards was picked up about two points on the starboard bow. At 7.10 p.m. the mate altered course to N.W. by W. (magnetic) to counteract the anticipated eastward set of the Spring tides, but thereafter failed to take any steps to check the ship's position. The bearing of the Mull of Galloway Light was observed from time to time and apparently showed no appreciable change until a very late stage. It should have become apparent to the mate that the allowance he had made for tidal set was not sufficient, and in the view of the Court he should have hauled out further to the westward. At a very late stage the bearing of the Light was observed by him to be about 5 points on the starboard bow. Shortly afterwards it broadened until it was abeam to starboard,

and within a matter of minutes, about 9 p.m., the ship grounded about one mile to the westward of the Light.

In the opinion of the Court the mate was not only over-confident in holding the course he did, but he failed to take the ordinary precautions expected of a competent seaman in approaching a dangerous coast. This utter disregard of the dictates of good seamanship caused the stranding.

While the Court appreciates that trawlers are inclined to hug the coast much more than larger ships, this practice born of familiarity calls for the utmost vigilance and the fullest use of the navigational aids provided. On this occasion such vigilance was not shown and no use was made of the aids by the mate.

About 8.50 p.m. the skipper who had been in his bunk since shortly after 6.30 p.m., went to the lavatory. Though about this time he should have expected to be approaching Crammag Head, he did not go to the navigating bridge immediately after attending to his needs, but went to the galley for tea. Thereafter about 9 p.m. he went to the bridge, just as the "Wyre Majestic" struck the rocks at full speed. Very shortly afterwards the skipper observed the trawler's head to be about N.N.W. (magnetic), but this change in heading was in all probability caused by the ship first striking the rocks with her port bow.

Fortunately the vessel was refloated within an hour or two of stranding, and was able to return to Fleetwood for repairs.

There was evidence before the Court that various members of the crew joined the "Wyre Majestic" with intoxicants, and that a certain amount of drinking went on on board after sailing. There is not sufficient evidence to show that the mate, Norman Southern, who had steered the vessel down the Fairway under the skipper's orders, when he was apparently sober, consumed any liquor after about 2 p.m. on the day of the sailing at which time he had one drink of rum before turning in. He turned in about 2.30 p.m. and was called about 6 p.m. After eating a light meal he took over his watch at 6.30 p.m.

In the light of the foregoing the Court is not prepared to find that the mate was under the influence of drink to such an extent as to be incapable of exercising his duties properly whilst on watch between 6.30 p.m. and 9 p.m.