

# Enforcement authorities tenaciously chase perpetrators

Regular columnist Simon Tatham provides examples of how vessel owners and seafarers are prosecuted by maritime administrations following avoidable accidents

Maritime administrations continue to pursue the prosecution of both seafarers and owners following accidents and incidents. In the UK, a good number of these relate to the leisure sector, from over-enthusiastic partygoers setting off fire extinguishers on a passenger boat, to raiders of shipwrecks and the incompetent speedboat owner who runs aground on a rock at speed.

The fishing sector also accounts for many prosecutions which range from health and safety to violating fishing restrictions.

Looking at the commercial sector, the UK's Maritime & Coastguard Agency (MCA) enforcement unit does not hesitate to go after perpetrators and there can be close co-operation between agencies.

One of the larger container operators spilt heavy fuel oil overboard in the Mediterranean Sea. It was reported to the Greek authorities and the vessel was inspected in Rotterdam. This information was passed on to the UK as the flag state where prosecution followed. The ship's staff had not followed the vessel's safety management system and over-pressurised a tank, forcing oil out through an air pipe.

A Russian master was fined £25,000 (US\$31,700) including costs for "significant" non-compliance with the ISM Code following inspection on board, and a catalogue of navigation and safety deficiencies. Aligned to this, however, will be a far more costly detention of the ship with accumulating harbour dues and agents' fees.

Owners should remember a failure to promptly report a violation can lead to a greater fine. Conversely, a guilty plea, co-operation with the authorities and previous good character will be mitigating factors duly to be considered.

In another case that led to a salvage operation where we acted for one of the parties, 10 years ago, the master was on



**Simon Tatham (Tatham & Co):**

"A failure to promptly report a violation can lead to a greater fine" (source: Tatham & Co)

watch until around midnight when he handed over to the chief officer, who had contracted an eye infection after handling a previous dusty cargo.

After coming on watch, the chief officer's eyes became increasingly irritable, so he sat on a settee, put his head back, and administered some prescription eye drops. He then inadvertently fell asleep. He was woken up 90 minutes later by the noise of the ship grounding in the early hours with no lookout on the bridge.

The German owners were fined £60,000 (US\$76,100) plus costs for breach of IMO collision regulations. It would have been higher if environmental damage had followed.

None of these are eye-watering fines, but where the death of a seaman results, a substantial fine will follow.

A tug operator was fined £2.0M (US\$2.5M) with significant costs when the vessel's chief engineer, in casting off in very rough conditions having released mooring lines ashore, attempted to return to the tug, stepping down from the jetty on to a fender.

The tug was free from the jetty and rolling in the swell of the river. Expected to stand on top of a narrow, wet fender with unprotected drops either side, he fell into the river.

The MCA commented that the case highlighted the consequences of complacency, of failure to adequately assess risks which can be prevalent in everyday tasks, and of failure to undertake safety drills to ensure crews are competent in the use of life-saving equipment. As with most incidents of this nature, it was an avoidable tragedy.

A fish farm operator was fined £860,000 (US\$1.1M) plus costs in 2023 when a worker was crushed between a workboat and barge as he stepped onto the barge's access ladder.

Doubtless there are many near escapes that remain unreported, and that last incident reminds me of an occasion when I boarded an anchored Greek tanker in the Far East to take statements.

The weather blew up somewhat and that night the engines were run with helm over to create a lee on the port side. The arriving tug crew chucked down mattresses onto the foredeck and I pitched off the pilot ladder landing safely, my briefcase being handed down precariously on a rope. However, the next day the ship's master decided he needed to go ashore to the agents to sign a Note of Protest. He attempted the same gymnastics and was less fortunate, landing up in hospital with a broken leg. ■

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