

No. 7909

## S.S. "BANDAR SHAHPOUR"

## THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

In the matter of a Formal Investigation held in the Magistrates' Room, Liverpool City Police Court, Dale Street, Liverpool, on the 8th, 9th and 12th days of December, 1936, before Stuart Deacon, Esquire, Stipendiary Magistrate, assisted by Captain A. L. Gordon and Captain T. W. Hanney, into the circumstances attending the stranding of the British steamship "Bandar Shahpour" on the South West Rock off the Smalls Lighthouse in the St. George's Channel on the 25th day of September, 1936.

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 s.s. "Bandar Shahpour," whereby serious damage was caused to the vessel, was caused both by the wrongful act and default of Sidney Robert Edwards, the master of the vessel. The Court has come to this finding more particularly for the following reasons (*inter alia*); (a) that the master set from the Longships Lighthouse too fine a course for passing the Smalls Lighthouse having regard to the prevailing weather conditions; (b) that the master, having regard to the existing circumstances and the condition of the weather, maintained too fast a speed without any reduction therein after leaving the Longships Lighthouse, and this was more particularly the case when the vessel was in the vicinity of the Smalls Lighthouse in dense fog at and after 11.25 a.m. when a reduction of the speed ought most certainly to have been made; and (c) that, after leaving the Longships Lighthouse, the master did not make any use at all of the lead, and further did not obtain any wireless bearings to check his position.

The Court, finding the master, Sidney Robert Edwards, guilty of wrongful act and default as before mentioned, suspends his Certificate for a period of 12 months from this date, the 12th December, 1936.

Dated the 12th day of December, 1936.

STUART DEACON,  
Judge.

We concur in the above Report.

A. L. GORDON, }  
T. W. HANNEY, } Assessors.

*Addendum.*

On the application of Mr. Rigby on behalf of the master, the Court agreed to recommend to the Board of Trade that the master be granted a first mate's certificate during the period of suspension.

STUART DEACON,  
Judge.

We concur.

A. L. GORDON, }  
T. W. HANNEY, } Assessors.

*Annex to the Report.*

This Inquiry was held in the Magistrates' Room at the Police Courts, Dale Street, Liverpool, on the 8th, 9th and 12th days of December, 1936, before the Stipendiary Magistrate, Mr. Stuart Deacon, assisted by Captain A. L. Gordon and Captain T. W. Hanney, into the circumstances attending the stranding of the British steamship "Bandar Shahpour," on the South West Rock off the Smalls Lighthouse in the St. George's Channel on the 25th day of September, 1936.

Mr. H. A. Thew, of Messrs. Avison & Co., Solicitors, Liverpool, appeared on behalf of the Board of Trade, Mr. W. Rigby, of Messrs. Bateson & Co., Solicitors, Liverpool, appeared on behalf of the master, Captain Sidney Robert Edwards, and also watched the proceedings for the owners, the Strick Line (1923), Limited, and Mr. L. S. Holmes, of Messrs. Miller, Taylor and Holmes, Solicitors, Liverpool, watched the proceedings on behalf of the 3rd officer, Mr. Hubert Stanley Rowntree.

The s.s. "Bandar Shahpour," official number 149,811, was built in 1927 by Messrs. William Gray & Co., Ltd., at West Hartlepool, for the Strick Line (1923) Limited, whose principal place of business is 117-121, Leadenhall Street, London, E.C.3. Her gross tonnage is 5235.51 and her registered tonnage 3,267.56; length 400'; beam 53' 5"; depth 27' 3". She was fitted with one set of inverted direct acting triple expansion engines. She had three multitubular steel boilers with a loaded pressure of 180 pounds, nominal H.P. 590, and indicated H.P. 3,058, giving a speed of 11.6 knots.

She carried, at the time of the casualty, a crew of 50, including the master, of whom 11 were Europeans and 39 lascars. She carried no passengers. She carried two compasses, one Standard compass placed on top of the wheelhouse and one steering compass in the wheelhouse. These were last professionally adjusted by Messrs. B. Cooke & Son, Ltd., of 1, Market Place, Hull, on the 11th day of July, 1933. She had no echo sounding machine on board but she was equipped with a patent sounding machine and hand leads and lines. She had the necessary Admiralty charts and publications for the voyage.

The s.s. "Bandar Shahpour" was on a voyage from Basra to Glasgow via Plymouth and Liverpool. The vessel left Plymouth at 6 p.m., 24th September, 1936, loaded with a general cargo of 5,798 tons, consisting principally of wheat, barley, beans and dates; her draft was 19.4 forward and 22.6 aft and her full speed for the passage was set for 9½ knots, two boilers only being used.

The vessel passed the Longships Lighthouse at 2.20 a.m. on 25th September, 1936, at a distance of 2¼ miles. This distance was obtained by a cross bearing (stated by the master to have been taken by the 2nd officer) with the Wolf Rock Light and the Longships Light, the light of the Runnelstone Buoy being then obscured by rain. The vessel was then put, by the 2nd officer, on a course north 2 degrees east true to pass a distance of 2 miles off the Smalls Lighthouse.

The Court has no direct evidence that this course was so set, except from the entry in the mate's Log at 2.20 a.m., and the statement to the Court of the master that he had previously given instructions to the 2nd officer that this should be done. These instructions were stated by the master to have been so given by him before he himself left the bridge at about 1.30 a.m., and went below.

The weather at 2.20 a.m. was fine but the visibility was only moderately good.

At 5 a.m. the vessel ran into patches of fog and the master was consequently called by the chief officer and he remained on the bridge for half an hour, when the fog cleared for the time being and the master again left the bridge. The master again went on the bridge at about 9 a.m. and thereafter remained there until the ship struck the South West Rock at 11.55 a.m. During this latter period the vessel was passing through frequent patches of fog

with moderately clear intervals in between. Towards 11.30 a.m., however, the weather gradually thickened until it finally, at or about 11.30 a.m., became dense fog. At no time after leaving the Longships Light was the speed of the ship reduced nor were any soundings taken or wireless bearings obtained. During the forenoon the sun was seen temporarily and an azimuth was obtained by the 3rd officer and the course checked. At 11.29 a.m. the master and 3rd officer heard the Smalls fog signal apparently right ahead of the vessel, the sound being very faint, and the course was altered to north 8 degrees west true. After an interval of 7½ minutes, that is to say at 11.36½ a.m., the fog signal was again heard, this time on the starboard bow, when the course was again altered another ten degrees to the westward, making north 18 degrees west true. Judging by the sound, the master states that he then estimated that his vessel was four to five miles distant from the Smalls Lighthouse. After the further period of 7½ minutes, the expected fog signal at 11.44 a.m. was not heard by those on board the vessel and the master came to the conclusion that he was further from the Smalls Lighthouse than he had first estimated. The master, however, at this time again altered his course to north 26 degrees west true. At 11.51½ a.m. the fog signal was again heard broad on starboard bow and the course was again altered to north 36 degrees west true. The fact that the fog was dense all this time is confirmed by certified copies of the entries made in the Journal of the Smalls Lighthouse for that period.

Neither during the period from 11.29 a.m. onwards up to the time of the casualty nor at any time previously during the morning did the master make any reduction in the speed of his vessel, and he gave as his reason for so acting that he thought that the fog was only in patches which might clear at any moment.

At 11.55 a.m. the vessel struck the South West Rock, which is 3 cables south westward off the Smalls Lighthouse. The vessel struck the rocks a glancing blow with the starboard side and sheered off. She was found to be making water rapidly but was able to proceed under her own steam without assistance, to be finally beached in Dale Roads (Milford Haven) at about 3.19 p.m. on the same day.

The cargo was subsequently discharged during the days that followed and the vessel sustained further damage owing to the swelling of the cargo of beans.

The vessel was afterwards taken to Swansea, where temporary repairs were done, and she then proceeded to Liverpool and was placed in dry dock in Birkenhead, where full repairs were to be carried out at an estimated cost of over £20,000. The Court considers that it was reprehensible on the part of the master to leave the bridge at about 1.30 a.m. on 25th September and to remain below at 2.20 a.m. and thus not to have satisfied himself personally that the ship had passed the correct distance off the Longships Light and had been correctly steadied on her next course, north 2 degrees east true. As regards his omission to take any soundings at any time during the morning, the master stated in his evidence that he did not do so because he could not always get an accurate reading. The Court cannot accept this explanation because the master had his deep sea lead line which could have been used without difficulty.

It is the opinion of the Court that had soundings been taken even two hours before the casualty the master would have found that the vessel was setting inside the 40 fathom line, and would have had ample time to put his vessel on to a safe course. It may be that over-confidence on the part of the master as to the correctness of the making of his course and of the assumed positions of his ship from time to time led him to neglect to obtain wireless bearings which would have assisted him.

The Court was further of opinion that the failure of the master to reduce the speed of his vessel at any time during the morning of the 25th September, 1936, and also his failure in the foggy weather to pay regard to the existing circumstances and conditions, was very blameworthy, and the Court in this connection has in mind particularly the Provisions of Article 16 of the Order in Council consolidating Orders in Council making Regulations for Preventing Collisions at Sea and Rules as to Signals of Distress (Statutory Rules and Orders, 1910, No. 1113).

The Court also wishes to observe that the master apparently failed to pay attention to the warnings with reference to this locality given in the "West Coast of England Pilot" (7th Edition, 1922), pp. 12 and 32.

At the conclusion of the evidence, Mr. Thew, on behalf of the Board of Trade, submitted Questions for the opinion of the Court.

The Questions and Answers are as follows:—

Q. 1. Who are the registered owners of the s.s. "Bandar Shahpour" and who is her registered manager?

A. The registered owners of the vessel are the Strick Line (1923), Limited, and the registered manager is the Hon. Kenneth Mackay, of 122, Leadenhall Street, London, E.C.3.

Q. 2. Was the vessel in good and seaworthy condition when she left Plymouth on her intended voyage to Liverpool on the 24th day of September, 1936?

A. The vessel was in good and seaworthy condition when she left Plymouth on her intended voyage to Liverpool on the 24th day of September, 1936.

Q. 3. What compasses were on board the vessel and where were they situated?

A. There were two compasses on board the vessel; one was the Standard compass which was on the top of the wheelhouse, and the other was the steering compass which was inside the wheelhouse.

Q. 4. When and by whom were the compasses last professionally adjusted? Were deviation cards supplied by the compass adjuster?

A. The compasses were last professionally adjusted on the 11th day of July, 1933, by B. Cooke & Son, Ltd., of 1, Market Place, Hull. A deviation card was supplied by the compass adjuster.

Q. 5. Had the master ascertained the deviation of the compasses by observation from time to time? Did he know what were the proper corrections to apply to the various courses steered?

A. The master had ascertained the deviation of the compasses by observation from time to time, and he did know what were the proper corrections to apply to the various courses steered.

Q. 6. On what chart was the vessel being navigated shortly before and at the time of the casualty? Was the vessel provided with the necessary publications for the voyage?

A. The vessel was being navigated shortly before and at the time of the casualty on the English Channel Western Sheet, Milford Haven to Plymouth, No. 2675A Chart. The vessel was provided with the necessary publications for the voyage.

Q. 7. Was there an echo sounding machine on board the vessel? Were there any other, and if so what, sounding appliances?

A. There was no echo sounding machine on board the vessel, but she was provided with hand leadlines and a patent sounding machine.

Q. 8. When was the vessel off the Longships Lighthouse? How did it bear when she was off it? How far was she from it, and how was the distance ascertained?

A. The vessel was abeam of the Longships Lighthouse at 2.20 a.m. on the 25th September, 1936. The Lighthouse bore south 88 degrees east true. The vessel was 2½ miles from the Lighthouse, and this distance was ascertained by cross bearings from the Wolf Rock and the Longships Lighthouse.

Q. 9. What course was set from that point of departure? Was this course a safe and proper one having regard to the tide and weather conditions which prevailed?

A. The course which was set from the point of departure mentioned in the Answer to Question 8 was north 2 degrees east true. In the opinion of the Court this course was not a safe and proper one having regard to the tide and weather conditions which then prevailed.

Q. 10. At what speed did the vessel proceed after she left her position off the Longships Lighthouse?

A. The speed at which the vessel proceeded after she left her position off the Longships Lighthouse was  $9\frac{1}{2}$  knots, a speed which was maintained right up to the time of the casualty.

Q. 11. What were the conditions of (a) the weather; (b) the visibility; (c) the tide when the vessel left her position off the Longships Lighthouse?

A. The conditions existing at the time when the vessel left her position off the Longships Lighthouse were as follows:—(a) the weather was fine; (b) the visibility was only moderately good. A bearing was obtained of the Wolf Rock light, but Runnelstone Buoy was shut off with rain, and (c) the tide was setting to the south-west.

Q. 12. Did any, and if so what, change take place in the weather conditions between the time when the vessel left the Longships Lighthouse and 11.29 a.m. on the 25th September, 1936?

A. After the vessel left the Longships Lighthouse and up to 11.29 a.m. on the 25th September, 1936, the fog patches apparently increased in intensity until finally at the last-mentioned time there was a dense fog in existence.

Q. 13. Who was in charge of the navigation of the vessel between 11.29 a.m. on the 25th September and the time when she stranded?

A. The master was on the bridge continuously from 11.29 a.m. on the 25th September up to the time when the vessel stranded and was in charge of the navigation of the vessel.

Q. 14. Was any, and if so what, fog signal heard by those on board the vessel at or about 11.29 a.m. on the 25th September? If so, were any, and if so what, alterations made in (a) the course, (b) the speed of the vessel?

A. A fog signal from the Smalls Lighthouse was heard by those on board the vessel at about 11.29 a.m. on the 25th September although it was heard but faintly, and the master stated that he was not quite satisfied then that the sound which he heard was that of the fog signal. However this may be (a) the course was then altered to north 8 degrees west true, but (b) no alteration was then made in the speed of the vessel.

Q. 15. Was there any, and if so what, change in the weather conditions between 11.29 a.m. on the 25th September and the time of the casualty?

A. There was no change in the weather conditions between 11.29 a.m. on the 25th September and the time of the casualty. There was a dense fog existing at 11.29 a.m. and continued so right up to the time of the casualty.

Q. 16. Was the fog signal heard again between 11.29 a.m. and the time of the casualty and, if so, how often?

A. The fog signal from the Smalls Lighthouse was heard again (after the first time at 11.29 a.m.) at 11.36 $\frac{1}{2}$  a.m. and at 11.51 $\frac{1}{2}$  a.m., but the intervening fog signal, given at 11.44 a.m., was not heard.

Q. 17. Was any, and if so what, action taken with regard to the speed and course of the vessel when the further fog signals were heard?

A. At the times when the fog signals from the Smalls Lighthouse (subsequent to the first signal at 11.29 a.m.) were heard, the following alterations were made in the course of the vessel:—

At 11.36 $\frac{1}{2}$  a.m. the course was altered to north 18 degrees west true.

At 11.44 a.m. (although the fog signal was not, as before mentioned, heard) the course was altered to north 26 degrees west true.

At 11.51 $\frac{1}{2}$  a.m. the course of the vessel was again altered to north 36 degrees west true.

At none of these times, nor at any time during this period, was the speed of the vessel altered.

Q. 18. Were any, and if so how many, soundings taken between 11.29 a.m. and the time of the casualty? If so, when were they taken and what did they record? If soundings were not taken, should they have been taken?

A. No soundings were taken at any time between 11.29 a.m. and the time of the casualty. In the opinion of the Court soundings should have been taken periodically throughout the forenoon, and particularly at and after 11.29 a.m.

Q. 19. Was any attempt made to obtain wireless bearings after passing the Longships? If not, should such an attempt have been made?

A. No attempt was made to obtain wireless bearings after passing the Longships. In the opinion of the Court such an attempt should have been made.

Q. 20. Was the vessel navigated with proper and seamanlike care during the period between her departure from the Longships Lighthouse and the time when she stranded, having regard particularly to the weather conditions?

A. The vessel was not navigated with proper and seamanlike care during the period between her departure from the Longships Lighthouse and the time when she stranded, having regard particularly to the weather conditions.

Q. 21. Was a good lookout kept on the vessel between 11.29 a.m. and the time when she struck the rocks?

A. A good lookout was kept on the vessel between 11.29 a.m. and the time when she struck the rocks.

Q. 22. When and where did the vessel strike the rocks?

A. The vessel struck the South West Rock a glancing blow on its starboard side at 11.55 a.m. on the 25th September, 1936.

Q. 23. Did the vessel suffer serious damage as a result of striking the rocks?

A. The vessel suffered serious damage as a result of striking the rocks.

Q. 24. Was the stranding of the s.s. "Bandar Shahpour" caused or contributed to by the wrongful act or default of Sidney Robert Edwards, her master?

A. The stranding of the s.s. "Bandar Shahpour" was caused both by the wrongful act and default of Sidney Robert Edwards, her master. The Court has come to this conclusion and finding more particularly for the following reasons (*inter alia*): (a) that the master set from the Longships Lighthouse too fine a course for passing the Smalls Lighthouse having regard to the prevailing weather conditions; (b) that the master, having regard to the existing circumstances and the condition of the weather, maintained too fast a speed without any reduction therein after leaving the Longships Lighthouse, and this was more particularly the case when the vessel was in the vicinity of the Smalls Lighthouse in dense fog at and after 11.25 a.m. when a reduction of the speed ought most certainly to have been made, and (c) that, after leaving the Longships Lighthouse the master did not make any use at all of the lead, and further, did not obtain any wireless bearings to check his position.

STUART DEACON,

Judge.

We concur.

A. L. GORDON, }  
T. W. HANNEY, } Assessors.

(Issued by the Board of Trade in London  
on Tuesday, the 19th day of January, 1937)

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