



# THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

(No. 7958)

### m.v. "Famagusta" O.N. 181521

In the matter of a Formal Investigation held at 12/13 St. James's Square, London, S.W.1. on the 23rd, 24th and 25th days of March, 1949, before R. F. Hayward, Esq., K.C., assisted by Captain C. E. Rathkins, R.D., R.N.R., Captain J. W. Grimston, James Young, Esq., and Ivor J. Gray, Esq., into the circumstances attending the loss of the m.v. "Famagusta" (ex L.C.T. 430) in the Bay of Biscay on the 19th March, 1947.

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 loss of the "Famagusta" was primarily due to the entry of water into her forward compartments, due to leakage caused by the prolonged pounding into a head sea to which she was subjected and which put out of action the forward electric bilge and ballast pump, and the increasingly heavy list brought her starboard propeller out of the water and caused her port main motor to stop through lack of lubrication. The engineer in charge, holding a permit from the Ministry of Transport to act as such, apparently failed to understand the piping and pumping arrangements and to operate the engine room bilge and ballast pump to its best effect.

The loss of five lives out of the ten persons who left the "Famagusta" in the ship's port lifeboat was due to its being capsized by a sea, and of the five persons rescued by the "Empire Plover" one, the second engineer, died from injuries caused by being crushed between that ship and the "Famagusta."

Dated this 27th April, 1949.

R. F. Hayward, *Judge*

We concur in the above Report.

JAS. YOUNG  
C. E. RATHKINS  
JOHN WM. GRIMSTON } *Assessors*  
IVOR J. GREY

#### QUESTIONS AND ANSWERS.

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

- Q. 1. By whom was the "Famagusta" owned at the time of her loss, and how long had she been so owned?
- A. William Bertram Cecil-Lowe. Since 14th March, 1946.
- Q. 2. When, where and by whom was the "Famagusta" built?

- A. 1943, at Partick, Sir William Arrol & Company, Limited.
- Q. 3. Was the "Famagusta" a converted ship?
- A. Yes.
- Q. 4. When, where and by whom was the "Famagusta" converted into the form she was in at the time of her loss?
- A. 1946-47, Rochester, New Medway Steam Packet Company, Limited.
- Q. 5. To whose specification was the "Famagusta" converted?
- A. Mr. Cyril Victor John Hughes, Consulting Naval Architect.
- Q. 6. Was the work of conversion carried out to the satisfaction of a Classification Society?
- A. Yes; Lloyd's Register of Shipping, with the exception of an alteration to the pipe-lines carried out by Messrs. Harland & Wolff, Limited, shortly before sailing on her final voyage.
- Q. 7. What certificates and reports were issued by the Classification Society in respect of the conversion when the work was completed?
- (a) What pumps, and where located, were specified in the specification for the conversion of the "Famagusta," and what compartments and/or spaces was each of such pumps intended to be capable of pumping out?
- (b) What pumps, and where located, had the "Famagusta" when she left Southend, and what compartments and/or spaces was each in fact capable of pumping out if working properly?
- A. Reports on machinery and hull dated 31st December, 1946, and 12th March, 1947, respectively; a provisional load line certificate dated 14th January, 1947, for a voyage from the United Kingdom to Port Said; a further provisional load line certificate dated the 14th February, 1947, valid for two months for trading between London and Boston. Reports dated 20th February and 13th March, 1947, were submitted by the surveyor to Lloyd's Register of Shipping to their Committee recording classification A1 with freeboard, for service in the Eastern Mediterranean and Red Sea, and fitness to trade between London and Boston. Pro-

visional certificates were issued on the 14th January, 14th February, 20th February, and 13th March, authorising voyages from the United Kingdom to Port Said and between London and Boston, classing her A1, with freeboard for service in Eastern Mediterranean and Red Sea, with notation Special Survey, London, January, 1947, record of service, January, 1947, and being fit to trade between London and Boston until 14th April, 1947; in similar terms to the last-mentioned certificate, but with the addition, "being fit to proceed from the United Kingdom to Cyprus via Port Said, with dry and perishable cargoes, up to April, 14th, 1947."

(a) Pumps were not included in the specification, and it was apparently assumed that the pumps originally fitted in the vessel should be retained, namely, one 70 ton per hour pump in the engine room on the starboard side, one 70 ton per hour pump in the wing compartment forward, which it was specified to be resited and which was placed in the forward storeroom on the port side and one 40 ton per hour auxiliary pump secured on the deck in front of the bridge. The engine room pump was intended to be capable of pumping out the bilges, and both the forward pump and the auxiliary pump to pump the ballast tanks.

(b) As specified in (a). Shortly before sailing on her final voyage, Messrs. Harland & Wolff, Limited, London, at the owner's request, made alterations to the suction piping so that the engine room pump could pump out ballast tanks as well as bilges. This alteration was not notified to Lloyd's Register of Shipping nor surveyed by one of their surveyors. According to the evidence this modification would have needed special consideration by the Committee, which disfavors the arrangement of bilge and ballast lines being common.

Q. 8. Was the "Famagusta" surveyed in respect of lifesaving appliances by a Ministry of Transport Surveyor, and was such survey based on a total crew complement of twelve?

A. Yes. Yes; but in addition she carried a Carley float and buoyant apparatus.

Q. 9. How many persons were in fact on board the "Famagusta" when she sailed on her last voyage?

A. Sixteen.

Q. 10. Did the "Famagusta" load at Dagenham, take on board oil bunkers at Purfleet, adjust compasses off Southend, and finally sail from Southend at 11.50 a.m. on the 14th March, 1947, for Cyprus?

A. Yes.

Q. 11. What cargo did the "Famagusta" take on board at Dagenham, and where was it stowed?

A. Eight lorries (one on after hatch) and two furniture containers.

Q. 12. What amount of oil bunkers did the "Famagusta" take on board at Purfleet, and where was it stowed?

A. About 52 tons were aboard on sailing. It was stowed in the cross bunkers and side tanks.

Q. 13. What were the drafts of the "Famagusta" when she had finished bunkering at Purfleet?

A. About 3 feet 6 inches forward, and 6 feet aft.

Q. 14. Was the "Famagusta" seaworthy, and was she upright when she left Southend on the 14th March, 1947?

A. As regards construction, yes; but after grounding on three occasions, i.e., twice at Boston on the 16th February, and in the Thames on the 13th March, she had not been surveyed for bottom damage nor were her tanks tested. She was upright on sailing.

Q. 15. What were the conditions of wind, sea and weather when the "Famagusta" sailed from Southend?

A. Normal.

Q. 16. Was Ushant sighted from the "Famagusta" about noon on 16th March, 1947?

A. Yes.

Q. 17. Had the voyage been a normal one up to noon on the 16th March, 1947, and what were the conditions of wind, sea and weather at that time?

A. Yes. At this time the wind was fresh to strong, south-westerly, the sea rough.

Q. 18. (a) When did the "Famagusta" first develop a list?

(b) Was it port or starboard list?

(c) Serious or slight?

(d) What action was taken, if any?

(e) What was the initial list attributed to?

A. (a) (e) A slight list to port attributed to the wind on the starboard side was noticed about 8 a.m. on the 17th March. Soundings were taken. About six inches of water was found in the tank on the port side under the forward storeroom, which was pumped out by the forward pump.

Q. 19. What were the conditions of wind, sea and weather on the morning of the 17th March, 1947?

A. Wind south-westerly, a moderate gale, with a heavy sea.

Q. 20. On the 17th March, 1947, was the "Famagusta" pounding heavily and shipping water?

A. Yes.

Q. 21. (a) Did defects develop in the structure of the "Famagusta"?

(b) What defects were discovered and when?

A. (a) Yes.

(b) Fractures on the foredeck, hatch coamings and companionway. These were discovered on the afternoon of the 18th March.

Q. 22. Did the list of the "Famagusta" increase?

A. Yes.

Q. 23. What pumps were used to counteract the list?

A. The forward pump was used for a considerable period until it became short-circuited by water which had entered the compartment. There was some evidence that the engine room pump was applied also, but according to the chief engineer, whose evidence was very unreliable, this pump was not connected to the forward compartment. An attempt was also made to use the 40 ton pump on deck, but its

- operation was prevented by the bad weather and seas breaking on board.
- Q. 24. (a) Was there any failure of the pumps?  
(b) What was the cause of such failure?
- A. See answer to 23.
- Q. 25. What was the estimated list of the "Famagusta" at 6 p.m. on the 18th March, 1947?
- A. At about this time the port list was estimated to be about 15 degrees.
- Q. 26. When was the first S.O.S. sent out on "Famagusta's" transmitter, and from what position?
- A. At about 7 p.m. on the 18th March from a position about 110 miles to the northward and eastward of Corunna an urgent (XXX) signal was sent out.
- Q. 27. Was the S.O.S. answered, and by whom?
- A. Yes—by the s.s. "Empire Plover"
- Q. 28. Was there any shift of cargo?
- A. Not so far as is known.
- Q. 29. Was any difficulty experienced with hatch covers or ventilator covers?
- A. No.
- Q. 30. At what time on what day did the ship which answered the "Famagusta's" S.O.S. reach the "Famagusta," and was that ship the s.s. "Empire Plover."
- A. The "Empire Plover" reached the "Famagusta" at about 3.30 a.m. on the 19th March.
- Q. 31. From the time the "Famagusta" sent out her S.O.S., what was the nearest port the "Famagusta" could make, and how far away was that port?
- A. Corunna, about 110 miles.
- Q. 32. What was the wind, sea and weather when the "Empire Plover" first reached the "Famagusta," and what was the sailing trim of the "Famagusta" at that time?
- A. The evidence was conflicting, but the wind appears to have been about west-south-westerly, force 6 to 7, with squalls. The sea was very rough. At this time the "Famagusta" had a very heavy list to port of about 19 degrees.
- Q. 33. Did the "Empire Plover" stand by the "Famagusta" from about 3 a.m. on the 19th March, 1947, and did she attempt to get a towing line aboard the "Famagusta" at about 1.30 p.m. on the same day?
- A. Yes. Yes.
- Q. 34. When the master of the "Famagusta" failed to take inboard "Empire Plover's" towing line did he put out his port lifeboat and embark the four supernumeraries, second engineer, radio officer, two able seamen, a greaser, and the cook, with the intention of putting the supernumeraries, radio officer, greaser and cook on board the "Empire Plover"?
- A. Yes.
- Q. 35. How did it come about that the second engineer left the "Famagusta" in the port lifeboat instead of the second officer?
- A. The evidence was conflicting, but it was probably due to the fact that at the time in question the second officer was endeavouring to signal to the "Empire Plover."
- Q. 36. Who was at the tiller of the lifeboat?
- A. The owner, Mr. Cecil-Lowe.
- Q. 37. (a) Was the lifeboat upset before reaching the "Empire Plover" ?  
(b) With what loss of life?
- A. (a) Yes.  
(b) Five of the occupants were drowned; the second engineer, who was subsequently rescued, died as a result of his injuries.
- Q. 38. Was the capsizing of the lifeboat attributable to the absence of the second officer to take command?
- A. There is no evidence on which this question can be satisfactorily answered.
- Q. 39. (a) Who was in command of the lifeboat?  
(b) Were all persons in the lifeboat wearing life-jackets?
- A. (a) Mr. Cecil-Lowe was at the tiller.  
(b) Yes.
- Q. 40. (a) Had "Famagusta's" master succeeded in making known to master of "Empire Plover" his intention to send lifeboat party?  
(b) What visibility was obtaining at the time?
- A. (a) No.  
(b) Good.
- Q. 41. (a) About the time the lifeboat capsized did "Empire Plover" bear down on "Famagusta" ?  
(b) Was there actual contact and did one member of the "Famagusta's" crew board the "Empire Plover" at the moment of contact?
- A. (a) Yes.  
(b) Yes. At about this time the "Famagusta's" second mate jumped on board the "Empire Plover."
- Q. 42. Did the remaining members of "Famagusta's" crew take to the water on a Carley float and on a buoyant apparatus, and were they all picked up by a lifeboat from the "Empire Plover"?
- A. Yes.
- Q. 43. What was the position where "Famagusta" was abandoned, and at what time on the 19th March, 1947, was she abandoned?
- A. About 60 to 70 miles north of Corunna.
- Q. 44. Did seaman Kelly of the "Empire Plover" enter the water in very heavy weather and make two rescues and give his life in attempting further rescues?
- A. Yes.
- Q. 45. What was the cause of the m.v. "Famagusta" making so much water and listing so badly that she had to be abandoned?
- A. There was no direct evidence justifying an answer to this question, but in the opinion of the Court it was probably due to the starting of the rivets and plates and possibly fracture of plates and weldings due to the severe pounding to which she had been subjected.
- Q. 46. Was the "Famagusta" a fit and proper type of ship to face the ordinary perils of the voyage she was making when she was abandoned, at that time of the year?
- A. Yes, provided she was not subjected to severe pounding in heavy seas.
- Q. 47. Was the casualty caused or contributed to by the wrongful act or default of the owner, the late Mr. William Bertram Cecil-Lowe?

A. The Court is of opinion that the late owner ought to have notified Lloyd's Register of Shipping of the groundings above referred to and of the alterations to the pumping arrangements. Whether these omissions caused or contributed to the casualty there is insufficient evidence to show.

Q. 48. Was the casualty caused or contributed to by the wrongful act or default of the master, Captain Frank Douglas Gardner?

A. No.

Q. 49. Was the casualty caused or contributed to by the wrongful act or default of any other person, and if so, whom?

A. Yes. The chief engineer was a most unsatisfactory witness. He gave the impression to all members of the Court that he was not fully conversant with the pumping arrangements in the ship and also that he did not use them to the best advantage.

Q. 50. Was the abandonment of the "Famagusta" delayed too long?

A. No.

Q. 51. Was the loss of life resulting from this casualty caused or contributed to by an error of judgment on the part of the master of the m.v. "Famagusta"?

A. No.

Q. 52. Was the conduct of the master of the m.v. "Famagusta" affected by the presence on board of the owner?

A. No.

#### ANNEX TO THE REPORT.

The "Famagusta" was built as an L.C.T. (3) in 1943 by Sir William Arrol & Company, Limited., Partick, Glasgow. She was built in five sections which were connected together by butt straps. In the early months of 1946 she was acquired by William Bertram Cecil-Lowe, and specifications for her conversion to a cargo vessel were prepared by Mr. Cyril Victor John Hughes, a qualified naval architect. These specifications were submitted to Lloyd's Register of Shipping, and, after modifications, were finally approved by Lloyd's Register of Shipping. The conversion of the ship was carried out by the New Medway Steam Packet Company at Rochester, Kent. She was a steel, single-deck, twin-screw motor cargo vessel, 175 feet long between perpendiculars and 30 feet in beam, with a moulded depth of 8 feet, 9½ inches. She was 454.2 tons gross and 292.67 tons net register. She had two oiltight and four watertight bulkheads separating the forepeak, the forward store and the forward hold from the fresh water tank and water ballast tank at the sides. In the after hold were the oil fuel tanks and water ballast tanks at the sides. Further aft were the oil fuel cross-bunker, machinery space, crew's mess and steering gear. The bulkhead between the forward store and the forward hold was not watertight in the duct keel. She had double-bottom tanks under the fore-peak, the forward store, the forward hold and the after hold. Except in the fore-peak, these compartments were divided longitudinally.

There were two main cargo hatchways, with steel coamings, 2 feet high. They were covered by the usual transverse steel beams and wooden hatch covers, with the usual arrangement of tarpaulins, battens, wedges and lashings. In addition, there was a small hatchway over the forward store with 2 feet high steel coamings similarly covered. The forward store was reached by a steel companionway, enclosed by steel doors with sills 2 feet 6 inches above the deck. A similar companionway aft led to the machinery space. There were ten ventilators

which on the voyage were plugged and covered. The vessel was fitted with two 12 cylinder four-stroke Diesel engines, each driving a propeller, and her speed was about eight knots. The "Famagusta" had twin rudders which were linked together and worked by screw steering gear. These rudders in March, 1947, were lengthened without reference to Lloyd's Register of Shipping. This was done as a result of experience gained on voyages hereinafter referred to. The "Famagusta" was fitted with two 70 ton per hour electrically-driven pumps: one of these was in the engine room and the other one was situated in the forward store, and could be operated and attended to only by a person entering that store. An auxiliary 40 ton per hour Diesel-driven pump was secured on deck between the after hatch and the bridge. When the ship was converted, a 3½ inches bilge main was carried along the outside of the trunk and connected to the three pumps. Suctions were led to all compartments, including each double-bottom water ballast tank and side water ballast tank. Ballast pipelines were also carried along the outside of the trunkway. Although this layout was approved by the Classification Society, the Court is of opinion that it is open to certain objections, namely (1) possibility of the piping receiving weather damage; (2) extra suction head entailed; (3) inability to fill the tanks by gravity; and (4) remoteness of the forward pump from the engine room and its vulnerability.

The ship was converted on the basis of having a crew of twelve hands and no passengers, but two 16 feet lifeboats were stowed under radial davits on each side of the bridge deck and one 14 feet lifeboat was stowed on the raised deck forward, and there was evidence that there was also a dinghy on top of it. In addition, on the fatal voyage, the ship carried a Carley float and floating apparatus. The ship also carried 15 standard kapok life-jackets and eight standard lifebuoys. There was also a line-throwing apparatus with four rockets and lines. The life-saving apparatus above detailed was inspected and passed on the 10th December, 1946, but for the carriage of sixteen people in the ship it would have been necessary to obtain special consideration by the authority concerned. In due course, provisional seaworthy certificates were obtained. The conversion was completed in January, 1947. The "Famagusta" then made one trading voyage to Lowestoft and another to Boston, where, in the very severe weather conditions then prevailing, she was caught in the ice and received damage to her propellers which were subsequently renewed. She also grounded on two occasions at Boston, and, on a later occasion, in the Thames. None of these groundings appear to have been reported to the Classification Society, nor was the ship specially surveyed in connection with them. In early March, 1947, Messrs. Harland & Wolff's London Yard, at the request of her owner, varied the pipelines in order to make it possible for the engine room pump to pump not only the bilges but also the ballast tanks. Thereafter, all three pumps were in a position to pump either bilges or ballast tanks. Shortly after the alteration was completed the ship sailed on her last voyage, and the alteration was not notified to the Classification Society. In the opinion of the Court, it is not advisable to have common lines for the pumping of the bilges and the ballast compartments.

Before her final voyage, the ship, carrying twelve hands and four supernumeraries, loaded a cargo of eight lorries and two furniture containers and, having bunkered at Purfleet, sailed from Southend, after adjusting her compasses, at about noon on the 14th March, 1947.

The voyage was without incident until after passing Ushant, when a gale developed from the south-west to west-south-west, and the "Famagusta,"

continuing on her south-westerly course at full speed, pounded heavily. A slight list attributed to wind on the starboard bow was observed on the morning of 17th March, but soundings were taken and about six inches of water was found in the tank on the port side under the forward storeroom. This was, as far as possible, pumped out by the forward pump. During the evening the list increased and was about 9 degrees on the morning of the 18th March and although the forward pump was working until it was short-circuited by water entering the forward store, the list continued to increase. So far as could be observed, water was coming in through the forward companionway and the fore-deck hatch coamings, apparently due to cracks in the plating or weldings. The Court, however, is of opinion that, in addition, there must have been considerable leakage caused by started rivets and seams in the ship's bottom forward due to the heavy pounding. The after pump was put to work and an attempt was made to bring into operation the auxiliary pump on deck. This could not be done due to the weather then prevailing.

On the evening of 18th March, water also came into the crew's quarters on the port side and instructions were given for these to be baled out. Water also made its way into the engine space, through the engine room skylight. With the increasing list, the starboard propeller was being lifted clear of the water and so losing its effect. The list steadily increased, and by 1 p.m. on the 19th March, the port engine failed, due, it was thought, to the lubrication system failing on account of the list. At about 7 p.m. on the 18th March, an urgent message for assistance was broadcast to any ship to stand by. To this the steamship "Empire Plover" replied. That vessel arrived on the scene at about 3.30 a.m. on the 19th March. After her arrival, at about 1 p.m. on the 19th March, the master of the "Famagusta" asked her to take his ship in tow with a view to making Corunna, but the rocket line between the vessels parted and the master of the "Famagusta" decided to transfer his supernumeraries to the other ship. For this purpose he gave orders to lower the port lifeboat, which was done, but owing to some slight confusion the second engineer got into the boat instead of the second officer, and she cast off, carrying the second engineer, two able seamen, the wireless officer, the cook and steward, a greaser, and the four supernumeraries, including the registered owner and his wife, who were drowned. Unfortunately, the lifeboat capsized when a short distance from the "Empire Plover," which was closing the "Famagusta" apparently with a view to making another attempt to get her in tow. A very gallant rescue

was made by a sailor called Kelly, who dived overboard from the "Empire Plover" and, after rescuing two persons, lost his life in an attempt to rescue a third. The second engineer sustained injuries from which he afterwards died. Unfortunately, the "Empire Plover" closed the "Famagusta" and collided with her, and there is some evidence that some of the persons in the water were crushed between the ships. The second officer of the "Famagusta" jumped on board the "Empire Plover" and the remaining five men on the "Famagusta," after taking to the Carley float and the floating apparatus, were saved. The "Famagusta" remained afloat for some time after the rescue, and there is no evidence as to the time she sank, as she must have done.

The Court finds that the ship as converted was seaworthy for the purpose for which she was intended, but it would appear that she was insufficiently strong to withstand a continued and heavy pounding by heavy head seas. It may well be that at the time when she was subjected to such a trial, she had some strained or leaky rivets due to her previous groundings.

According to the evidence, after leaving Ushant, no more weather reports from the B.B.C. could be received on the wireless receiver of the ship, and she was not fitted with a radio telephone.

A question arises as to the seamanship displayed by the master. He had to keep his engines working at their full speed in order to keep her heading more or less in to the wind. He considered whether it would not be advisable to turn and heave to with the wind on the quarter, but he feared that, in the heavy seas running, in so doing the ship would very likely be pooped. Even though it would have been advisable to heave to with the wind on the quarter, as to which the Court makes no finding, the failure to do so can amount, in the opinion of the Court, to no more than an error of judgment by a competent shipmaster placed in a very difficult position. The Court is satisfied that the loss of this ship and of the lives of those who lost them was not caused by the fault or default of the owner or of the master. It is, however, of the opinion that the chief engineer, who was a most unsatisfactory witness, was lacking in knowledge of his pumping arrangements and that he failed to use them to the best effect.

R. F. HAYWARD, *Judge*

JAS. YOUNG  
C. E. RATHKINS  
JOHN WM. GRIMSTON } *Assessors*  
IVOR J. GRAY

*(Issued by the Ministry of Transport in London, in June, 1949).*

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