

THE MERCHANT SHIPPING ACT 1894

m.v. Lindenbank (O.N. 301460)

Report of Court No. 8065

Formal Investigation

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No 8065 (ON 301460)

m.v. LINDENBANK (ON 301460)

In the matter of a Formal Investigation held at 116-119 Pall Mall, London, SW1 on the 21st, 22nd and 23rd days of March 1977 before Mr P T Bucknill, QC, Wreck Commissioner assisted by Commodore R L Friendship MRIN and Captain C W Leadbetter RD RNR (Retd) into the circumstances attending the stranding of the motor vessel *Lindenbank* on Fanning Island in the Pacific Ocean in approximate position Lat 3° 51' N Long 159° 21' W on 16/17 August 1975 whereby she became a constructive total loss.

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 was caused by the wrongful act or default of her Master Alistair Vass McKay and of her Acting uncertificated Third Mate Stephen Clifford Braund. The Court censures the said Alistair Vass McKay and orders him to pay £500 towards the cost of the Formal Investigation. The Court censures the said Stephen Clifford Braund and orders him to pay £250 towards the cost of the Formal Investigation.

Dated this twenty-fifth day of March 1977

Peter Bucknill *Judge*

We concur in the above Report.

R L Friendship *Assessors*
C W Leadbetter

Annex to the Report

1 *The parties to the Inquiry were:*

Department of Trade represented by Mr Gerald Darling, QC with Mr Michael Howard instructed by The Treasury Solicitor.

Owners – The Bank Line Limited represented by Mr Barry Sheen, QC, with Miss B Bucknall instructed by Messrs Thomas Cooper & Stibbard.

Master – Alistair Vass McKay represented by Mr Geoffrey Brice instructed by Messrs Ingledew, Brown, Bennison & Garrett.

Acting Third Officer – Stephen Clifford Braund represented by Mr Nicholas Phillips instructed by Messrs Sinclair, Roche & Temperley.

2 *Description of Ship*

The *Lindenbank* was a dry cargo ship with machinery space and navigating bridge midships. She was owned by Bank Line Ltd of 102 Hope Street Glasgow G2 6PW, having been built at Sunderland in 1961. Her main characteristics were as follows:

Gross tonnage	8379 TM Submerged	6234 TM not submerged
Net tonnage	4854 TM Submerged	3503 TM not submerged
Official Number		301460
Summer deadweight	12100 TMS	10200 TM not submerged
Classification – Hull		✠100A1
– Machinery		✠LMC
Length overall		487' 09"
Extreme breadth		62' 03"
Summer draught	28' 10 ⁵ / ₈ " TMS	26' 02" TM not submerged
Port of Registry		Glasgow

Her bridge and machinery spaces were amidships. She was fitted with a Doxford diesel engine of 4800 BHP. Included in completely adequate navigation equipment with which she was provided she had Radar – Marconi Radiolocator 12, without True Motion, and Echo-Sounder – Marconi Seagraph III.

- 3 The *Lindenbank* was manned at the time by a crew of 59 hands all told. At the time of the casualty she was laden with a general cargo including island produce and vegetable oils of a weight of 8,700 tons consigned to the United Kingdom and Continent. The vessel sailed from Christmas Island on 14 August 1975 bound for Fanning Island in the Line Islands, and she arrived off English Harbour in Fanning Island at about 0800 local time (Zone-10) on 15 August. Here she was to load copra and cargo operations began about

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0930. Inside English Harbour it was too shallow for *Lindenbank* to anchor: outside it was too deep. Following the practice of similar sized vessels the *Lindenbank* drifted off the island to load cargo from surf boats, frequently adjusting her position to give maximum lee to the surf boats. At the end of the day's loading she was allowed to drift seaward in a north-westerly direction.

On 15 and 16 August the *Lindenbank* in daylight loaded cargo in the manner described above. During the night of 15 August the vessel drifted slowly in a north-westerly direction. On the morning of 16 August after midnight of 15 August the vessel drifted in a south-south-easterly direction. It should be well-known to professional seamen that a prevailing current is often deflected in a totally different direction and/or rate by obstructions such as islands or shoals. At about 0400 on 16 August the Master ordered the Chief Officer to bring the vessel back to a position about 3 miles off English Harbour. At about 0630 cargo loading was resumed.

On 16 August after loading for the day was finished the *Lindenbank* was again allowed to drift to seaward and again she was carried out to the north-west. At 2000 Mr Braund, an uncertificated Acting Third Mate, (aged 20 years at the time of the casualty) came on watch on the vessel's bridge. The wind at the time was entered in her Chief Officer's Log Book as SE, force 3, clear sky, good visibility. There was a fair amount of moonlight. The watch was kept by Mr Braund and two seamen/helmsmen, available for look out and other necessary duties. At this time *Lindenbank* had drifted about 6 miles to seaward in a north-westerly direction. The Master, Captain McKay, and his wife (carried as supernumerary) came up into the wheelhouse. About this time Mr Braund was instructing the Cadet in Morse Code signalling practice. When, about 2152, the Master found *Lindenbank* had drifted out further than the previous night and was now distant about 8 miles from English Harbour, he ordered engines full ahead and steamed in until 2251 when engines were reduced to slow ahead and stopped at 2255½.

Both Mr Braund and the Master testified that the vessel had lost all way on a position marked at the chart at 2307, based on two Radar distances. We are not too happy about the accuracy of the 2307 position, based as it was on two Radar distances, one of which was somewhat indefinable. We are not sure that *Lindenbank* well-laden as she was, would have lost all head way at this time.

About 2315 the Master was satisfied from Radar Range Rings, that the vessel was drifting north-westerly; the Range Scale in use was 3 miles, ½ mile between each Range Ring. The 2315 position was not marked on the chart. We do not think the time interval between 2307 and 2315 was long enough for the Master accurately to assess the direction of the vessel's drift. We think he was lulled into a sense of security (which proved false) in assuming the current would be north-westerly and continue north-westerly. On the previous night she had drifted north-westerly until 2400: thereafter she had drifted south-south-easterly. The Master left for his cabin about 2315, where he divested himself of his shorts, read a book and went to sleep. The Master had left no verbal or written instructions to Mr Braund to check the vessel's position at least every ¼ hour and to call him immediately if the vessel was closing land. When the Master left the bridge Mr Braund went into the chart room because the wheelhouse was unlit. There he set about the task of correcting a List of Lights. Such task usually falls to the Second Mate but

the practice seems to have developed for the Third Mate to do it. We accept Mr Braund's evidence that this is where he was. The seaman/helmsman was left on the port wing of the bridge as look out with instructions to call Mr Braund if need be. At 2345 the look out, with Mr Braund's permission, left the bridge to call the Second Mate. About 2350 Mr Braund checked the weather, but did not check the position of the vessel. At 2355 the look out, again with permission, went to call the Second Mate, as requested. When the look out returned, Mr Braund went to the water closet. Whilst there he heard the Second Mate go past on his way to the wheelhouse. The Second Mate arrived in the wheelhouse just before 2400 and observed that Fanning Island was very close. When Mr Braund, very shortly afterwards, arrived he was greeted by the following understandable comment from the Second Mate: 'What the bloody hell are we doing here?' The Second Mate found the echo of the land on the Radar Screen so close to the centre that no accurate reading could be made. When he switched to the half mile Range, land showed right ahead at a distance of about $\frac{1}{8}$ mile. Immediately afterwards the echo sounder, on both transducers, indicated zero readings. We assume the vessel was now aground. The Master, called by the Second Mate, came up into the wheelhouse immediately. Despite prompt engine manoeuvres (about 2 minutes were required to get them working) the vessel proved to be fast aground on coral. She appears to have gone aground about 2400. Despite jettison of cargo and other measures, and subsequent salvage operations (including efforts by USA Navy tugs and a sister ship the *Elmbank*) the vessel remained fast. Both the Captain and Mr Braund joined in all the efforts to salvage the casualty. She was, however, on 15 September 1975, abandoned, and later declared a constructive total loss. Although the vessel was lost successful measures were taken to avoid oil pollution.

The Bank Line were in no way criticised by the Department of Trade and Industry – rather were praised and thanked. If only their Standing-Orders had been followed this disaster could well have been avoided. The vessel was fully seaworthy in every way, in class, properly manned and maintained. We were much assisted by Captain Rodgers, the Owners' Chief Marine Superintendent, in the clear evidence he gave about the Bank Line.

We censure the Master for not checking accurately the Radar position, when *Lindenbank* was only $1\frac{1}{2}$ miles off English Harbour. The Radar position was made by an uncertificated Acting Third Mate. The Master left no written or even verbal instructions to check the vessel's position at least every $\frac{1}{4}$ hour and to call him if the vessel was closing land. We appreciate his honesty and forthright acceptance of blame and have had such in mind. We have ordered him to contribute towards the cost of this Formal Investigation the sum of £500. We censure Mr Braund for his lamentable failure to keep his navigational watch properly. He went into the lighted chart room after the Master had left the wheelhouse and engaged in the unsuitable task of checking the List of Lights. At no time, after the Master left, did he check the vessel's position by radar or by visual observation. We again appreciate his frank admission of blame and have had such in mind. We have ordered him to pay towards the cost of this Formal Investigation the sum of £250.

New or old, a proper look out must be kept AT ALL TIMES (see M Notice No 756). This disaster clearly shows the vital need for Night Orders to be made by all Masters for the guidance of navigational watch keepers. This is especially important where the navigational watch keeper is uncertificated. In an age of science, when navigational aids increase, human skills must not be overlaid. The sea will catch the unwary who are not ready for the unexpected or unpredicted.

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Questions and Answers

The Court's answers to the questions submitted by the Department of Trade and Industry are as follows:

Q 1 Did the *Lindenbank* strand?

A Yes.

Q 2 If the answer to Question 1 is 'Yes':

(i) (a) Was the *Lindenbank* seaworthy at the time of the casualty?

(b) Was she then properly manned?

(ii) (a) In what position did the vessel strand?

(b) When did she strand?

(c) Why did she strand?

(d) Did she become a total or constructive total loss?

(iii) Was such stranding the cause of the loss of the vessel?

A (i) (a) Yes.

(b) Yes.

(ii) (a) Bearing 312° from English Harbour distance about 1.6 miles.

(b) About 2400 on 16 August 1975.

(c) See Annex.

(d) Constructive total loss.

(iii) Yes.

Q 3 If the answer to Question 1 is 'Yes':

(i) Was the stranding and/or loss of the *Lindenbank* caused or contributed to by the wrongful act or default of her Master, Captain Alistair Vass McKay?

(ii) Was the stranding and/or loss of the *Lindenbank* caused or contributed to by the wrongful act or default of the Third Officer, Stephen Clifford Braund?

A (i) Yes.

(ii) Yes.

Q 4 Are there any lessons to be learned from this casualty which may prevent similar casualties occurring in the future?

A See Annex.

Peter Bucknill

Judge

R L Friendship
C W Leadbetter

Assessors