

THE PILOT

JULY 2009 No.298



The official organ of the United Kingdom Maritime Pilots' Association

Editorial

From the outset it was evident that the media frenzy in America, following the *Cosco Busan* allision with the Bay Bridge in San Francisco, would ensure that the role of the pilot, John Cota, would be subjected to detailed scrutiny. What wasn't anticipated was that criminal negligence charges would be brought against him to which he subsequently pleaded guilty in a plea bargaining agreement. The court's decision to impose the maximum possible 10 month prison sentence on the pilot, has set an alarming precedent which has profound implications for all pilots worldwide. As criminal charges commence against a pilot in France, all pilotage organisations need to work together to decide how we can address this issue. As Australian pilot and IMPA vice president, Steve Pelecanos, aptly states:

"We need to send a strong message to industry that it is an inherent part of the human condition to make mistakes and pilots, like all humans, are capable of making mistakes. If, as an international maritime industry, we are to acknowledge that the criminalisation of pilots who make mistakes is acceptable, then we must be prepared to accept the potential detrimental impact this might have on international trade".

Every day around the world, thousands of pilotage acts ensure that the world's trade keeps moving with the minimum of delay. Many of these acts will be undertaken in challenging conditions at the limits of operational parameters. Pilots are expected to cope with such conditions but the considerable skills employed and stress endured go totally unremarked when the ship is berthed alongside and cargo operations commence! Although the Master and Officers of the *Cosco Busan* received immunity from prosecution by cooperating with the NTSB enquiry, the ship operators, Fleet Management are facing court proceedings later this year. They will no doubt argue that the pilot has admitted liability and walk away after paying a nominal fine. With the shipping industry's opinion of pilots generally low, John Cota's fate will inevitably fade rapidly from the headlines but I, for one, will be thinking of him and his family throughout his prison ordeal, especially when piloting in marginal conditions!

John Clandillon-Baker FNI

COSCO BUSAN: CRIMINALISATION OF PILOTS IS CONFIRMED!

In the April issue's editorial I expressed concern over the fact that the pilot of the Cosco Busan, John Cota, had been charged with and had pleaded guilty to causing pollution. In pleading guilty to the pollution charge, John Cota's case was used as a test case for the Oil Spill Act passed following the 1989 Exxon Valdez disaster and the prosecutors were therefore determined to ensure that John Cota received the maximum penalty of 10 month's in prison.

In contrast, The National Transportation Safety Board (NTSB) report, which has now been published, provides a very detailed account (161 pages!) of the events leading up to the incident and reveals that John Cota's error was compounded by failures of the bridge team and the failure of the VTS to provide support at a critical time. Although the report catalogues "Human element" failures, in my opinion it doesn't identify any actions which could be identified as criminally negligent. It is therefore all the more worrying that in sentencing John Cota to prison, the prosecutors have set a precedent that will encourage other legal teams around the world to criminalise the pilot.

The following analysis is extracted from the NTSB report and press reports from the trial but the opinions expressed in it are my personal views.



An accident or criminal negligence? Photo: NTSB

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SUMMARY

On Wednesday, November 7, 2007, about 0830 Pacific standard time, the Hong Kong registered, 901-foot-long containership MV *Cosco Busan* allided with the fendering system at the base of the Delta tower of the San Francisco–Oakland Bay Bridge. The ship was outbound from berth 56 in the Port of Oakland, California, and was destined for Busan, South Korea. Contact with the bridge tower created a 212-foot-long by 10-foot-high by 8-foot-deep gash in the forward port side of the ship and breached the Nos. 3 and 4 port fuel tanks and the No. 2 port ballast tank. As a result of the breached fuel tanks, about 53,500 gallons (approx 200 tonnes) of fuel oil were released into San Francisco Bay. No injuries or fatalities resulted from the accident, but the fuel spill contaminated about 26 miles of shoreline, killed more than 2,500 birds of about 50 species, temporarily closed a fishery on the bay, and delayed the start of the crab-fishing season. Total monetary damages were estimated to be \$2.1 million for the ship, \$1.5 million for the bridge, and more than \$70 million for environmental cleanup. The National Transportation Safety Board determines that the probable cause of the allision of the *Cosco Busan* with the San Francisco–Oakland Bay Bridge was the failure to safely navigate the vessel in restricted visibility as a result of (1) the pilot's degraded cognitive performance from his use of impairing prescription medications, (2) the absence of a comprehensive pre-departure master/pilot exchange and a lack of effective communication between the pilot and the master during the accident voyage, and (3) the master's ineffective oversight of the pilot's performance and the vessel's progress. Contributing to the accident was the failure of Fleet Management Ltd. to adequately train the *Cosco Busan* crewmembers before their initial voyage on the vessel, which included a failure to ensure that the crew understood and complied with the company's safety management system. Also contributing to the accident was the US Coast Guard's failure to provide adequate medical oversight of the pilot in view of the medical and medication information that the pilot had reported to the Coast Guard.

NTSB CONCLUSIONS

1. *The following were neither causal nor contributory to the accident: wind and current; the vessel propulsion and steering systems; the bridge navigation systems; bridge team response to orders; vessel harbor traffic; navigation aids, including the RACON at the center of the Delta–Echo span; maintenance of a proper lookout; pilot training and experience; and vessel traffic service equipment and operational capability.*
2. *The California Department of Transportation's assessment of damage to the San Francisco–Oakland Bay Bridge following the allision was timely and appropriate.*
3. *The California Department of Transportation's decision to allow the bridge to remain open to traffic after the allision was appropriate.*
4. *In this accident, the bridge tower fendering system worked as intended to protect the pier structure and to limit damage to the striking vessel to the area above the waterline.*
5. *The pilot's order for hard port rudder at the time of the allision was appropriate and possibly limited the damage to the vessel and the bridge fendering system.*
6. *Although the pilot had been diagnosed with sleep apnea, he was being treated for the condition, and there was no evidence that he was sleep-deprived at the time of the accident.*
7. *As evidenced by his prescription history and duty schedule, the pilot was most likely taking a number of medications, the types and dosages of which would be expected to degrade cognitive*

performance, and these effects were present while the pilot was performing piloting duties, including on the day of the accident.

8. *The Cosco Busan pilot, at the time of the allision, experienced reduced cognitive function that affected his ability to interpret data and that degraded his ability to safely pilot the ship under the prevailing conditions, as evidenced by a number of navigational errors that he committed.*
9. *The pilot and the master of the Cosco Busan failed to engage in a comprehensive master/pilot information exchange before the ship departed the dock and failed to establish and maintain effective communication during the accident voyage, with the result that they were unable to effectively carry out their respective navigation and command responsibilities.*
10. *The master of the Cosco Busan did not implement several procedures found in the company safety management system related to safe vessel operations, which placed the vessel, the crew, and the environment at risk.*
11. *The interactions between the pilot and the master on the day of the allision were likely influenced by a disparity in experience between the pilot and the master in navigating the San Francisco Bay and by cultural differences that made the master reluctant to assert authority over the pilot.*
12. *Because the Cosco Busan master was the only crew member to have been drug tested in a timely manner, no conclusive evidence exists as to whether the use of illegal drugs by the other crewmembers played a role in the accident.*
13. *Vessel Traffic Service San Francisco personnel, in the minutes before the allision, provided the pilot with incorrect navigational information that may have confused him about the vessel's heading.*
14. *Vessel traffic service communications that identify the vessel, not only the pilot, would enhance the ability of vessel masters and crew to monitor and comprehend vessel traffic service communications.*
15. *Although Vessel Traffic Service San Francisco personnel should have provided the pilot and the master with unambiguous information about the vessel's proximity to the Delta tower, the Safety Board could not determine whether such information, had it been provided, would have prevented the allision.*
16. *The lack of U.S. Coast Guard guidance on the use of vessel traffic service authority limited the ability of Vessel Traffic Service San Francisco personnel to exercise their authority to control or direct vessel movement to minimize risk.*
17. *Even though the pilot's personal physician, who prescribed the majority of medications to the pilot, was aware of the pilot's occupation and his medical history, including his documented history of alcohol dependence, he continued to inappropriately prescribe medications that, either individually or in concert, had a high likelihood of adversely affecting the pilot's job performance.*
18. *Although the pilot did not disclose to the physician who conducted his January 2007 medical evaluation all of his medical conditions or medication use, as he was required to do, the physician exercised poor medical oversight on behalf of the California Board of Pilot Commissioners by finding the pilot fit for duty despite having collected sufficient information regarding his multiple medical conditions and medications to call into question his ability to perform his piloting duties safely.*
19. *Although the pilot did not disclose to the U.S. Coast Guard and the California Board of Pilot Commissioners all of his medical conditions or medication use, as he was required to do, the information he did provide should have been sufficient to prompt the Coast Guard, at a minimum, to conduct additional review of*

the pilot's fitness for duty.

20. The U.S. Coast Guard, which had the ultimate responsibility for determining the pilot's medical qualification for retaining his merchant mariner's license, should not have allowed the pilot to continue his duties because the pilot was not medically fit.

21. The U.S. Coast Guard's system of medical oversight of mariners continues to be deficient in that it lacks a requirement for mariners to report changes in their medical status between medical evaluations.

22. Fleet Management Ltd. had failed to adequately train the Cosco Busan crewmembers, who were new to the vessel, who had not worked together previously, and who for the most part were new to the company, and this failure contributed to deficient bridge team performance on the day of the accident.

23. Providing a safety management system manual to the Cosco Busan crew only in English and not also in the vessel's working language limited the crewmembers' ability to review and follow the SMS.

24. Fleet Management had not successfully instilled in the Cosco Busan master and crew the importance of following all company safety management system procedures.

25. The failure of the U.S. Coast Guard and the California Department of Fish and Game's Office of Spill Prevention and Response to quickly quantify and relay an accurate estimate of the quantity of oil spilled to the Unified Command did not affect the overall on-water recovery effort in this accident.

26. The Federal on-scene coordinator failed to aggressively use the resources available to him to obtain timely and accurate information about the extent of the spill in order to fulfill his responsibilities.

27. Effective communication regarding response activities was established and maintained between the oil spill response organizations, the qualified individual, the U.S. Coast Guard, and the Unified Command on the day of the accident.

28. The designated oil spill response organizations' level of response to the Cosco Busan fuel oil spill was timely and effective.

29. A mechanism for the collection and regular communication among pilot oversight organizations of pilot-related performance data and information regarding pilot oversight and best practices would enhance the ability of those organizations to effectively oversee pilots.

30. Recently implemented international regulations with regard to the protection of fuel oil tanks on nontank vessels will, over time, reduce the likelihood of oil spills in mishaps such as occurred with the Cosco Busan.

PROBABLE CAUSE

The National Transportation Safety Board determines that the probable cause of the allision of the Cosco Busan with the San Francisco–Oakland Bay Bridge was the failure to safely navigate the vessel in restricted visibility as a result of (1) the pilot's degraded cognitive performance from his use of impairing prescription medications, (2) the absence of a comprehensive pre-departure master/pilot exchange and a lack of effective communication between the pilot and the master during the accident voyage, and (3) the master's ineffective oversight of the pilot's performance and the vessel's progress. Contributing to the accident was the failure of Fleet Management Ltd. to adequately train the Cosco Busan crewmembers before the accident voyage, which included a failure to ensure that the crew understood and complied with the company's safety management system. Also

contributing to the accident was the U.S. Coast Guard's failure to provide adequate medical oversight of the pilot in view of the medical and medication information that the pilot had reported to the Coast Guard.

NTSB RECOMMENDATIONS

To the U.S. Coast Guard:

- Propose to the International Maritime Organization that it include a segment on cultural and language differences and their possible influence on mariner performance in its bridge resource management curricula.
- Revise your vessel traffic service policies to ensure that vessel traffic service communications identify the vessel, not only the pilot, when vessels operate in pilotage waters.
- Provide Coast Guard-wide guidance to vessel traffic service personnel that clearly defines expectations for the use of existing authority to direct or control vessel movement when such action is justified in the interest of safety.
- Require mariners to report to the Coast Guard, in a timely manner, any substantive changes in their medical status or medication use that occur between required medical evaluations.
- Establish a mechanism through which representatives of pilot oversight organisations collect and regularly communicate pilot performance data and information regarding pilot oversight and best practices.

To Fleet Management Ltd.:

- When assigning a new crew to a vessel, ensure that all crew members are thoroughly familiar with vessel operations and company safety procedures before the vessel departs the port.
- Provide safety management system manuals that are in the working language of a vessel's crew.

To the American Pilots' Association:

- Inform your members of the circumstances of this accident, remind them that a pilot card is only a supplement to a verbal master/pilot exchange, and encourage your pilots to include vessel masters and/or the officer in charge of the navigational watch in all discussions and decisions regarding vessel navigation in pilotage waters.

In view of all the factors analysed in the report it is a seriously alarming development that the pilot has been held solely responsible and condemned as a criminal. As a pilot with 27 years experience some factor evidently caused him to lose situational awareness at a critical point. The medication that he was taking seems to have been a factor in the loss of situational awareness but did this represent a criminal act? I am no legal expert but I don't believe that this case should ever have come anywhere near a criminal court. Compare John Cota's actions with that of a driver of an HGV in Alaska in 2002 whose vehicle collided with a car and killed the two occupants because the driver was watching a film on a DVD player mounted in his cab. That driver faced manslaughter charges but he was acquitted because no law existed prohibiting a driver from operating a DVD in the view of a driver and there are many other cases of road drivers causing death and destruction and walking away unpunished.

In frightening contrast (and I mean to be alarmist here!), the prosecutors in John Cota's trial were determined to condemn the pilot and this has now set a precedent for any pilot who may be unfortunate enough to have the conduct of a vessel which is involved in an incident that results in pollution or death. An exaggeration? Take careful note of these accounts from the trial:

In papers filed in court, prosecutors told the judge that Captain Cota should receive a sentence of incarceration because he was "guilty of far more than a mere slip-up or an otherwise innocuous mistake that yielded unforeseeably grave damage. Rather, he made

a series of intentional and negligent acts and omissions, both before and leading up to the incident that produced a disaster that, as widespread as it was, could have had even worse consequences.”

“Captain Cota abandoned ship by not following required safety procedures which then resulted in an environmental disaster”

“The court’s sentence of John Cota should serve as a deterrent to shipping companies and mariners who think violating the environmental laws that protect our nation’s waterways will go undetected or unpunished,” said Joseph P. Russoniello, U.S. Attorney for the Northern District of California. “They will be vigorously prosecuted.”

Imposing a prison sentence rather than a fine, U.S. District Judge Susan Illston said, “I know there is a lot of blame to go around and there were a lot of authors in this tragedy, but I think Captain Cota was right in the middle of that.”

She stated that Congress had made it a crime to engage in negligence resulting in an oil spill “in order to protect the environment against the very kinds of things that have happened here.”

John Cota’s legal team are of the opinion that, by criminalising the pilot, the lessons of the *Cosco Busan* accident will not be learnt and have identified the following failures that contributed to the disaster:

- The *Cosco Busan*’s master, Captain Sun, failed to adequately supervise his crew and exercise any responsibility for ensuring the safe navigation of the vessel even though under well-established international law, the master is always in charge of his ship and the pilot acts only as his advisor;
- The *Cosco Busan*’s master ultimately gave the final approval to sail;
- The crew failed to take fixes at frequent intervals as required by international law, and at least every 5 minutes as required by Fleet Management’s policies, to ensure the safe navigation of the vessel in a congested area such as the San Francisco Bay;
- No one told Captain Cota that the electronic chart on the *Cosco Busan* was not IMO certified, and therefore should not be used in place of the paper chart;
- The fog signals on the Delta and Echo Towers were not working and cannot be heard at any time on the ship’s bridge recorder;
- The master did not know how to operate his ship’s electronic chart system and failed to either admit his ignorance or ask for help. As a result, when Captain Cota twice asked him for assistance, the master “guessed” at the meaning of the red symbols, first telling Captain Cota they were “lights on ... bridge” and later, after VTS called, confirmed they marked the “center of the bridge”;
- The crew falsified various checklists and work logs (i.e., the work logs reflected that the crew was getting more rest than was actually the case);
- At the master’s direction, the crew collaborated on their “story,” and continued to be less than forthcoming even though the government gave them immunity from prosecution. The master in particular made statements under oath at various times that he later repudiated during his Rule 15 deposition.
- The master never told Captain Cota that he did not know or understand the symbols on his electronic chart or that he could have “queried” the symbols and learned that they were the red/green/red buoys in front of the Delta Tower;
- At the direction of Fleet Management’s Superintendents, the crew falsified documents after the accident to make it appear that the ship’s records were “complete” for the upcoming audit and/or government investigation;
- The Chief Officer abandoned his post at the bow of the ship and went to the mess hall to have a “meal and a smoke” shortly before the accident and later lied about this fact to the Coast Guard;
- The crew aboard the vessel, including the master, failed to

adequately perform its duties in violation of international law – in particular, there was no pre-departure passage planning and none of the mandatory bridge team management procedures were followed

- The master failed to direct his crew to prepare a berth-to-berth passage plan prior to departing the Port of Oakland even though Fleet Management’s own policies required such a plan;
- The master failed to place a dedicated lookout on the bridge on the morning of November 7, 2007;
- The radars aboard the *Cosco Busan* were not properly tuned: the gain had been turned up considerably to compensate for the anti-clutter device that was mistakenly left in auto-mode by the master while his ship was in the Bay;
- The master also violated international law when he claimed not to know that the *Cosco Busan*’s intended route to sea was through the Delta-Echo span of the Bay Bridge or that the course drawn by his crew on his ship’s paper chart was not through the center of the span but was much closer to the Delta bridge tower
- Fleet Management’s Superintendents, who were on board the ship on November 7, 2007 before the ship sailed, and the ship’s master, failed to recognize the need to take any extra precautions or even consider delaying the ship’s departure given the foggy conditions that morning
- The master claimed not to know that his ship was headed in the direction of the Delta Tower because he allegedly did not know how the pilot intended to direct the ship through the Bay Bridge as it departed its berth in Oakland
- VTS failed to give a warning that the *Cosco Busan* was heading toward the Delta Tower of the Bay Bridge. Had a warning been given even within the last minute or so, the ship could have safely traveled through the Charlie-Delta span;
- VTS failed to follow its standing orders and mission statement to “coordinate the safe and efficient transit of vessels in San Francisco Bay in an effort to prevent accidents” by either making recommendations or issuing directions “to control the movement of vessels in order to [protect] ... the environment

A STATEMENT FROM JOHN COTA

Following sentencing, John Cota issued the following statement through his legal team:

Today marks the first time in over 200 years of maritime history of the United States that the government has sent a Bar Pilot to prison for an accident.

Captain John Cota, a man who literally grew up on the San Francisco Bay, is devastated by the events of November 7, 2007. Having spent over 27 years as a Bar Pilot, and having worked on the waterfront since he was 12, Captain Cota is deeply tied to the Bay. For the rest of his life, Captain Cota will bear the stigma of his role in the November 7, 2007 oil spill.

Captain Cota apologizes for his actions.

Sending a hardworking man to prison, who was just trying to do his job, for errors in judgment, is a very tough life lesson that Captain Cota wishes on no one.

Captain Cota hopes people understand that many factors – not just his actions – contributed to the cause of this tragic event. Yet, he alone has been singled out for prosecution, and he alone will be going to prison.

Captain Cota accepts his share of responsibility. But for lessons to be learned and carried forward to prevent this type of incident from ever occurring again – the multiple errors of all involved must be recognized. To date, this has not been done. Even the NTSB investigation was woefully inadequate and missed key evidence and critical facts.

The ship’s managers share in the responsibility for this accident by having:

- Allowed an unseaworthy ship to sail, with a vessel manned by a

poorly-trained crew, supervised by an incompetent master; and

- Generated false documents after the accident to cover up its misdeeds.

The United States Coast Guard Vessel Traffic Service ("VTS") also shares in the responsibility for this accident. VTS made the conscious decision not to warn the Cosco Busan that it was heading straight for the Bay Bridge Tower in the fog.

It is baffling why these vessel traffic professionals sat silent in their control tower and did nothing to try to keep this tragic accident from happening. There is persuasive expert opinion that there was ample time for VTS to warn, and had it done so, even within the last minute or so, there was still time for the ship to avoid hitting the bridge. The government must review its own procedures, in addition to prosecuting others, to make sure we never have a similar incident in the future.

In the end, Captain Cota hopes that this process is not just about blaming and punishing one man, but about finding solutions to making the Bay a safer place. Captain Cota appreciates the support he has received from family and friends.

DOES ALL THIS AFFECT UK PILOTS?

What happens in the USA inevitably sets a precedent for court cases here in the UK so the answer is yes and the only way that any pilot can defend himself is to ensure that procedures, especially the Master / pilot exchange are as comprehensive as possible. Can't be bothered? Take careful note of the following court statement:

Where it is possible to guard against a foreseeable risk, which, though perhaps not great, nevertheless cannot be called remote or fanciful, by adopting a means, which involves little difficulty or expense, the failure to adopt such means will in general be negligent.

As Australian pilot and IMPA Vice President, Steve Pelicanos observes: The primary defence against negligence claims is "due diligence." This really means that a reasonable person (in the eyes

of a court) in the same position would have undertaken certain procedures and processes to ensure whatever it is that did happen, on the balance of probabilities, shouldn't have happened.

This means that the courts could ask, "what could have guarded against the risk of the accident occurring?". The answer is, "A proper Master / Pilot exchange including a passage plan with contingencies that would enable a shared mental model by the bridge team (what we all know as BRM)." To which the courts could then ask the following question, "how much does it cost to have a proper MPX and produce a passage plan?" ... to which the answer is, "two minutes of time and about 20 cents for a sheet of paper".

The full NTSB report can be downloaded from:
www.nts.gov/publicctn/2009/MAR0901.pdf

AND FINALLY ...

Just in case you still doubt that criminalization of pilots is just something that happens in the USA, the following has been received from EMPA:

On 1st August 2004 Capt Calvi boarded the Cruise Ferry Danielle Casanova to help the Captain berthing in Marseilles harbour. Due to sudden weather changes and the constriction of the area the ship hit a pontoon with a residual speed (less than 1/2 knot), after avoiding a collision with another ferry and dropping an emergency anchor. Unfortunately there were passengers boarding another ferry moored on the opposite side of the pontoon. During the collision, the pontoon chains were broken and a car fell into the water resulting in one fatality. After many years of investigation Captain Calvi is facing charges for his conduct and he is now involved in a criminal prosecution, together with the Ferry's Captain, Gérard Bouvier.

JCB

REMEMBER

It is in your interest, if involved in any accident or injury, however trivial it may seem at the time, to inform:

Circle Insurances Services WITHIN 30 DAYS

Contact: Drew Smith

Circle Insurance Services plc
71 Berkeley Street, Glasgow G3 7DX
Tel: 0141 249 9914 • Email via
website: www.circleins.com/ukmpa

Full policy details for all the insurances can be viewed on both Circle and UKPMA websites

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www.solent.ac.uk/wmc

PENSIONS NEWS

As I write this, summer is halfway over and holidays have been taken. I went home to see my nephew tie the knot and Loretta enjoyed the wilds of west coast Scotland.

The Secretariat

Things have been relatively quiet in the Secretariat over the last quarter, well as quiet as possible under the circumstances, so there is not much to report.

Annual Report & Accounts 2008

I must apologise to members about the delay in getting the 2008 Trustee Annual Report and Accounts out to you, but a change in the audit team meant a new approach was adopted and PKF refused to sign off the accounts until the last t was crossed and i dotted. You will have them by the end of summer – I promise.

Ill-Health Rule

The trustees have agreed to expand the ill-health rule to allow them the discretion to reduce an ill-health pension (currently they can only suspend ill-health pensions).

I am hopeful that this will be the last change for the rest of the year and that I will be able to send the Rules off to be reprinted in the not too distant future.

Budget 2009

This year's budget on 22 April 2009 introduced a range of measures, some of which take effect from 2010-11 and others from 2011-12. Fiscal tightening was expected, but major changes to the pension's tax regime for higher earners were

never anticipated.

The vast majority of pension scheme members will not be affected by the new provisions, the government believes only 1.5% of pension savers will be. However, for members earning more than £150,000 pa its impact could be both immediate and in the longer term serious.

The Budget announced that from 6 April 2011 tax relief on pension contributions would be restricted for members with an income of at least £150,000. When the new regime is in operation, members affected will be entitled to retain no more than basic-rate tax relief (20%) on pension savings. Some tapering is expected with the restriction in basic rate tax relief applying in full to individuals with income of £180,000, or over.

Transitional anti-avoidance provisions, effective 22 April 2009 to prevent "front-loading" of benefit accrual to obtain the full tax relief at 40% in advance of the 2011/12 changes were also announced.

These restrictions apply not only to money purchase arrangements, but to final salary arrangements as well.

It is a move designed to boost Treasury revenues, but has triggered fears that it could be a precursor to further reductions in pensions tax relief.

Although the changes will only affect a small number of people they are most likely to be senior managers who influence the employer's pension policy.

Default Retirement Age

The government's review of the default retirement age, which allows employers to force workers to retire at age 65, has been brought forward from 2011 to next year, in response to "changing demographic and economic circumstances". There has been mixed response to this action as the

Confederation of British Industry (CBI) believes that a default retirement age assists staff in determining when it is right to retire and allows firms to plan ahead with more confidence. Whereas the TUC welcomed the early review but said that employers should not force workers into working longer by inadequate pension provision.

Trivial Commutation

Finally, under much delayed regulations pension pots up to the value of £2000 can now be taken as a lump sum at retirement, regardless of the member's other pension provision. Previously members who had overall pension pots amounting to £17,500 were forced to find an accumulative annuity. These provisions will not apply to personal or stakeholder pensions.

*Debbie Marten
debbie@pnpf.co.uk*

Retirements

February 2009 to April 2009

G Turner Tees March

Pensioners Deceased

February 2009 - April 2009

JP Baines	Manchester
WV Fry	Manchester
JH Law	Manchester
CA Rhodes	Manchester
KN Taylor	Liverpool

PNPF COURT CASE

This topic was the subject of a special debate at the Interim Delegates Conference in May. Chairman of the Trustees, Richard Williamson (Boston), referred delegates to the report contained within the conference pack (available to members on request) but explained that due to the litigation process he had been unable to include specific details. The Court hearing has been set for 18th January 2010 and a "deliberation" will be made within three months of the hearing. Richard explained that the hearing and subsequent deliberation would not conclude the issues but would represent the beginning of what was sure to be a long process in determining liabilities for the fund deficit. Because of the complexities of the hearing, a sub-committee had been set up to trawl through the vast amount of documentation going back as far as the 1970's when the new Pilotage Act was first mentioned. In a highly unusual, but welcome, development all available documentation has been placed on the solicitors' (Lovells) website to which all members

have access upon application.

Due to these court proceedings it had not been possible to complete the Triennial Valuation and consequently the PNPF had met with the regulator to explain the situation. The outcome of the meeting was that the regulator was satisfied that the legal action was necessary and in the interests of both members and pensioners.

Following the presentation Joe Wilson announced that Richard was now standing down from Chairman of the PNPF Trustees to become Vice Chairman and paid tribute to the phenomenal amount of time and effort that Richard had put in on behalf of fund members and pensioners during his time as Chairman, especially bearing in mind that the Trustees were about the only part of the court proceedings not receiving any remuneration!

JCB

PILOT LADDERS : IMO NAV55

Technical & Training Committee Chairman Brian Wilson is representing the UKMPA for this IMO session where updating the existing pilot ladder requirements is on the agenda. There are currently three pieces of legislation covering pilot ladders, all slightly different and the aim is to amalgamate them into one.

The main proposals are:

Step Spacing: To change the existing spacing from 300mm – 380mm to 310mm – 350mm with “spacing” being defined as from the top of one step to the top of the next, whereas before it was the gap. In addition to making access easier for the pilot, this spacing would also result in 3 steps per metre, making it easier for the crew to put out the correct length of ladder.

Tripping Lines: These should be avoided where possible but where necessary they should be fastened above the bottom spreader (ie 5th step up), fastened on the forward side, kept tight and not hinder the pilot or safe approach of the pilot boat.

Ropes: Should be two uncovered ropes of manila or other material of equivalent strength. Each side rope will be one rope, having its mid point at the top. (ie The ends of the rope are at the bottom of the ladder)

Combination ladders: Lead Aft with the angle of slope reduced from 55 to 45 degrees. The Lower platform maintained

at a minimum of 5 meters above sea level. With the platform secured to the ship’s side. The Pilot ladder & manropes to be secured to ship’s side 1.5m above the platform.

Rubbing bands: To be cut back to allow at least 6 meters of unobstructed ship’s side.

Photographic evidence is essential in explaining some of the very common but dangerous boarding arrangements that pilots had to deal with daily and Brian urges all pilots to take as many photos of dodgy ladders as possible and send them to him: Brian Wilson: b.wilson@belfastpilots.com

JCB



A replacement spreader used to wedge the ladder against the rails and the ropes pass over a sharp strake. If a pilot boat “hung up” on this ladder it would break at this point!

ROCKNES UPDATE 2

NORWEGIAN HYDROGRAPHIC SERVICE FOUND PARTIALLY LIABLE

Readers may recall that following the grounding and capsizing of the MV *Rocknes*, near Bergen, in 2004, which tragically resulted in the deaths of 18 of the 29 on board, I wrote an article (October 2004 pages 8 & 9) with an update in the July 2005 issue (page 10) which stated that the Norwegian Hydrographic Service (NHS) would not be prosecuted over failures to plot the rock, upon which the MV *Rockness* grounded, on the relevant chart. That decision not to prosecute was the outcome of a criminal prosecution brought by the Bergen police.

Despite that 2005 ruling, the ship’s P&I club, along with other plaintiffs, took the NHS to court to recover costs of NKr 700m (approx £68m) over the charting failures. The basis of the claim was that the Norwegian Chart Authority had discovered the shoal on which the *Rocknes* grounded during a survey in 1995, but the Norwegian State had failed to report the shoal with the result that navigators and pilots were unaware of its existence. The NHS had updated information about the shoal on a new edition but had not told anyone about it through a notice to mariners.

Mr Eilertsen, the plaintiffs’ lawyer, argued that information about changes on new charts, such as hidden rocks, should be promulgated through Notices to Mariners, rather than being placed on the new charts, which left navigators and pilots to discover the changes for themselves. “*This was our argument. We have up to 100 pilots certified for that area and no one had discovered it (on the new chart),*” said Mr Eilertsen. He suggested that sometimes the NHS would fail to let navigators or pilots know that a particular chart had been superseded. There is a

convention that when a new chart is issued, as opposed to a reprint of an existing chart with all corrections marked, the older version can no longer be used but this practice hadn’t been followed in Norway. “*In which case users lived under the opinion that so long as they continue to change the old chart according to the notice to mariners then they will continue to reflect the new chart.*”

Mr Eilertsen said that the Norwegian authorities have now amended their practices. It now has explicit print saying that new editions should always be used.

The original accident investigation in 2004 revealed that the vessel’s cargo of rocks could have been loaded badly and the grounding led to the cargo shifting, which in turn led to the capsizing. The Oslo court decided that this was probably the case, and that had the vessel hit the rocks in a more stable condition it would have remained upright, thus limiting the liability of the hydrographic service.

The court’s judgment was delivered on May 29, 2009. The state was held liable for negligently omitting to report the shoal on which the *Rocknes* grounded, however, due to the fact that the court held that there was contributory negligence on the claimants’ side, and since the court held that the *Rocknes* would not have capsized had it been properly loaded and the cargo trimmed, the damages were reduced to NorKr 22m (Approximately £2m)

The Norwegian government has filed an appeal against the decision.

JCB

45th European Pilots Football Tournament – 2009 Ostend

This year the Ostend pilots (LSOV) hosted the 45th European Pilots Football Tournament. Held since 1964, this is the 7th time that Ostend has organised this great occasion.

On the evening before the tournament, our squad arrived at the venue for the draw where the teams, wives and guests were treated to food, drink and a bit of “leg-training” by way of a disco. The draw for the tournament was made and our team discovered that they were to play in an initial group consisting of Rotterdam and Weser Ems, (Described by team Captain Kevin Walsh (Liverpool), as the “Group of Death!!”.)

Ostend itself has a lot to offer, a fabulous beach and sea front, great shopping, restaurants and cafes. The organisation and hospitality provided by the LSVO pilots was truly outstanding. Coaches were provided to the Royal Ostend Golf Club for a day of golf and the wives could join a special guided tour of the city with lunch and shopping afterwards.

“Team UK” consisted of 13 pilots from Liverpool (5), Tees (2), London (2), Manchester (2) and Forth (2). Special thanks must be given to the Captain, Kevin, who boosted the team with his inspiring team talks. Peter Flanagan (London), with the birth of his third child imminent, caught the 6am ferry from Dover on the first day of the tournament and only missed the first game. He returned home after the last match and Mrs Flanagan had a baby girl on the Monday after the tournament. What commitment!

Team UK lost to Rotterdam in the first game 2-0, what do they feed those boys on in Holland?, they dwarfed most of the UK team, except perhaps for William Terry (“Big Willy”) from the Forth and Matt Easton the goalie. During the second game against Weser-Ems, a shot by Steve Blake which rebounded was finished off nicely by him to make it 1-0, unfortunately a contentious penalty decision went against us, ending the game 1-1.

Following a magnificent lunch, the UK team were drawn against the Kiel pilots. Dave Williamson had a great shot on goal



Players are from Back left to right: Willie Terry (Forth), Matt Easton (Liv), Peter Flanagan, (London), Kevin Walsh (Liv), Steve Blake (Tees), Terry Crowe (Cheerleader-Ex-Liv), Mike McNeill, (Manchester), Graham Langley (Manchester), Dave Devey (Cheerleader-Ex-Liv). Front left to right: Steve Swanick (Manchester), Chris Spurling (London) with Dave Williamson (Liverpool) behind, Kenneth Macinnes (Forth), Zane Joachim (Tees) and Simon Wood (Liverpool)

that was saved and the end result was 0-0. The last game was against a team from EMPA. The UK team had gelled, and played really well. Zane Joachim shot in the first goal after bringing the ball down from his chest neatly to his feet. Steve Blake got the second and it was Zane again putting in the third after which EMPA got one back. An impressive 3-1 win with exceptional performances from Simon Wood, Peter Flanagan and Kevin Walsh, but everyone played their part.

The UK pilots came 8th out of 12 but only two points separated 8th and 4th. Alas for that penalty! Beaten only by Rotterdam, who actually won the competition, was a fantastic result and the team enjoyed a good rest period in the sun afterwards with free beers all round.

That evening a dinner dance was held in the “Kursaal”. A walk through the receptions halls on red carpet led everyone to wine, champagne and canapés and the presentation. A wonderful four-course meal then followed in the grand hall accompanied by a seven-piece band and more complimentary drinks.

Team (UK)’s squad was small and far

flung across the country but there was great camaraderie between them and the other European pilots that took part, around 180 in all. Thanks to Simon Wood for his excellent organising of the UK pilot’s participation. The enthusiastic LSVO pilots delighted all their European colleagues with their incredible organisation and hospitality, making it an unforgettable and superb stay on the Belgian coast.

Next year the tournament will be held in Le Havre 13th - 15th May.

Wives are encouraged to come, excursions are arranged for them and a dinner dance and trophy presentation takes place on the evening of the tournament.

There is obviously a cost involved (hotels etc.) but the event itself is subsidised by the hosts. Any pilots who want to come just for the football can do so.

I’m sure our team with a larger squad will do even better. France 2010 here we come! If you are interested in participating contact Simon Wood by emailing: 6riv@supanet.com

Shelly Spurling

Future fixtures 2011 Livorno and 2012 Liverpool. Dates to be confirmed.



Above: Team UK score a winning goal.

Left: A tense moment between Chris Spurling and a German defender is defused!

Liverpool's "Class of 1960"

May and June of this year saw the retirement of the last three serving pilots of the 1960 Liverpool intake of apprentices or "Boathands," which was the legal, 'Bye-Law' term for trainee pilots.

The three retired on their sixty-fifth birthdays, with John Curry retiring on 26th May, Stuart Wood on 20th June and Geoff Rafferty on 27th June.

There were six successful candidates from that 1960 Autumn interview and of the other three, David Temple sadly died at an early age in 1991, Simon Fearnett transferred to the Humber in 1988 (from where he has since retired) and Alan Green retired from Liverpool in 2005.

The interviews were held at the purpose-built Pilot Office on Canning Pier Head to the South of the Liverpool Landing Stage on the famous waterfront and the interview panel consisted of Master Mariners, Pilots, the Superintendent of Pilotage, not to mention the 'Marine Surveyor and Water Bailiff!' How daunting was that illustrious gathering to a sixteen year old!

A White Star Liner, MV *Britannic* was making a flood-way approach to the Landing Stage when an excited John Curry rang his parents to inform them that he had been accepted into the service.

After medicals, enrolments and other interviews, which we all seem to remember we attended as a group, we were placed as cadet-officers with shipping companies to gain sea-time prior to being called into the Service. John sailed with Clan Line to India and Australia, Stuart sailed with Brocklebanks to India and Geoff with Elder-Dempsters to the West Coast of Africa.

The following year we were called to commence training as apprentice pilots who crewed the four pilot vessels, which ran an efficient but costly Pilot Service for the Port of Liverpool. The apprentices were cheap labour on the very low wages, which they were paid. Eventually, this four vessel system became too expensive, being less efficient than a fast launch service which eventually replaced it.

The Class of 1960 then worked their way up through the system to become Third Class licensed pilots during 1968 and 1969. All six progressed to become First Class pilots five years later. These six licences provided extras to cope with the busy trade, and brought the numbers of Liverpool Pilots to 185. Sadly, the trade-bubble burst in the early seventies with the advent of the ever-increasing size of tankers, and the advent of containerisation the latter for which Liverpool was ill prepared.

The six quitted themselves manfully



Liverpool tugs provide a salute to the Helga Spirit



Stuart Wood (left) and Geoff Rafferty on board Geoff's last ship, Helga Spirit

through both good times and extremely bad ones. During the over-manned years of the late seventies and early eighties, four, went off to "pilot in the sand" as we used to call piloting out in Saudi and other foreign parts, thus proving to many, that piloting is first and foremost having the ability, skills and knowledge required to be a ship-handler. Geoff and John stayed on in Liverpool.

With the 1988 Pilotage Act, we faced another new era. An era of 'employment,' a state, which Liverpool Pilots resented from day one and vowed to fight their way out of. This was eventually achieved in the summer of 1997.

This period also involved the necessity of "appropriation" (choice pilots) for the depleted numbers in the Service since an ever-increasing number of companies wished to avail themselves of this facility. The 'big one' of a number of appropriations which Stuart was to hold being Shell, and for Geoff and John, the 'big one' being Atlantic Container Line.

We also involved ourselves in the politics of pilotage. Stuart becoming a representative during the "Battle Years" when Liverpool fought its way back to self-employment and John served as Chairman of the pilots' committee during the twelve troubled years of employment.

All three also involved themselves in



John Curry 'signs off' from the VTS and his career, outward-bound, clearing the main-channel aboard MV Atlantic Compass, which he and his wife, (who was on board with him), left in New York.

many activities outside pilotage. Stuart, amongst other activities, with sailing and sail-training. He also gained a pilot's flying licence for light-aircraft and became involved with local radio. Geoff amongst his other activities has become a fount of knowledge on animal husbandry and is also a very competent furniture restorer. John has a Joint-Honours degree in French and German and has taught at the University of Liverpool. At present, he is the Lifeboat Operation's Manager at the Hoylake All-Weather Lifeboat Station.

The last of the Class of 1960, mourn the loss of their dear friend and colleague David Temple, however, they themselves hope to enjoy long and happy retirements enjoying life after having served in a job, which brought each of them a tremendous amount of heartache, a whole lot of unbelievable fun, but above all, a great sense of job satisfaction for a job well done.

We wish all our serving colleagues, quite simply: "Good Ships and many of Them!"

John Curry. Liverpool Pilot, RTD.

This is an edited version of the information covering the retirement of the Class of 1960. The full story along with further photographs will be placed on the magazine website in due course. Ed

121st UKMPA CONFERENCE REPORT

This year the conference was a one day event held on board the HQS Wellington and was attended by 39 pilots from 15 districts.

Chairman's Report

Joe Wilson referred to the Marine Bill consultation and expressed concern that the DfT had classified the 118 pilot responses as "campaign responses" suggesting that they hadn't been seriously considered. The major concern of the UKMPA had been the wording that proposed issuing PEC's to "any person". However, at a constructive meeting with the DfT last year, they had stated that it had never been their intention to permit granting a PEC to anybody but the UKMPA would be checking the wording of the Bill carefully if and when it was ever revived.

National Occupational Standards and a pilotage qualification were still a major frustration and the UKMPA have been keeping the pressure on the revived Port Skills and Safety to try to move the process forward. The MCA are seemingly paralysed and show a lack of comprehension over how simple instigating a pilot qualification could be within the PMSC. Because of the importance of this issue a sub committee has been established which will report to Section Committee rather than the T&TC. However, the TTC will be undertaking a survey of districts with respect to their Continuous Professional Development processes.

In 2008 Clyde pilots had been in dispute with Peel Holdings. A Perth UKMPA member pilot had applied to train on the Clyde during the dispute and SC took the decision to expel him from the UKMPA. The individual concerned took the UKMPA to an employment tribunal where UNITE provided representation for the UKMPA. The case was dropped by the applicant just prior to the hearing but the process revealed that there is no expulsion clause in the UKMPA rules and a rule change has now been agreed to cover this.

The situation on the Clyde was on-going and the UKMPA are continuing to monitor Clydeport's pilotage policies.



HQS Wellington Photo: www.copyright-free-photos.org.uk

Insurances

Concerns had been expressed that employed pilots were subsidising the self employed pilots with their premiums. This myth needed to be expelled because in reality the insurances were currently being required by more employed pilots than self employed pilots. Indeed, the underwriters have confirmed that as a result of employment legislation, the policy is more relevant to employed pilots.

As a result of a query from a district concerning the situation whereby a pilot may find himself on a vessel for which he is not authorised to pilot, advice has been received which is detailed at the end of this article.

Cosco Busan

The full NTSB investigation has now been released and the key findings were:

- The pilots degraded cognitive performance due to his medication
- Absence of a comprehensive pre-departure Master / pilot exchange and effective communication between the pilot and Master
- The master's ineffective oversight of the pilot's performance and the vessel's progress.

These findings will inevitably impact on pilotage operations over here. SC have discussed the use of drugs and pilots are warned that pilots must declare their use of any prescription drugs and our insurance cover WILL be deemed void through the misuse of any drugs and alcohol, including the failure to disclose such use if proven.

The amalgamation between T&G and AMICUS into UNITE is on-going and it has been confirmed the previous "Memorandum of Understanding" drawn up between the UKMPA and the T&G is valid within the UNITE constitution

PNPF See separate article on page 6.


FINANCIAL REPORT: John Pretswell (Forth)

Membership currently stood at 493 from 45 districts. There had been a net loss of 9 members since 2008, mainly due to retirements. The accounts were healthy, and so the subscription rate would remain unchanged.

INSURANCES: Simon Campbell (Forth)

Three members had resigned from the UKMPA over the compulsory insurance requirement. Simon found this incompensable because the premiums are extremely competitive. Simon had given a presentation on our insurances to the EMPA congress which had followed one given by French pilot, Francois Laffoucriere, on the criminalisation of pilots. Francois had concluded his presentation with the warning that no pilot could afford to be without insurance cover in these litigious times.

Simon detailed the three policies to delegates (legal defence, DAS and personal accident (optional)) and provided examples where pilots had made successful claims on each. The most important policy is the legal defence provided by Royal Sun Alliance which is unique, having been professionally tailored to the needs of members. The wording of the policy is reviewed every year to ensure that the cover is kept up to date. The UKMPA cover is far better than any other available in Europe and many EMPA delegates had requested the details from Simon. Copies of the EMPA presentation are available to members on request.



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MCA/DfT: Peter Wylie (Tees)

Peter explained that all work with the MCA & DfT on National Occupational Standards (NOS) and the Port Marine Safety Code (PMSC) had gone frustratingly quiet with no progress having been made during the last 3 years.

The MCA have decided to withdraw any involvement in NOS for pilots and leave the matter in the hands of Port Skills & Safety (PSS) which is wholly owned by the British Ports Association. The UKMPA had managed to get a seat on the PSS working group but unfortunately, there was a general ignorance regarding pilots and their skills within the PSS panel since they were still considering that a "foundation" degree would be a suitable entry level qualification. The saga continues!

EMPA: Dave Williamson (Liverpool)

Dave provided an overview of the latest EU Maritime Policies. One important reference to pilots was a Port State document which referred to pilotage services being of "General Public Interest". An important factor with respect to the competition agenda.

Following rejection of the Ports Directives 1 & 2 attempts were being made to introduce PD3 but so far the MEP's and EMPA were managing to stall the plans. A new document "Maritime Space Without Barriers" was promoting streamlining short sea shipping by extending PEC usage and "shore based pilotage" to remove the "bottlenecks" created by the need for vessels to slow down to pick up a pilot! Their definition of "short sea shipping" includes 180m containerships etc!

EMPA review and respond to all relevant documents and so far their influence was effective in keeping the issues in check. Dave detailed the EMPA structure explaining that it was important that all UKMPA members were aware of the importance of EMPA.

"International Standards for Pilotage Organisations" had been introduced and self employed pilots in particular should consider becoming accredited to this. The EMPA congress presentations are available to members from Dave on request.

IMPA: Don Cockrill (London)

Don had attended the IMPA Congress in Bangkok and had been elected as a "Technical Advisor" to the executive. TA's attended the same meetings with the Executive but didn't get involved in financial issues so the UK has a member involved in the decision making process again. The main issue at present was a re-write of the pilot ladder recommendations which was progressing well through the IMO. The next IMPA congress would be in Brisbane in November 2010 and any UKMPA member can attend.

TECHNICAL & TRAINING: Brian Wilson, (Belfast)

Brian paid tribute to Gareth Rees who had been Chairman of the T&T for four years. The MARNIS project was now complete and Nigel Allen was congratulated on the work & dedication that he had shown as UKMPA representative on this important project.

AZIPILOT project. This project was looking at all aspects of pod propulsion and Gareth Rees is representing the UKMPA

NAV55: See page 7.

MARITIME RESOURCE MANAGEMENT: Matt Easton (Liverpool)

As part of offering a professional service it is becoming increasingly important that pilots keep up to date with current trends and recommendations. In incident investigations pilots are often criticised for not fully integrating into the ship's "bridge team". Unfortunately traditional Bridge Resource Management (BRM) courses are designed for ships' officers and rarely cover pilotage passages. Maritime Resource Management (MRM) is based on the aviation industry model and covers the overall management of a passage, including the pilot and engineers etc.

A pilot must use all means at his disposal to ensure safety but must also receive support from the Master, officers and, where appropriate, VTS. Matt provided several investigation examples where failure to provide support to the pilot in a developing situation

had contributed to the accident. Pilots are well trained in ship handling skills but not Human Factors yet investigations reveal that the majority (over 70%) of accidents involve failure of the Human Factors. Statistically, a vessel is twice as likely to be involved in a serious accident now as compared to five years ago and the costs of accidents have also doubled. MRM is based on the aviation model where both pilot and co-pilot double check each other's actions. Despite being introduced into the Maritime world nearly 20 years ago by the Swedish Club P&I group, only Holland has adopted MRM as an integral part of pilot training. In the absence of any MRM courses being offered in the UK, the Liverpool pilots have created a course, accredited by the Swedish Club, specifically tailored for pilots. Each course is based on discussions around various scenarios and the analysis of incidents. Pilots are encouraged to be open about their perceptions of bridge teams and their role within it and the *Cosco Busan* case has provided much material for discussion.

The Swedish Club course is run over 4 days but the Liverpool pilots have found that 2 days is adequate. Courses are either run at Liverpool or at any external location. Further details can be obtained from Matt Easton at: admin@liverpoolpilots.com

The modules for the course are available on the Swedish Club's website: www.swedishclub.com/main.php?mcid=3&mid=166&pid=61&tid=61

PILOTING VESSELS OVER AN AUTHORISATION LIMIT

Following the HA's taking over responsibility for authorising pilots following the 1987 Pilotage Act, many districts retained the authorisation structure and wording from the Trinity House authorisations. In some areas this included a clause stating that the authorisation limits could be overruled if a pilot of the appropriate grade wasn't available. This meant that if a pilot boarded, say a Class 4 vessel and discovered that, as a result of its draft, the vessel was in fact a Class 3 vessel then his authorisation would cover him. Following a recent case whereby a pilot, finding himself in such a position, refused to pilot the vessel, the UKMPA has sought a legal opinion on this historical anomaly and the following are extracts from the response:

There has never been a test-case on the point, but it would be very difficult to defend any pilot who willingly undertakes pilotage beyond the limits of his authorisation.

The leading relevant case is the Sea Empress, where of course there was compliance with the regulated limits, but the rationale of the observation that the highest possible standards need to be observed was that the Milford Haven rules were themselves inadequate at the time.

... A pilot who undertakes the pilotage of a ship the size of which is beyond the limits of his authorisation is not only not authorised for that ship (and is therefore acting unlawfully): but, in relation to that ship, is not truly authorised at all.

It follows, therefore, that the statutory protection provided by Section 22 of the Pilotage Act (the £1,000 limit) would not apply in such a case; because the protection benefits only an "authorised pilot".

In consequence, a pilot who pilots a ship whose size is greater than the regulated limits of his authorisation forfeits the statutory protection and exposes himself to liability for unlimited (and probably enormous) civil damages.

The message therefore is perfectly clear and with modern communications there is no excuse for the draft to be incorrectly declared prior to pilot boarding especially since such errors are inevitably caused by laziness on behalf of the agent to check with the Captain prior to making the pilot booking. Let him take the blame!!

PILOTAGE STANDARDS & THE GOVERNMENT

Pilots who follow the conference will be aware that since the beginning of the century there has been a set of National Occupational Standards (NOS) for pilotage training gathering dust on the shelves of a chameleon style port run body that has metamorphosed through various incarnations into Port Skills and Safety (PSS). Having originally been drafted by UKMPA pilots with Bob Jones of BPIT in 2000, this document details standards required for maritime pilots for incorporation into the Port Marine Safety Code (PMSC) and forms the basis for a pilotage qualification. For the past 9 years, despite MAIB recommendations and pressure from the DfT, the Ports and ship owners representatives have consistently blocked implementation of the NOS document because it conflicts with their opinion that pilots don't need any more than a basic school leaver's "Foundation degree". As mentioned in the conference report on page 11, the DfT and MCA have now decided that the issue of NOS is nothing to do with them and have handed the matter to PSS. The foxes have effectively been handed the keys to the hen house! The UKMPA's frustration with all this has been neatly summed up by Barrie Youde who has penned the following:

*Yon Geoffrey Hoon, he standeth doon:
Fitzpatrick speaketh nought.
Who now maintains the Pilotage in any
UK Port?
Who cares a fig for navigation danger or
pollution,
Laws or standards regulated, made by
resolution?
The Mother of all Parliaments is held in
high contempt
At Clyde and Humber, where the
burghers hold themselves exempt
From obligations recognised throughout
the shipping trade.
Disaster there is courted by the shovelful
– and spade.
All standards disregarded – every written
record serves
To evidence the increase in collisions,
scrapes and swerves.
I will not stand in silence as the laws are
disregarded
Nor watch the civil servants, all most
handsomely rewarded,
Do nothing as this tragedy develops and
unfolds,
By loss of human life and loss of cargo
from ships' holds.
Thus, if you are not speechless, nor insane
nor simply weak
O, Parliament! For Christ's sake! Will
you hear the Pilot speak?*

BOOK REVIEW

THE HISTORY OF THE BRITISH MERCHANT NAVY

by Richard Woodman

VOLUME 1: NEPTUNE'S TRIDENT (Spices & Slaves: 1500 - 1807)

Those of you who are familiar with Richard Woodman's books will be aware of his meticulous research and attention to historical detail and this professional ethos to his subject will inevitably ensure that this series of five volumes will become the definitive history of the Merchant Navy. This is not a large format "coffee table" book full of photographs, sketches and plans (there are plenty of excellent examples of this genre elsewhere) but a serious historical work detailing how the "merchants' navy" established trading posts and routes throughout the world which laid the foundations for, and subsequently underpinned, the British Empire. However, far from being a dull list of dates and events, by drawing on contemporary records, this book provides a fascinating account of trading voyages, wars, piracy and slavery as gripping as any work of fiction.

How was it that a small dot on the world map came to rule over one sixth of the world's land mass? Common perception is that Britain's Royal Navy opened the world to establish international trade but Richard Woodman dispels that myth, revealing that in fact the opposite was true. The Empire was established by British merchants trading goods carried in merchant vessels and this important but oft neglected fact is summed up by the author in his introduction thus:

Although late on the maritime scene – following the Portuguese, Spanish and Dutch – the British soon came to dominate the oceans of the world not simply by the naval power-projection available to them after the end of the Napoleonic War in 1818, but by the often aggressive, sometimes amoral – and always opportunist ambitions of her merchants and their ability to facilitate trade by means of shipping.

Almost nowhere in conventional mainstream history will you discover an analysis of British merchant shipping as an historical instrument of empowerment and imperial expansion, let alone of social advancement and the betterment of mankind. Yet it was unequivocally a fundamental engine of history, so-much-so that in 1921 the United States' ambassador to the Court of St James was moved to eulogise:

"I deem it no exaggeration to say that whether in war or peace, the British Mercantile Marine has rendered more service to more men of more nations than any other human agency."

The 17th century poet Edmund Waller (1606 -1687) summed it up succinctly:
Others may use the ocean as their road, only the English make it their abode.

A fascinating read for any mariner and essential reading for any historian or politician!

JCB

History of the British Merchant Navy VOL 1; Neptunes Trident

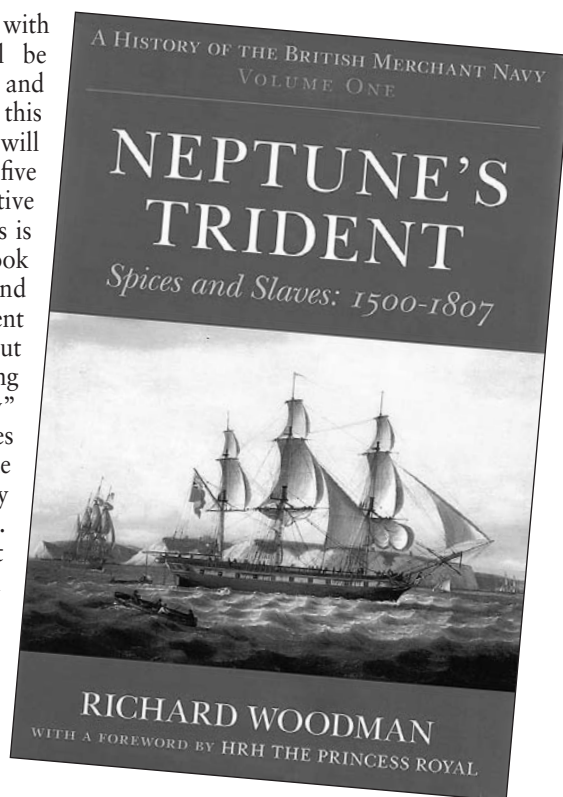
ISBN 978-0-7524-4814-5

The History Press Ltd, The Mill, Brimscombe Port, Stroud, Gloucestershire GL5 2QG.
Telephone 01453 883300

Website: www.thehistorypress.co.uk

Price £30

Volume 2: *Britannia's Realm*, has just been published with the remaining three volumes scheduled for publication during the next two years.



OBITUARY

JOHN FRANKISH

1922 - 2009



John Frankish, retired Trinity House Cinque Ports Pilot, died on the 19th May 2009 at the age of 87. Born on the 22nd March 1922, John and his twin brother Michael were educated at the King George VI School, Bury St. Edmunds. In 1938 at the age of 16, John joined *HMS Conway*, leaving in 1940 to serve in the Royal Mail Line.

On the 1st July 1942 Convoy OS.33 departed Liverpool. John was a Cadet on the *SS Siris*, which on the 11th July was dispersed from the convoy with 6 other vessels to proceed to South America. At 0413 on the 12th July a torpedo from *U-201* struck the *SS Siris* amidships and she began to sink. The crew, 55 people in all, took to 2 lifeboats: 6 Officers, including John, and 22 men in one lifeboat sailed for 10 days and 800 miles towards the African coast. 150 miles from the coast they were rescued by the Royal Navy, whilst the other lifeboat reached the Cape Verde Islands in 16 days.

In 1944 John was Chief Officer of the *Empire Bittern* which was scuttled at Arronanches as part of the Mulberry

Harbour and went on to survive the war. John's twin Michael was not so lucky, an RAF Pilot, he lost his life in 1941.

In 1952 John became a Cinque Ports Pilot serving 35 years until retirement in 1987. An unflappable character, a quiet man with a devastating sense of humour, John calmly piloted every type of vessel from Schuyts to VLCCs.

John married Jo in 1955 and filled the role of family man equally as well as that of a Pilot. He and Jo had three children, Hilary, Gillian and Michael travelling far and wide in their caravan between sailing their boat at Broadstairs and John playing golf at the North Foreland Club. Hilary was an asthmatic and sadly died at the age of 16. Gillian married Simon and they live and work in Marseilles with granddaughter Sarah. Michael, an avid sailor, lives in the Medway Towns.

In latter years John had arthritis. Although disabled they led a full social life. John finally died quietly at home, a fine seafarer, a lovely man, he is sadly missed by his family and friends.

John Godden

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Capt. Dennis Parsons, then Harbour Master, Port Kembla.

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