

**REPORT INTO THE INCIDENT ON  
BOARD THE "ARKLOW BROOK"  
ON 15TH JANUARY 2002  
WHERE A CREWMEMBER  
SUSTAINED SERIOUS INJURIES.**

The Marine Casualty Investigation Board was established on the 25<sup>th</sup> March, 2003 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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## 1. SYNOPSIS.

- 1.1 On the 15th January 2002 the MV "Arklow Brook" was proceeding upriver towards the port of Hamburg on the River Elbe in Germany.
- 1.2 At approximately 16.10 hours local time, Able Seaman Martin Lax was working with the Chief Mate in way of the portable bulkhead starboard side aft. Mr. Lax, rigged a Bosun's chair and was in the process of packing burlap (sack cloth) into a gap between the portable bulkhead and the hold bulkhead shell when Mr. Lax fell approximately 9 metres into the hold. Mr. Lax suffered serious head injuries.

## 2. FACTUAL INFORMATION

### 2.1 Details of vessel:

Name of Vessel:	MV "Arklow Brook"
Port of Registry:	Arklow
Operator of the vessel:	Arklow Shipping Limited, Arklow, Co. Wicklow, Ireland.
Length Over All:	99.95Metres
Summer Draft:	6.764 Metres
Gross Tonnage:	4783 Tonnes
Main Engine:	MaK 2640 kW with controllable pitch propellor
Speed:	12 Knots
Crew:	Seven in total

### 2.2 Personal Particulars of Injured Person:

Surname:	Lax
First Name:	Martin
Nationality:	British
Date of Birth:	16 April 1980
(Home Address	Southampton, SO16 3BY

United Kingdom Qualifications:	
Basic Sea Survival	November 1997
Certificate of Proficiency in Survival Craft	December 1997
Firefighting Stage 1	January 1998
First Aid at Sea Course	January 1998
Efficient Deck Hand Course	February 1998
Able Seaman Certificate	November 2001

### 2.3 Crew List:

RANK	NAME	NATIONALITY
Master	Kenneth McCarthy	Irish
Mate	Kieron O'Callaghan	Irish
2nd Mate	Margaret Gallagher	Irish
Chief Engineer	John Benn	British
Sailor	Rhydian Jenkins	British
Sailor	William Girvin	British
Sailor	Martin Lax	British

## EVENTS PRIOR TO THE INCIDENT

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### 3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The MV "Arklow Brook" was on passage from Amsterdam to Hamburg. The vessel was due to load a cargo of fertilizer in Hamburg. It was the practice on this vessel to pack a gap between the portable bulkhead and the hold bulkhead with burlap (sack cloth) to prevent ingress of cargo into the space aft of the portable bulkhead.
- 3.2 Mr. Lax joined the vessel on the 8th January 2002.
- 3.3 Mr. Lax signed on the vessel as a Category 1 Seaman and holding an Able Seaman's Certificate is considered to be fully qualified to serve in this capacity. Mr. Lax commenced his seagoing career in 1997 and served on a variety of vessels.
- 3.4 According to the vessels records Mr. Lax commenced familiarization procedures as per the Company's Manual. Mr. Lax signed the "Basic Safety Familiarisation Record" on the 12th January 2002.
- 3.5 According to the vessels hours of rest records Mr. Lax did not commence work on the vessel until the 10th January 2002. (See Appendix 8.1 for the hours of work of Mr. Lax).
- 3.6 According to the Chief Mate Mr. Lax turned up for work at about 0830 hours having gone off duty around midnight the previous night. Mr. Lax was involved in hold cleaning during the morning and was instructed by the Chief Mate to assist him together with Category I Seaman Mr. Jenkins in packing the gap between the portable bulkhead and hold bulkhead. As the vessel was approaching Brunsbuttel pilot the Chief Mate instructed Mr. Jenkins to tend to the pilot ladder.
- 3.7 According to the Chief Mate the normal procedure to 'pack' the gap was to cut appropriate lengths of burlap. A Bosun's Chair would then be rigged and the person sitting on the Bosun's Chair would then lower down and pack the gap on the way down. The Chief Mate rigged the 'lizard' to an eye on the top of the portable bulkhead and instructed Mr. Lax to rig the Bosun's Chair. (See photograph at Appendix 8.2). According to the Chief Mate he instructed Mr. Lax to test the Bosun's Chair by putting weight on the chair and Mr. Lax did so and the chair appeared to be ok.
- 3.8 The day was overcast and there may have been a very light drizzle. Due to the overcast sky and the time of day the light was fading.

#### **4. THE INCIDENT**

- 4.1 The Chief Mate said that he had his back turned for a second and as he turned he noticed Mr. Lax falling. Mr. Lax fell approximately 9 metres into the hold. The Chief Mate telephoned the navigational bridge and then rushed to the bridge and reported the accident at 16.08 hours local time.

### 5. EVENTS AFTER THE INCIDENT

- 5.1 The shore authorities were notified immediately and a medical team was on board at 16.20 hours. The vessel went alongside at Brunsbützel and Mr. Lax was placed into an ambulance at 17.35 hours.
- 5.2 Mr. Lax suffered severe head injuries and was initially brought to a hospital in Brunsbützel but due to his injuries was later transferred to a hospital at Heide.
- 5.3 At 18.30 hours German police came on board and took statements evidence and photographs.
- 5.4 At 19.55 hours the vessel proceeded to Hamburg.



## 6. CONCLUSIONS AND FINDINGS

- 6.1 Mr. Lax was appropriately qualified to rig and use a Bosun's chair.
- (i) The Bosun's Chair may not have been rigged in accordance with good practice.
- (ii) See Appendices 8.3 and 8.4. It appears that when Mr. Lax sat into the chair that the chair was free to fall. The chair may have been rigged with only one end of the lowering rope fast to the chair and Mr. Lax was yet to make the standing part fast but lost his grip and fell to the deck below.
- 6.2 Mr. Lax was not using a safety harness and safety line at the time of the accident.
- 6.3 Mr. Lax was not wearing a hard hat at the time of the accident.
- 6.4 It is accepted practice that any person who is qualified to rig and use a Bosun's Chair is responsible to ensure that it is rigged in a safe manner prior to use. However, the Chief Mate rigged the 'Lizard' and it is possible that there may have been some misunderstanding regarding the rigging of the chair. Mr. Lax had recently acquired his Able Seaman's Certificate and should have been familiar with the use and safe operation of a Bosun's Chair.
- 6.5 Company procedures and guidelines according to the publication "Code of Safe Working Practices for Merchant Seamen" were not adhered to immediately prior to this accident.
- 6.6 The operation of packing the portable bulkhead was a regular feature of the trade of the vessel. The nature of this operation made it particularly hazardous as the person using the Bosun's chair either had to step down from the hatch coaming or pull himself up from the tanktop in the hold before making fast the Bosun's chair. However the operators of the vessel maintain that they were not aware of this practice and may have taken other steps to prevent ingress of cargo via the portable bulkhead.
- 6.7 The practice of packing the portable bulkhead was not, from an operational viewpoint, considered to be a 'working aloft' operation by ships staff as no appropriate work permits were found in the ships records to indicate that any previous packing operation was the subject of a 'work permit'. Work permits were noted in the vessels files for work overside and aloft on masts.

- 6.8 Over the previous two days Mr. Lax, according to the ships records had nine hours rest on the 14th of January and nine and a half hours on the 15th January. On the previous three days he had between twelve and fourteen hours rest. Mr. Lax was not keeping a watch as a navigational watch rating during this time. (Note Appendix 8.1). The International Labour Organisation Convention on Seafarers Hours of Work and the Manning of Ships Convention, 1996 (No. 180) requires a minimum of ten hours rest in any twenty-four hour period.

## 7. RECOMMENDATIONS

- 7.1 Whenever a Bosun's Chair is required to be used an appropriate work permit should be requested and completed.
- 7.2 Whenever a person is working aloft appropriate precautions should be taken as per the Code of Safe Working Practices.
- 7.3 Prior to using working aloft equipment such as staging or Bosun's chairs, personnel unfamiliar with such equipment should familiarize themselves with its' safe use.
- 7.4 Arklow Shipping Limited should amend their manuals to indicate clearly to fleet personnel what is meant by "going aloft".
- 7.5 Arklow Shipping Limited should ensure that it gets adequate feedback from vessels regarding unusual on board procedures or practices.
- 7.6 Arklow Shipping Limited should ensure that international conventions (and national law) regarding hours of rest and/or hours of work are adhered to.

## 8. LIST OF APPENDICES

- 8.1 Hours of rest table for Mr. Lax.
- 8.2 Photograph showing packing between portable bulkhead and hold bulkhead.
- 8.3 Photograph showing close up of rigging of chair.
- 8.4 Photograph showing rigging of Bosun's chair.

Appendix 8.1

Hours of rest table for Mr. Lax.

Hours	Date																								Comments				
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23		24			
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Comments: Found v.l. 09/01/2002.  
Mr. Lax off Injured 15/01/02.

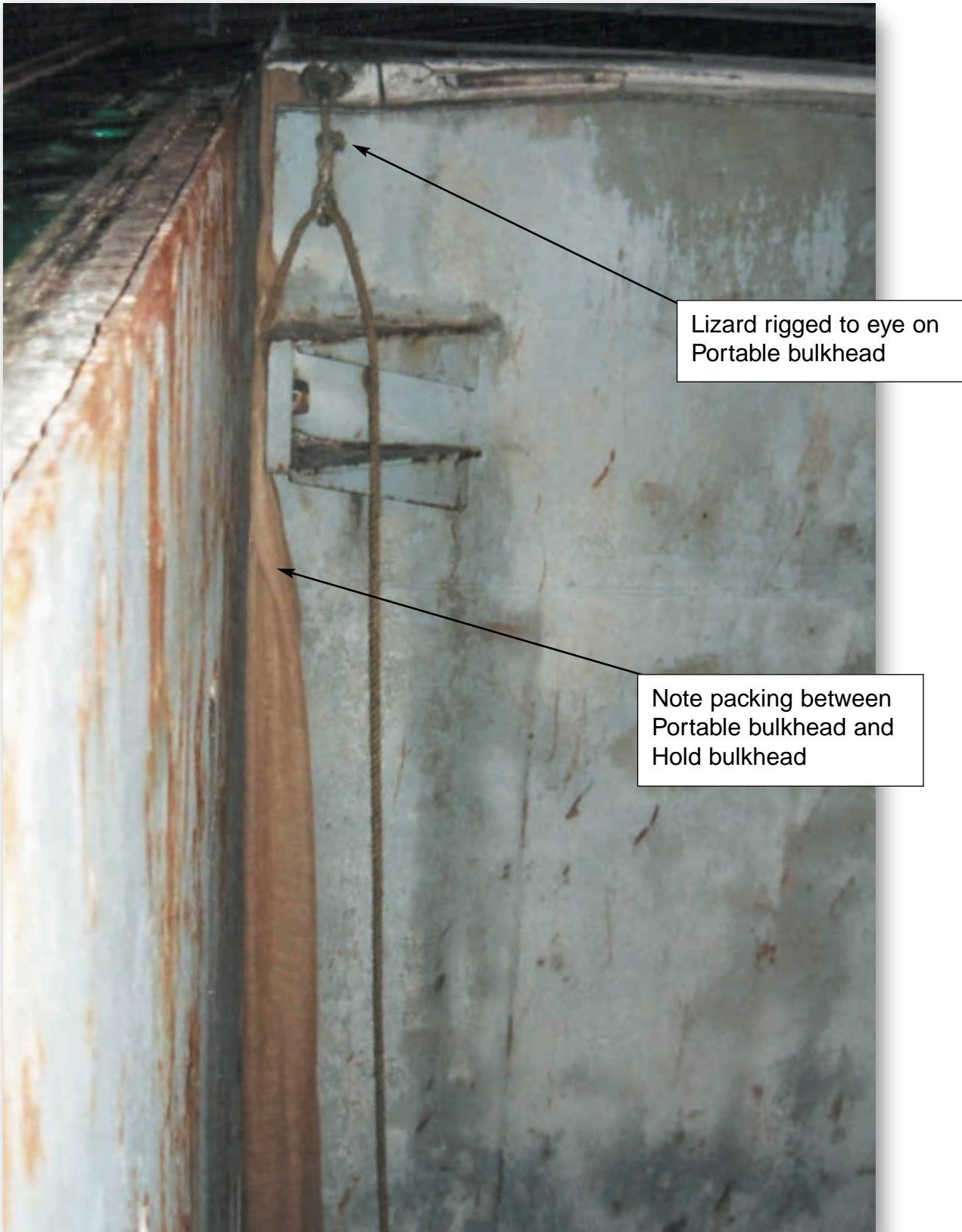
MONTH: Jan 2002  
VESSEL: Arelow Brook  
CREW: HADJIN LAX RANK: Capt I.

MR. ARELOW BROOK  
ARELOW  
OFFICIAL NO. 402573  
GT 4783 RW 2610

## APPENDIX 8.2

### Appendix 8.2

Photograph showing packing between portable bulkhead and hold bulkhead.



### Appendix 8.3

Photograph showing close up of rigging of chair.



## APPENDIX 8.4

### Appendix 8.4

Photograph showing rigging of Bosun's chair.

