

Prosecution Report 2020

Conviction of fishing vessel skipper involved in a collision

Defendant: Craig Robert Petre

Date of Hearing: 14th January 2020

Details: The skipper of a UK-registered fishing vessel has been prosecuted by the Maritime and Coastguard Agency (MCA) after it was involved in a collision with another fishing vessel in the English Channel last year.

Craig Robert Petre, 31, of Distington near Workington, who pleaded guilty to three offences in November, yesterday (Monday 13th January) appeared before Hull Crown Court Judge Watson and was sentenced to nine months' imprisonment, with a suspended sentence of 18 months.

The actions of Mr Petre, who was found guilty of failing to take action to avoid a collision; failing to transmit an automatic identification system (AIS) whilst at sea; and acting as skipper when not qualified to do so, showed "high culpability", according to Judge Watson.

He was also ordered to pay £4,500 towards the cost of legal fees.

In a statement, the MCA said: "The UK fishing industry has the highest proportion of unqualified skippers in Europe. The MCA is working with stakeholders to change that. Many events involving casualties on fishing vessels are a result of compliance failure, neglect and flagrant disregard for the law. This is completely unacceptable and those fishermen and owners who put lives at risk will be prosecuted. The MCA continues to work with the fishing industry to improve safety, and those unwilling to embrace this and improve standards will face the full weight of the law."

On 5th July 2019, Petre was skipper and at the helm of the 27-metre 'Philomena' [now renamed the Camm Courageous] when it was involved in a near head-on collision with a Guernsey-registered vessel in very good sailing conditions.

At the time of the incident, the Philomena was not transmitting an AIS signal and Petre was not qualified to serve as skipper. The vessel sustained significant damage and was later holed; however the collision took place above the waterline.

The vessel made its way to Falmouth in Cornwall following the incident but Petre did not alert the coastguard as to what happened nor reference his intended destination after the vessel sustained substantial damage.

proportion of deaths and serious injury of any industry within the UK.

Fines for captain and owner of party boat which collided with police dock and vessel

Defendant: Daniel Wakefield

Date of Hearing: 24th January 2020

Details: The captain and the owner of a passenger boat have been prosecuted by the Maritime and Coastguard Agency after it collided with both a police dock and police vessel, causing considerable damage.

Daniel Wakefield, 38, of Wellington Road, Tilbury, pleaded guilty to a charge of conduct endangering ships, structures or individuals under section 58 of the Merchant Shipping Act 1995.

He was handed a fine of [£1,120 and ordered to pay costs of £1,200](#) this morning (24 January) when he appeared before Southwark Crown Court.

Mr Wakefield was skipper of the Jewel of London on 13 December 2018. That night, the catamaran had been booked to host a private party for 135 passengers on the Thames.

After the partygoers had disembarked at Canary Wharf shortly before 11pm, the Jewel of London began to travel back towards its mooring at Festival Pier on the South Bank.

Six bar staff were onboard, along with Mr Wakefield and the mate Jason Foster.

At 11.05pm the boat hit the Metropolitan Police Service Marine Unit workshop pontoon, causing considerable damage to the dock and to the vessel itself.

It then reversed out of the pier, hitting a moored police vessel with two officers onboard.

The incident was caught on police CCTV.

Mr Wakefield later admitted to having fallen asleep.

The court heard that the owner of the boat, London Party Boats, had failed to ensure there was a dedicated lookout, something required by the Passenger Safety Certificate of the Jewel of London.

The company was charged under section 100 of the Merchant Shipping Act 1995 for being liable for the unsafe operation of a ship and was this morning ordered to pay a fine of [£5,000 and will pay costs of £15,225.](#)

The collision caused such considerable damage to the pontoon that the lift that hoists boats in and out of the water is now unsafe to use. More than a year after the incident it's still inoperable and it's estimated that the total cost for investigations, repairs and replacements needed after the damage will be between £1.25million and £1.6million.

Police vessels, responsible for policing 47 miles of the River Thames and providing an around-the-clock response to marine incidents, have been unable to use the lift. As the pontoon was also used to maintain and repair other vessels, the RNLI, London Fire Brigade and London City Airport have also been greatly affected.

In passing sentence, Judge Philip Bartle QC said: "Fortunately no one was injured although two police officers were onboard the police launch and the crew were on board the Jewel. Had passengers been on board the Jewel it is highly likely that some would have been injured, possibly seriously."

Maritime Investigations Manager at the Maritime & Coastguard Agency Paula Evans said: "This was an entirely avoidable incident which has had very serious consequences which could have been even more severe. It is lucky that nobody was hurt in the collision.

"Keeping people safe is at the heart of what we do and we are committed to working with our partner agencies to protect those on the water by stopping dangerous practices and vessels, and to hold accountable those responsible."

Fine for ship management company after tragic death of employee

Defendant: Sky Mare Navigation Company

Date of Hearing: 06th March 2020

Details: A Greek ship management company has been prosecuted by the Maritime and Coastguard Agency after the tragic death of one of its employees.

Sky Mare Navigation Company was today fined after a court heard how crew member Alfred Ismaili was crushed to death by a falling hatch cover during a lifting operation onboard general cargo vessel SMN Explorer on February 1 2018 in Alexandra Dock, King's Lynn.

The company pleaded guilty to charges of failing to comply with the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006.

Chelmsford Magistrates Court heard this morning how Mr. Ismaili died after he was crushed by a hatch cover that he was attempting to close.

In the absence of an operating procedure for opening and closing the heavy hatch cover, Mr. Ismaili had attempted to climb up the inside of the cover to try and access the equipment needed to secure it to a crane.

The hatch cover fell and crushed Mr. Ismaili, despite first aid being carried out at the scene and an ambulance attending, he was declared dead shortly afterwards.

The court heard how there had been no reasonable risk assessment, and that the operation had not been properly planned. There was evidence of a poor safety culture, evidence of a tolerance of poor safety practice and clear evidence of a failure to take the necessary precautions with the actual lifting equipment.

Sky Mare Navigation Company was handed a fine of £120,000 and ordered to pay full costs of £23,973 this afternoon.

MCA Lead Maritime Investigator, Dee Upshall said: "This tragedy was entirely avoidable. If a risk assessment had been carried out, or if Mar Ismaili had been given instruction or properly supervised as should have been the case, this death could have been prevented."

"We are committed to stopping dangerous practices, and to holding accountable those responsible."

Pyrotechnics company prosecuted after explosives found in a lorry

Defendant: BPM SFX Ltd

Date of Hearing: 03rd June 2020

Details: A UK pyrotechnics company has been prosecuted by the Maritime and Coastguard Agency after explosives were found in a lorry at a UK port.

BPM SFX Ltd, one of the UK and Europe's leading special effects companies, was today fined after a court heard how a consignment of undeclared dangerous goods was found in a lorry intending to board a passenger ferry at Dover port.

At Southampton Magistrates Court this afternoon the company pleaded guilty to charges of failing to comply with the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997.

The court heard how staff at Dover port found flammable liquid packed among cases in the back of the lorry intending to travel on a ferry to Europe.

On further investigation MCA surveyors who examined the load found a number of black plastic shrink-wrapped pallets containing flammable liquid, compressed gas and explosives.

The court then heard how there had been no paperwork issued to the driver detailing the load, no Dangerous Goods Notes completed and the company had not declared the dangerous goods to Dover port.

The company explained that a mistake had been made by staff at their warehouse and that the dangerous goods should not have been loaded onto the lorry.

BPM SFX Ltd was handed a fine of £40,000, £170 victim surcharge and ordered to pay the MCA full costs of £19,404.

In passing sentence, Judge Greenfield said: "Had the dangerous goods not been found and the lorry allowed onto the passenger ferry, this could have been far more serious. The crew would have been unprepared should an incident have happened as they were not advised of the content of the load."

MCA Lead Maritime Investigator Dee Upshall said: "The presence of explosives on a passenger ferry, unbeknown to those operating the ferry, is very dangerous indeed and puts many people at serious risk.

"We are committed to stopping dangerous practices, and to holding accountable those responsible."