

The offal chute inner covers – additional information

Chapter 4 in the final report of the RFI is important in that it is within this chapter that the seeds of doubt are sown about the competence of the crew on the Gaul.

We have already shown that the court's assertions regarding the crew's alleged lack of experience on trawlers with duff and offal waste discharges were wrong.

Another similar argument put forward by the Attorney General's team concerns the competence of the factory deck staff. Briefly, it was suggested that the factory hands, not being true seafarers and operating as a separate unit on the Gaul, were likely to be ignorant of the importance of the duff and offal chutes to the safety of the ship, and therefore must have left them unsecured.

Transcript of evidence, day 1, page 85 Mr Meeson:

It may also be significant that these openings were in the factory and were essentially part of the operation of the factory, particularly the offal chute, which would come under the jurisdiction of the factory manager, rather than being part of the ordinary operation of the ship. It may be that a factory manager who is concerned principally with the filleting of the fish and to ensure that the fish machinery is working properly does not appreciate the importance of these openings and it may well be that, depending upon the relationship on board, it be something that the deck officers may not themselves have fully appreciated either, being in a part of the ship that they may not normally have been involved in.

After some debate this argument went on to be formally recorded in Chapter 4 in the final report:

4. Experience of the Crew on board the GAUL

4.27 It is to be doubted if many on board fully understood the importance of the factory deck in the stability calculations and how the ship would be at risk if the watertight integrity was compromised. The deck crew were responsible for the factory deck operations in the whole fish freezer and therefore instinctively aware of the risks from flooding or open hatches. The same problems existed with the factory fillet trawler but are compounded by additional water outlets and waste openings and with some responsibilities possibly delegated to non-fishermen. In modern terms, the risk had progressively increased without an appropriate upgrade in training having taken place.

4.29 Clearly this was sensible in matters relating to fish processing, packing and freezing but the responsibility for securing the factory space and shutting down water hoses also seems to have lain with the Factory Manager and his department.

4.30 But we are left with the concern that there was an unfortunate grey area of responsibility, as the factory hands were always last to leave the factory deck after the catch had been stowed.

By the time we reach Chapter 18 in the report the seeds of doubt about the crew's competence have already come to fruition:

18.25 We have not forgotten that the covers to both chutes were not secured. Given the low order of priority given to both items by the owners and the absence of any adequate instructions to the crew (including the factory deck crew) to ensure the covers were kept secured when not in use, it is not remotely surprising that their importance was overlooked, especially after a busy night's fishing and filleting.

It is at this point that we think it would be useful to point out a few facts:

1. The factory deck crew were responsible for operating the offal chute discharge and the deck crew operated the duff chute discharge.
2. The offal chute overboard discharge acted as a relief valve during fish processing operations and this would only be used when the fish meal plant (25 tonnes/day) was operating at full capacity or the fish meal hold was full (capacity = 120 tonnes)
3. It has been estimated from the skippers reports that at the time the Gaul was lost the vessel had only managed to accumulate about 20 tonnes of fish fillets together with about 7 tonnes of fish-meal (a poor catch for the period she was fishing - 29 January to 14 February 1974). There would therefore be no need for the factory crew to use the offal chute overboard discharge. The Gaul's catch rate could hardly have been expected to lead to the 'busy fishing and filleting' referred to in paragraph 18.25 above
4. The experience and competence of the factory deck crew would only be relevant if these actually contributed to the casualty.
5. And finally and most importantly, there is the photographic evidence from the wreck site itself which shows that the offal chute covers must have been secured in the closed position prior to the loss of the vessel

If we also look at the transcripts of evidence we can see that both Mr Petty and Mr Smith are quite adamant about the use of the offal chute:

(Transcript of evidence, day 3, page 70, George Petty)

MR JUSTICE DAVID STEEL: The factory hands would complete the filleting process and put the fish into the freezer?

A. That is correct.

MR JUSTICE DAVID STEEL: They might, from time to time, have occasion to use the offal chute?

A. No.

MR JUSTICE DAVID STEEL: No?

A. No.

MR JUSTICE DAVID STEEL: Was the offal chute used by anybody?

A. You see, all your offal was turned into fish meat.

MR JUSTICE DAVID STEEL: So was the offal chute used by anybody?

A. The forward one?

MR JUSTICE DAVID STEEL: Yes.

A. I have never used that in my career on the ship.

(Transcript of evidence, day 24, page 15, Raymond Smith)

“The other point about it: the forward one is the offal chute. That is never used until the fish-meal plant has filled up. I have never seen it filled up, so that one would be very rarely used; only if they was cleaning down and sweeping duff through it. The after one -- as we know, the Gaul was fishing on the Cape Bank and she'd been catching some duffs, so they would be using that one. That would have been used that same day.”

It seems to be strange that logic backed by testimony from those who had worked on the Gaul and similar vessels should be overruled in favour of the unfounded argument developed by the Attorney General's team.

Trawler Gaul - fish processing on the factory deck

KEY

- Mechanised fish conveyors
- Fish processing machinery
- Sorting areas
- Fillet freezers
- Offal conveyors

1. Shetland 28 - gutting machine
2. Baader 150 - red fish filleting machine

3. Baader 421 - fish de-heading machine
4. Baader 412 - large fish de-heading machine
5. Baader 188 - fish filleting machines
6. Baader 99 - fish filleting machine
7. Baader 47 - fish skinning machine
8. Baader 46 - fish skinning machine
9. Fish waste hasher

