



**RULING 6 OF 2016 OF THE MARITIME DISCIPLINARY COURT OF THE
NETHERLANDS IN CASE NUMBER 2016.V2 – SEA GOLF**

As petitioned by:

the Minister of Infrastructure and the Environment in The Hague,
petitioner,
authorised representative: M. Schipper,
inspector at the Human Environment and Transport Inspectorate
(ILT)/Shipping in Rotterdam,

versus

W.H. D.,

the person concerned.

1. The course of the proceedings

On 22 April 2016, the Maritime Disciplinary Court received from M. Schipper, inspector ILT/Shipping in Rotterdam, a written petition for a disciplinary hearing of the case against the person concerned as the maritime officer of the Dutch seagoing vessel Sea Golf (referred to below as "the Sea Golf"). Eight appendices were attached to the petition.

The Disciplinary Court has notified the person concerned of the petition by letter (sent both by registered and ordinary mail), enclosing a copy of the petition with appendices, and has informed the person concerned of the right of appeal.

No statement of defence has been received from the person concerned.

The presiding judge stipulated that the oral hearing of the case would be held at 11.00 hours on 21 October 2016 at the offices of the Disciplinary Court in Amsterdam.



The Human Environment and Transport Inspectorate and the person concerned were summoned – the latter both by ordinary and registered mail – to appear at the hearing of the Disciplinary Court.

The court hearing was held on 21 October 2016. M. Schipper, inspector at the ILT/Shipping appeared at the hearing for the petitioner. The person concerned also appeared at the hearing.

2. The petition

In summarised and concise form, the following forms the basis for the petition.

On 15 November 2015, an industrial accident took place on board the Sea Golf, moored in the port of Stavanger, Norway, in which the person concerned, working on board the vessel as the maritime officer – suffered a heart attack and respiratory arrest caused by an electric shock.

The accusation against the person concerned is that:

1. he used a heating element incorrectly and dangerously by having it supplied with power via a connector on the equipment designed as a 220 V output;
2. he himself made a connector cable with two male plugs not protected against being held;
3. he placed himself and others in jeopardy by:
 - a. failing to communicate or communicate clearly the configuration used and the hazards that it presented;
 - b. first connecting the connecting cable to the on board network;
 - c. placing others with no knowledge of the safety of the cables being used in a situation of picking up and holding the cables in order to rescue the person concerned from fatal electrocution.

and that he thus acted in breach of the Section 55a of the Dutch Seafarer's Act.



3. The position of the person concerned

No response to the petition and the accusation made against the person concerned was received prior to the hearing. The statement that he made at the hearing is rendered below.

4. Assessment of the petition

A. The following information is derived from the ship's details attached to the petition (appendices 2 and 6 to the petition, pages 7 and 19).

The Sea Golf is a Dutch seagoing anchor handling tug supply vessel, 221 BRT, length approx. 30 m, breadth approx. 9 m; owner Sea Golf B.V., manager Seacontractors B.V. in Middelburg.

B. An Incident Report (appendix 5 to the petition, p. 14 ff) constitutes the statement – rendered in summarised and concise form in English – the statement of – apparently – Captain A. R.:

We were making preparations to paint the afterdeck. Our chief engineer was connecting an electrical heater that we were planning to use. When the accident took place I was close to the chief engineer; there were also other crew members on the afterdeck. I saw the chief engineer with a 220 V extension lead in his hand. His whole body suddenly began to shake, and he still had the extension lead in his hand. I saw what had happened and broke the connection by pulling the plug out of a 220V cable reel. One of the colleagues ran to the deck house and also broke the connection of the plug of the cable reel.

We placed the chief engineer in a stable position and checked his breathing and pulse. A crew member immediately went ashore to ask somebody to call an ambulance and we commenced resuscitation. The accident took place at about 9.20 hours, the ambulance and the police arrived at about 09.35 hours; the ambulance set off for the hospital at 10.04 hours.

C. An Accident Investigation Report (appendix 6 to the petition, p 17 ff), drawn up by W. Pols for Seacontractors – rendered in summarised and



concise form in Dutch – provides the following information, and the Disciplinary Court has only taken note of the factual details provided and which are not contested by the person concerned.

The investigator arrived on board the Sea Golf on 17 November 2015 and started his investigation on that date. He studied the Incident Report, a Statement of Facts (not enclosed) drawn up by the crew and the ship's log, and held interviews with the captain and the crew members, with the exception of the person concerned (who is referred to in the report as the chief engineer). A reconstruction of the accident was held on board.

The crew of the Sea Golf consisted of the captain, a first officer (maritime officer), a chief engineer (maritime officer) and two able seamen. The chief engineer (referred to below as 'the person concerned') had been on board since 19 September 2015. At the time of the accident the Sea Golf was underway with a tow from Sebetta, Russia, to Velsen, and the ship was moored in the port of Stavanger.

At 09.20 hours on 15 November the person concerned suffered an accident on board the Sea Golf in which he was electrocuted.

The painting work planned for that day was to be carried out on the port side of the afterdeck. It was decided to use a heater with a fan to dry the deck. The input connection for the power supply of this device was for 380 V with a five-pole plug. An extension lead was needed to connect this to the power socket in the engine room.

The device also had a connection point that could be used as a 220V output to connect equipment or lamps. During previous work the device had been operated by using this 220 V output as an input. This required a standard extension lead with a reel, which was connected to a 220 V socket in the deck house on the starboard side. To make this configuration work the person concerned had made a cable with two male plugs, one for a 220V socket and the other to plug into the connector being used as an input.



The person concerned, who was not wearing any gloves, connected the plug of the extension lead to the 220 V socket in the deck house. The cable that he had made himself had already been plugged into the reel of the extension lead and was on the afterdeck. The person concerned picked up this self-made cable with the unprotected male plug and was electrocuted. This electric shock caused his hand to cramp around the plug so that he was unable to let it go. He began to shake. The captain, who was standing next to him and wearing gloves, immediately pulled the plug of the cable out of the socket in the reel. An able seaman pulled the plug out of the socket in the deck house.

The captain and the first officer placed the person concerned in a stable position. The electrocution caused a heart attack, as a result of which the person concerned lost consciousness, stopped breathing and had no pulse. The crew immediately commenced resuscitation. An able seaman ran ashore; the emergency services were called; the person concerned was resuscitated for eight minutes until the ambulance personnel took over. After 20 minutes the ambulance left and took the person concerned to the University Clinic in Stavanger. The person concerned was kept in an artificial coma there for 48 hours, after which he regained consciousness.

D. At the hearing of 21 October 2016, rendered in summarised and concise form, the person concerned made the following statement:

I was a maritime officer on board the Sea Golf and had both navigation as well as technical matters under my responsibility. In fact, I worked on board as the chief engineer. I had previously sailed as a maritime officer, at which time I was responsible for the engine room.

I had 2 1/2 years' experience, also with working in the engine room.

I cannot remember anything about the accident that took place on 15 November 2015.

After completing the work in Russia, I wanted the ship to look presentable again, better than when I came on board. I had taken the initiative to have the painting work done, first in the engine room and then on deck.



A fan heater with an input of 380V was used for the work. There was an 380 V connection in the engine room. There was no extension lead with the right 380V plug on board. There was however an extension lead with a reel for 220V, which was used for the power supply for the fan heater.

I know that a connection lead was used for the connection between the reel and the fan heater and that it had been altered in such a way that both outer ends had a male plug, i.e. a plug with 2 pins without any protection against being held. It is true that I made the connection lead this way. I cannot remember whether the cable had previously been used.

In view of the report of Mr Pols I can work out what happened: that I was electrocuted when I picked up the male plug on the end of the connection cable. I cannot remember this.

I know that I was determined to get the work finished. I was irritated through fatigue and owing to the pressure of time caused by the bad weather during those days and the falling temperatures in the evening. I wanted the ship to look presentable as soon as possible, one way or another. I did not have to do the painting work myself.

All being well, there were procedural instructions on board for working with electricity. There were no specific instructions for the use of 220V or 380V. It was not correct to use the cables in the way that I did. I wouldn't do it that way again. I do not think that there were any safety gloves on board; in any event, I was not wearing any.

We did not consider ordering a suitable 380V extension lead for delivery in the port of Stavanger.

I have read the inspector's charges in the petition. I accept those charges. I should not have acted this way; it was not sensible and I would never do it again. I am still having to deal with this.



5. The ruling of the Disciplinary Court

A. Based on the content of the documents referred to above, whereby the Disciplinary Court has used the content of the investigation report exclusively to the extent that it relates to the facts of the accident – and the statement of the person concerned, the following has been demonstrated with sufficient certainty in this case.

On 15 November 2015 the Dutch seagoing anchor handling tug supply vessel Sea Golf was moored in the port of Stavanger, Norway. The person concerned worked on board as the chief engineer.

Work was to be carried out on the afterdeck. A fan heater was to be used for this purpose. This device is usually connected to a 380V power supply. However there was no suitable extension lead on board to connect the device to the 380V socket in the engine room.

The person concerned decided to use the 220V outlet on the device for the power supply. For this purpose he used a 220V cable that he had modified himself, which on both ends had a male plug with two pins but without any protection against being held.

The person concerned first inserted the one plug of this cable in the socket of a reel with a 220V extension lead, and then the plug on the outer end of the extension lead in a 220V socket in a deck house, and then picked up the other plug of this cable on deck. He was not wearing any gloves. The person concerned was electrocuted by the current in this plug. He lost consciousness. His circulation and respiration stopped.

The life of the person concerned was saved by the immediate bold and effective action of the other crew members, who shut off the power supply from the cable and immediately started resuscitation and called an ambulance which quickly took the person concerned to a hospital for treatment. It seems that he has recovered well from the accident.

B. The above shows that the person concerned acted extremely recklessly and dangerously, first by deciding to use the heater incorrectly by attempting to use it on a 220V connection via a 220V outlet, secondly by using a self-



modified 220V cable that had an unprotected two-pin male plug on both ends, thirdly by making the connection in such a way that the current went to the unprotected male plug that was lying on the deck and fourthly by picking up this plug without the protection of safety gloves, in such a way that he was electrocuted.

There is nothing to show that the person concerned had made it clear to the rest of the crew what he was doing and the dangerous situation caused by this.

C. The person concerned thus placed not only himself but also other persons on board the Sea Golf in danger. The other persons on board were placed in a situation in which they were also placed in direct danger of electrocution, possibly whilst rendering assistance.

The conduct of the person concerned constitutes a violation of the regulation of Section 55a of the Dutch Seafarers Act in conjunction with Section 4.4 of that Act: acting or failing to act on board as ship's officer contrary to the duty of care expected of a good seaman in relation to the persons on board.

6. The disciplinary measure

The Disciplinary Court judges that the person concerned has failed in his responsibility as a ship's officer, which seriously jeopardised the safety of the people on board.

In view of the seriousness of the demonstrated behaviours, a disciplinary measure is certainly appropriate. However, in view of the fact that the life of the person concerned was threatened by the accident, and that the person concerned has shown that he understands that his actions were irresponsible and dangerous and has given an undertaking never to repeat such behaviour, the Disciplinary Court also sees good reason to refrain from imposing a disciplinary measure in this case.



The Disciplinary Court concurs with the wish of the inspector that the publication of this ruling will enhance awareness among seafarers of the possibly fatal dangers involved in the reckless and irresponsible use of electricity on board.

7. The decision

The Disciplinary Court:
declares the objections against the person concerned as stated under point 5 to be well-founded.

Duly delivered by A.N. van Zelm van Eldik, LL.M., presiding judge and P.J. Lensen and R.J. Gutteling, members,
in the presence of E.H.G. Kleingeld, LL.M., as secretary and pronounced by the presiding judge in public session on 30 November 2016.

A.N. van Zelm van Eldik
presiding judge

E.G.H. Kleingeld, LL.M
secretary

An appeal against this ruling can be lodged within six weeks of the date of forwarding with the Dutch Trade and Industry Appeals Tribunal ('College van Beroep voor het Bedrijfsleven'), Prins Clauslaan 60, 2595 AJ The Hague, P.O. Box 20021, 2500 EA The Hague, the Netherlands.