

The Emerald CoW

The Newsletter of the Dublin Chapter of the Institute of Clerks of Works & Construction Inspectorate



Date: SEPTEMBER 2017

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NEXT MEETING

Thursday:	September 14th
Meeting Time:	7.00 pm
Venue:	Room 134 DIT
CPD:	Drainage
Company:	Wavin
Presenter:	John McPeake

Our meetings begin again on Thursday 14th September. We look forward to seeing all of you at the meetings and CPD sessions, remember that you are required to log a certain amount of hours on your CPD record and you may be audited at the end of the year. Our CPD Officer Alan Lawlor has gone through great efforts to persuade companies to give presentations and we should try to attend these if at all possible.

Brian Conville



We would like to say well done to our member Brian Conville who was involved in a record attempt to row across the Atlantic. I am sure you all seen the story on the news. Brian and his rowing colleague were within 300 kilometers from the Irish coast when their boat was capsized by rough seas. We are all glad that they were ok and although suffering from mild Hyperthermia they have made a good recovery.

Brian and Joseph set out from St. Johns, Newfoundland on the 13th of June to attempt to row across the Atlantic to France in sixty days. Brian had previously rowed across the Pacific from California to Hawaii in forty eight days so had prepared well for the journey. Their plan was to row twenty four hours a day, alternating positions every two hours, while one rowed the

other rested. Their food consisted of air dried food and protein bars to keep their calorie count up. Their sleeping arrangements was a small cabin in the twenty two foot boat.



Joseph Gagnon and Brian Conville head out from St. John's on Tuesday. (Mark Cumby/CBC)

The rowers were backed up by a team on shore who monitored their progress and they had a doctor on standby to give them advice on any health issue that may arise. Brian stated that the hardest part was preparing for the journey but once they set off the fear disappeared and they felt at ease on the boat.



Their plans to arrive in France had to be abandoned due to injuries and instead they headed to Ireland and were due to arrive off the Cork coast on Sunday July 23rd. At 5am they were hit

by a large sea and the boat capsized. They were in the water for many hours and were rescued at 13.00. They had an emergency beacon known as an EIPERB on board which activated when the boat capsized and sent a signal to the rescue services.

Rescue helicopter 117 with the Air Corp as top cover headed for the position and located the men who had climbed on to the hull of the overturned boat. The rescue services described the mission as a difficult one with three meter swells to contend with. The rescue mission was completed at lunchtime when the men were landed at Tralee General Hospital suffering from mild hypothermia.

The crossing of the Atlantic is difficult and dangerous for most sea going craft and especially for a rowing boat. Most crossings are attempted from east to west from the Canary Islands to the Caribbean, this crossing was far more difficult as it took place in the northern part of the ocean and from west to east. In 2001 a 62 year old man from Chicago disappeared while attempting the same crossing and his body has never been found.

Although the crossing ended in a rescue, the men done extremely well to achieve what they did, and if it was not for some bad luck would have set a new record. It takes courage to attempt such a trip and no doubt they had confidence of completing it. The crossing was a success as they had crossed the largest part of the ocean and were within the continental shelf. They have in affect set the bar for any future challenges. It may have been a different outcome if the boat had capsized mid-Atlantic and everyone is glad that it ended as it did.

We look forward to meeting Brian at one of our meetings and perhaps he will give us a talk on his adventure, he may also have some slides that he could share with us.

This case taken from the Irish Independent may be of interest to all our members and it goes to show how when cases get to court how the Judge will view things. It also has a bearing on handymen or unqualified persons doing works, the last paragraph is particularly interesting.

A woman who sued her partner's parents after she lost an eye in a household accident is entitled to €200,000 damages, the Court of Appeal ruled.

Elaine Newman (32) had lost a High Court action arising out of the accident at the home of Marie and Patrick Cogan at Delganstown, Delvin, Co Westmeath, on June 22, 2007.

She appealed that decision.

In a unanimous judgment, a three-judge Court of Appeal overturned that decision and said she was entitled to €200,000.

Ms Newman's eye was catastrophically damaged when her partner, Emmett Cogan, fell and a piece of frozen meat in his hand hit and smashed a glass panels in a door. This caused pieces of glass to hit her eye.

Ms Newman, originally from Mullingar, claimed Mr and Mrs Cogan failed, under the Occupiers Liability Act 1995, to take reasonable care to ensure that she (Newman) as a visitor to the house did not suffer injury by reason of any existing danger.

In 2012 the High Court dismissed her case on grounds that the Cogan could not have been reasonably said to have failed in their duty of care by choosing the type of non-shatterproof glass which was in the door.

Patrick Cogan, a farmer, had replaced the glass himself in 2000/01, the glass having been broken on a number of occasions.

Evidence was given that glass panels inserted in the door by Mr Cogan Snr was ordinary glass and was not suitable for use in doors if broken.

Giving the Appeal Court's decision Ms. Justice Mary Irvine said Mr. Cogan Snrs' duty of care as occupier of the premises when he changed the glass in the door was to carry out the task with the level of care and skill expected of a reasonably competent tradesman.

Many householders consider themselves capable of carrying out such tasks, the judge said.

When they do so they assume a duty to all who might be subsequently be affected by their actions to carry out the task with the care and skill required to complete the job safely.

www.independent.ie/.../woman-who-sued-partners-parents-over-lost-eye-is-awarded-..

Construction Industry Register Ireland (CIRI) to be made mandatory

This is a very significant change for the construction industry and means that all builders and sub-contractors will have to be vetted by CIRI/ CIF and pay an annual charge of €600. There are currently 30+ categories of registration (e.g. house builder, plasterer, and civil engineering contractor).

“The purpose of the draft Bill will be to place the current voluntary Construction Industry Register Ireland on a statutory footing and thereby provide in law for the registration of builders, contractors and specialist sub-contractors. This is seen as an additional essential consumer protection measure giving consumers who engage a registered builder the assurance that they are dealing with a competent and compliant operator.

<http://www.bregsforum.com/2017/04/04/construction-industry-register-ireland-ciri-to-be-made-mandatory/>