

**MCIB**

Marine Casualty Investigation Board  
*Bord Imscrúdú Taisní Muirí*



**REPORT OF AN INVESTIGATION  
INTO A MARINE CASUALTY  
INVOLVING THE FISHING VESSEL  
JOHN B  
OFF HOWTH, CO DUBLIN  
17 JULY 2020**

**REPORT NO. MCIB/316  
(NO. 8 OF 2023)**

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or onboard, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways.

The MCIB objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations to the Minister of Transport - for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and inland waterways.

The MCIB is a non-prosecutorial body. We do not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The legislative framework for the operation of the MCIB, the reporting and investigating of marine casualties and the powers of MCIB investigators is set out in the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector transposed into Irish law by the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011.



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

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## Glossary of Abbreviations and Acronyms

AWS	Atypical Working System
BIM	Bord Iascaigh Mhara
CDPA	Central Depository
EEA	European Economic Area
EFA	Elementary First Aid
EU	European Union
FHC	Fishery Harbour Centre
FVSC	Fishing Vessel Safety Certificate
FV	Fishing Vessel
HSA	Health and Safety Authority
HW	High Water
ILO	International Labour Organisation
IMO	International Maritime Organisation
LOA	Length Overall
MCIB	Marine Casualty Investigation Board
MSO	Marine Survey Office
PPE	Personal Protective Equipment
S.I.	Statutory Instrument
UTC	Co-ordinated Universal Time

Hour	hr
Metre	m
Nautical mile	NM

Report MCIB/316 published by the Marine Casualty Investigation Board.  
13th December 2023.

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## 1. SUMMARY

- 1.1 An incident occurred on the 17 July 2020 onboard the fishing vessel (FV) John B, while it was engaged in fishing operations in the Irish sea approximately 20 miles east northeast of Howth. Whilst hauling the nets and fishing gear onboard, between 08.00 hours (hrs) and 09.00 hrs, a Crewmember was seriously injured when his leg became trapped between the centre weight and the weight retaining cage at the stern of the vessel.
- 1.2 The load was adjusted allowing the injured Crewmember to extricate his trapped leg from the grip of the centre weight.
- 1.3 Other crewmembers provided first aid care to the injured Crewmember, and he was placed in the galley. The remaining crew retrieved the nets and fishing gear onboard.
- 1.4 The vessel owners were informed of the incident and the vessel proceeded to the closest port, which was Howth Fishery Harbour Centre (FHC) in County Dublin.
- 1.5 No external medical or emergency assistance was sought or requested by the Skipper or the owners.
- 1.6 On arrival in Howth FHC between 12.00 hrs and 13.00 hrs the injured Crewmember was assisted from the vessel and transferred to Beaumont Hospital Emergency Department in a private vehicle.
- 1.7 Between 13.00 hrs and 14.00 hrs the injured Crewmember arrived in Beaumont Hospital Emergency Department and received medical assistance for serious fractures to his leg.
- 1.8 As the vessel is a fishing vessel with a length of more than 15 metres (m) the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 (“the 2011 Regulations”) apply to the investigation. The events constituted a casualty within the meaning of the Regulations.

Note: Times are local time = UTC + 1 (Co-ordinated Universal Time + 1 hour).



FV John B at Berth

## 2. FACTUAL INFORMATION

### 2.1 Vessel Details

Name:	John B.
Vessel Type:	Fishing Trawler < 24 m.
Registration Number:	DA39.
Port of Registry:	Drogheda, Co Louth.
International Maritime Organisation (IMO) Number:	8993928.
Call Sign:	EI7280.
Flag:	Ireland.
Gross Tonnage:	177.
Length Overall (LOA)	23 m.
Beam:	8 m.
Year Built:	2003.
Builder:	Astilleros Pineiro.
Yard:	Ponteved, Spain.
Last Marine Survey Office (MSO) Survey:	January 2020.

See Appendix 7.1 - Marine Survey Office Survey January 2020.

Registered owners as recorded on a transcript of the Fishing Vessel Register: three named individuals (“the Registered owners”).

### 2.2 Crew Details (Training, Certification and Employment)

The crew onboard had the following qualifications and training.

Skipper:	Deck Officer Second Hand Limited Certificate of Competency (Fishing) 2006. First Aid refresher 2019.
Crewmember No. 1:	No training records provided or recorded with Bord lascaigh Mhara (BIM) (the Casualty).

- Crewmember No. 2: BIM three day Basic Safety Training 2011.
- Crewmember No. 3: BIM three day Basic Safety Training 2019.
- Crewmember No. 4: BIM three day Basic Safety Training 2020.
- Crewmember No. 5: No records provided or recorded with BIM.

Source: BIM.

According to the Casualty there were only five crew and the Skipper onboard this planned trip from 10 July to 17 July 2020. The owners provided a statement to the Marine Casualty Investigation Board (MCIB) listing four other crewmembers, including the Skipper (and excluding the Casualty), listing therefore only five persons in total. Later they provided information agreeing with the Casualty's information.

Regulation 4 of the Fishing Vessel (Basic Safety Training) Regulations, 2001 Statutory Instrument (S.I.) No. 587/2001 states that all fishing vessel crewmembers are required to undergo basic safety training:

*“Basic Safety Training.*

- (1) Every crew member of a fishing vessel shall undertake basic safety training as set out in this Regulation.*
- (2) Basic safety training shall consist of the following 3 training units-*
  - (a) personal survival techniques, including man overboard techniques,*
  - (b) elementary first aid, and*
  - (c) fire prevention, health and safety training,*

*and shall be held in such establishments, to such standards, under such conditions and for such duration as BIM may approve and determine.*
- (3) The dates by which basic safety training must have been completed by each crew member are specified in the Table of this Regulation.*
- (4) A crew member who has not successfully completed basic safety training by the date specified in the Table shall not work onboard a fishing vessel.”*

No employment documentation was provided. The Casualty advised the MCIB that he did not have a contract of employment and typically was paid €2,000 - €3,000 as a share fisherman for every trip with the amount being dependent on the catch and could be lower.

The Skipper and Crewmember No. 2 were the only persons onboard who spoke English as their native language.



### 2.3 Relevant Code or Regulations for the Vessel

The vessel was 23 m LOA and therefore should comply with the Merchant Shipping (Safety of Fishing Vessels) (15-24m) Regulations 2007 S.I. No. 640 of 2007.

The MSO survey prior to the incident had been completed in January 2020 with several deficiencies but none were relevant to this investigation.

The FV John B is no longer on the Irish Sea Fishing Boat Register maintained by the licensing authority for fishing vessels within the Department of Agriculture Food and the Marine as of the 3 July 2023. The available information is that she had fishing gear removed in March 2023 and is to be decommissioned under the new scheme for scrapping fishing vessels.

See Appendix 7.1 - Marine Survey Office Survey January 2020.

### 2.4 Safety Equipment

The safety equipment was not a factor in this casualty.

### 2.5 Voyage Particulars

The vessel departed on the 10 July 2020 according to the Working Time Regulation documents provided by the Registered owners. They had been fishing off the coast of Northern Ireland and on the 17 July 2020 were at fishing grounds off the east coast of Ireland. On the passage to those fishing grounds the Skipper asserted that the crew had been able to rest while the watch was rotated.

The fishing gear was deployed at approximately 06.00 hrs in a position 20 nautical miles (NM) northeast of Howth. The gear was recovered between 08.00 hrs and 09.00 hrs during which time the incident occurred.

The vessel then proceeded to Howth FHC to land the Casualty arriving at approximately 12.00 hrs.

### 2.6 Marine Incident Information

Type:	Casualty within the meaning of the 2011 Regulations.
Date:	17 July 2020.
Time:	Circa 08.00 hrs.
Position:	20 NM northeast of Howth.
Wind:	Southwest force 3-4.

Weather:	Cloudy.
Tides:	High water (HW) 09.50 hrs at Howth.
Sea State:	Moderate with waves 1 m - 1.5 m.
Visibility:	Moderate to good.
Weather Forecast and or Weather Warnings:	No warnings in force at the time of the incident.
Human Factors:	Possible fatigue with lack of training and experience.
Equipment Factors:	Possible equipment factors due to manner of operation contributing to the incident.
Consequences:	Serious injury to one Crewmember.

The Casualty was not reported to the MSO Chief Surveyor as required by Section 23 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (as amended in 2022 that requires reports to be made to the Board of the MCIB). *Section 23 provided at the time as follows:*

*“23.—(1) An owner, charterer, master, skipper, person in charge, ship’s agent, ship’s manager or ship’s husband of a vessel involved in a marine casualty shall, by using the quickest feasible means, notify the Chief Surveyor or any other marine surveyor in the Marine Survey Office of the Department of the Marine and Natural Resources of the casualty immediately he or she is aware that the marine casualty has occurred or commenced, or as soon as practicable thereafter.*

*(2) There shall be included in the notification such relevant information as is known to the person notifying the marine casualty, including the name and description of the vessel, its position, the number of persons on board and as accurate a summary as possible of the marine casualty.*

*(3) A person required by subsection (1) to notify a marine casualty who without reasonable excuse fails to do so shall be guilty of an offence.”*

## **2.7 Emergency Response and/or Shore Authority Involvement**

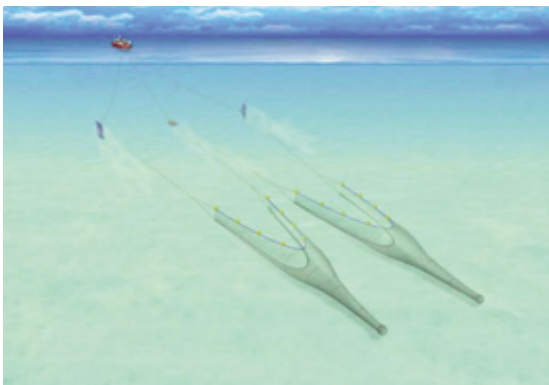
None of the emergency services were contacted at any time throughout this incident.

### 3. NARRATIVE

#### 3.1 Type of Fishing

3.1.1 The fishing gear on this type of vessel is Nephrops trawl. This is a twin rig three warp system designed to catch Nephrops. Nephrops are also known as Langoustine and Dublin Bay Prawn but are commonly referred to as “prawns” within the industry, hence the name prawn net. It is a long low net with lightweight ground gear for towing over soft muddy areas where prawns are found. Sweeps and bridles are used with this net as fishers usually want to catch some of the other bottom-dwelling species such as plaice, monkfish, etc. to boost their landings. The centre warp is used to control the position of the centre clump weight, the nets being spread either side by the trawl doors.

The centre warp is used to control the position of the clump weight and the nets are then spread either side by the trawl doors. The types of clump/middle-weight in use onboard the John B was of a solid cylinder shape with a skirt at its middle for attaching trawl wire warps with an additional chain secured to increase the overall weight.



Three Warp Trawling System



Photograph of Generic Clump/Middle Weight

#### 3.2 Incident Details

3.2.1 Eight days prior to the incident, on the 10 July 2020, the FV John B sailed from Howth FHC to fishing grounds off the coast of Northern Ireland. On the 16 July, they sailed south overnight and commenced fishing in grounds circa 20 NM northeast of Howth on the 17 July. The injured Crewmember (Crewmember No. 1) stated that he had stood watch on the passage down until 03.00 hrs. He then had around three hours rest before commencing work again.

3.2.2 The fishing gear was shot at approximately 06.00 hrs on the 17 July 2020 without incident and the vessel trawled until between 08.00 hrs and 09.00 hrs. The deployment and recovery of the gear is facilitated by a bank of

winches clutched in manually at the forward end of the weather deck. Communication between the winch operator and other crew involved in operations is by voice and hand signals. The Skipper and Crewmember No. 2 were the only persons onboard who spoke English as their native language.

3.2.3 The Casualty pointed out that the vessel was normally operated by a total of six crewmembers and a Skipper. The MCIB was initially advised by the owners that there were four crew and a Skipper onboard and later that there were five crew and the Skipper onboard. The assertion on normal crewing levels is disputed by the Registered owners. The owners did not provide evidence to confirm other crewing levels.

3.2.4 The winch was situated near the bow of the vessel and was controlled by a mechanical directional control valve fitted forward of the winch frame. Each individual winch wire drum was driven by the main winch shaft using a dog clutch that consists of two plates that are brought together/engaged. The protrusions mate or fit into the recesses, thereby effectively joining the shaft to the drum and transferring rotational motion from one to the other. Dog clutches are used when slip and friction are undesirable, and the clutch is not used to control torque. When not engaged the winch drum is restrained from rotating using a mechanical brake operated manually by rotating a handle that applies pressure via threaded bushes to a brake band on the drum.



View from Winch Operator's Position

3.2.5 When recovering the gear, the trawl doors and clump or middle weight are hauled in simultaneously. The weight is then stowed in its cage and the trawl doors are retained on the quarters of the vessel. All net deployment and retrieval operations take place on the stern of the vessel with the nets being recovered onto net-drums (three on the upper deck and one on the lower deck). The net drums then take over the hauling of the nets onboard. During this process the crew may be required to ensure that the nets recover evenly on the drums. This may require a crewmember assisting the feed of the net onto the drum. The controls for the port and starboard net drums were located at the after end of the vessel, on the port side overhead about 2 m above the main deck on the underside of the weather deck. The operator had to reach overhead to operate these



Cradle or Weight Cage

controls. There was no line of sight from the control station to the operator at the port and starboard net drums on the weather deck above.

See Appendix 7.2 - Photographs of Vessel and Stern Area Supplied by the Casualty.

- 3.2.6 The catch is then released into a hopper located approximately mid ship on the open aft deck and the product is transferred by conveyor belt for processing below the shelter deck.
- 3.2.7 While recovering the gear on the morning of the the 17 July 2020, Crewmember No. 1 says he stood on the weight to assist feeding the net onto the net drum on the port side of the upper deck. While doing this the weight moved, trapping his left leg between the weight and the cradle or cage. The winch with the wire connected to the weight was then engaged to release the leg of Crewmember No. 1. The Casualty was then taken to the galley where his leg was examined, and he was administered pain relief tablets by the Skipper.
- 3.2.8 Details including crew information were required on foot of a statutory notice dated the 24 May 2023 from each of the three owners including as follows:
- 1) The address of each of the crew on the voyage
  - 2) The details of their terms of engagement (crew agreement)
  - 3) Copies of written documents pertaining to their terms of engagement
  - 4) Their training and qualifications with copies of the documents
  - 5) Licences pertaining to the fishing vessel at the time including any crewing requirements
  - 6) The safety folder with relevant risk assessment
  - 7) Hours of rest records for the voyage from departure to accident.

The only documents or other relevant information provided were Working Time records for the six persons on the trip, which were provided in June 2023. The Skipper and three crew provided short statements through the owners. The crew statements simply confirmed the immediate events of the incident but provided no further information. Two of the crewmembers did not witness anything but the aftermath of the incident. The Skipper's statement described seeing the actions of the Casualty, but as noted later the area would not have been visible from the wheelhouse where the Skipper was positioned.

- 3.2.9 The Skipper stated he had previously warned Crewmember No. 1 about the dangers of standing on the weight or the weight cage/cradle while feeding the net and not to do so. The net should have been fed slowly onto the drum from main deck level. No details as to when and how such warning or warnings occurred has been provided to the MCIB. The Casualty (who has issued personal injury proceedings) denies having received any such warnings. The Casualty advised that this was his first trip on the FV John B since 2016. It was also the Skipper's first trip. There were no previous trips where such a warning could have arisen. This evidential dispute is not a matter that the MCIB can resolve particularly having regard to the existence of proceedings.
- 3.2.10 The Casualty advised the MCIB (partly through an interpreter) that typically, there were six crew and a Skipper working onboard the FV John B, with six on deck and the Skipper in the wheelhouse. One deckhand would operate the winch on the forward deck and the other four deckhands would work on the aft deck/transom area casting and hauling the fishing nets, and one crewmember would stand between the winchman and the aft deck crew. All communication on deck was verbal and in English. It was loud with crewmembers shouting instructions to the winch operator. The Casualty stated that previously a crewmember would be stationed close to the galley door midway between the winch operator and the crew on the aft deck. They would relay commands and directions to the winch operator. He advised that when he previously fished onboard the FV John B, the Skipper would assist with communication during the hauling operation by positioning himself on the deck area by the galley door. The recovery of the nets onboard onto the net drums is complicated and difficult and requires the guidance of the Skipper, but the Skipper on this trip tried to carry out this task while remaining in the wheelhouse.
- 3.2.11 One crewmember was operating the winch and the other deckhands were on the aft deck. Crewmember No. 1 (the Casualty) was told to monitor the recovery of net to the net-drums and ensure that the net remained in position avoiding any twists or entanglement. He advised that no one was supervising the exercise as the Skipper was in the wheelhouse. Two crewmembers were on deck on the other side from him, another crewmember was near him, and one was operating the winches. He stated that in order to maintain and correct the net recovery as stipulated by the Skipper, he needed to stand up on the weight cage to reach the net (he describes himself as being of short stature). While standing on the weight holding cage, the weight was accidentally raised. He was unsure if this was due to the accidental engagement of the incorrect winch drum or if due to wear and tear causing the dog clutch to momentarily snag the winch drum. The weight briefly rose from the cage before dropping, trapping his foot between the weight and the retaining cage. The Casualty advised that all the hydraulic systems on the vessel were linked and expressed the view that the safety chain arrangements for retaining the weight were not good. There is now a new safety chain attached to the weight. The old one was in poor condition. Some of the links were broken and it slipped. He thinks there was too much hydraulic pressure. He was trying to reach up for the rope and the weight swung against

his leg. He thinks the natural movement of the ship caused it to move. It appears more likely than not that the weight moved due to the vessel rolling, as during hauling the nets, there is no need to clutch in other winches.

- 3.2.12 The Skipper provided a short statement to the MCIB in which he described seeing the net feeding operation. However, his position in the wheelhouse would not have afforded a view of the net feeding operations area as it would have been out of his line of sight.
- 3.2.13 According to the Casualty, there were only five crew onboard that day. He said there should be a minimum of six. It was day eight of a fishing trip. The previous day the crew had been asked to share jobs between them outside of their normal duties. The Casualty's description of events corroborates there being five crew including the Skipper onboard, and this is what was stated in an early statement provided by the Registered owners.

### 3.3 Emergency Services and Medical Treatment Onboard

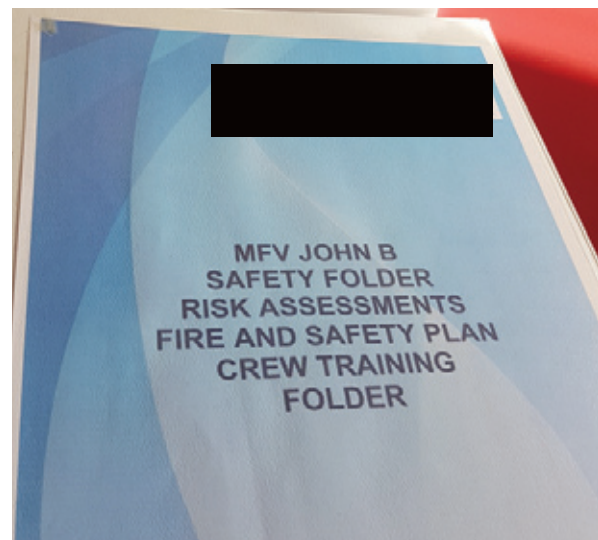
- 3.3.1 No notification of the incident was reported to the Coast Guard and no assistance was requested from Medico Cork or otherwise. The crew completed recovery of the fishing gear and the vessel proceeded to Howth FHC, arriving at 12.00 hrs. They were met by one of the three owners who, according to the Casualty, queried the severity of the injuries. The Casualty was then taken ashore and transported in the back of a van by one of the owners to the emergency department of Beaumont Hospital. The Casualty remained in hospital for ten days and has attended the consultant surgeon as an out-patient following his release. He had sustained an open fracture to his left tibia and fibula as well as soft tissue crush injuries due to the incident. As of March 2023, his solicitors advised he would be unable to return to work as a fisher and has permanent damage.
- 3.3.2 The European Union (EU) (Minimum Safety and Health Requirements for Improved Medical Treatment on Board Vessels) Regulations, 2021 (S.I. No. 591 of 2021) transposes into Irish law European Council Directive 92/29/EEC (as amended) concerning the minimum health and safety requirements for improved medical treatment onboard vessels. These Regulations give effect to the Directive in full, included amendments to the Annexes set out in European Commission Directive (EU) 2019/1834, detailing requirements of medical supplies and equipment to be carried onboard for each category of vessel. These Regulations only became effective from the 20 November 2021, so post date the incident on the 17 July 2020. Marine Notice No. 60 of 2021<sup>1</sup> (updated in 2023) that explains the 2021 Regulations and also provides details about Medico Cork: *"MEDICO Cork is the designated Radio Medical Consultation Centre for Ireland. The unit is available to provide vessels at sea with free medical advice by radio on a 24-hour basis. The unit can be*

1. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/258005/c7b956d9-81e0-424c-bf7a-dc6b7f4cb1ac.pdf#page=null>

contacted through the Irish Coast Guard Radio Stations at Dublin, Valentia and Malin Head. See Appendix 7 of this notice, which contains guidelines on consulting MEDICO Cork.” Medico Cork was available to provide urgent advice on the injuries as that service pre-dates the 2021 Regulations.

**3.4 Safety Statements, Risk Assessments**

3.4.1 Safety statements, risk assessments, method statements and working hours records were requested from the owners. A safety and training folder had been developed and placed onboard in 2016 following an MSO survey of the vessel. The safety folder contained a generic safety statement, risk assessments and method statements. The method statement for recovering fishing gear clearly identifies the responsibility of the owners to ensure all crew are fully trained in operations related to recovery of fishing gear and asserts that they have been so trained. A copy of the safety folder was shown to the investigators during inspection onboard. Crewmember No. 1 stated that the only safety related document he ever saw was an instruction on donning a lifejacket.



Safety Manual Onboard

The relevant extracts identify the following activities and associated risks.

Trawl retrieval	Being banged by gear on retrieval leading to minor injuries. Gear snagging vessel propulsion system leading to vessel loss, death or serious injury. Poor communication leading to lack of awareness of work being undertaken leading to possible injuries. Poor lifting and manual handling leading to possible injury.	All crew receive induction training in proper handling of ropes and procedures and importance of wearing PPE	Medium
Net drums	Becoming caught in net drum leading to serious injury. Lines parting leading to death or serious injury	All crew receive induction training in proper handling of procedures and importance of wearing PPE	Low

Section on Risk Assessment from Safety Folder Onboard.



### 3.4.2 Safety, Health and Welfare at Work Act 2005

Section 19 of the Act requires that employers and those who control workplaces to any extent must identify the hazards in the workplaces under their control and assess the risks to safety and health at work presented by these hazards.

Section 20 of the Act requires that an organisation produce a written programme to safeguard the safety and health of employees while they work and also the safety and health of other people who might be at the workplace, including customers, visitors and members of the public.

A Safety Statement is the written programme identified in Section 20 to safeguard the safety and health of people at work and others who may be affected by your work activities.

The Safety, Health and Welfare at Work Act 2005 also specifies the information that must be given to employees. The Safety Statement must be accessible to all employees and the sections of the Safety Statement relevant to the employees must be brought to their attention, with particular regard to the specific hazards, risks and prevention measures concerning their particular job.

In 2014 the Health and Safety Authority (HSA) produced a fishing vessel safety statement template. This is a non-exhaustive safety checklist that identifies groups of frequently encountered hazards on fishing vessels and is available to download from their website.

### 3.5 Merchant Shipping (Safety of Fishing Vessels) (15-24m) Regulations 2007 S.I. No. 640 of 2007

The vessel was 23 m LOA and must comply with the Merchant Shipping (Safety of Fishing Vessels) (15-24m) Regulations 2007 S.I. No. 640 of 2007. Part 6 under a heading of "Protection of the Crew" provides for "General protective measures" at Regulation 102 (1) to (5) which includes the following:

*"102(1) Owners shall ensure that their vessels are operated without endangering the safety and health of the crew.*

*102(2) The crew shall be given training and instructions on health and safety matters on board fishing vessels and in particular, on accident prevention."*

Part 6 also provides, inter alia under the subheading "Dangerous areas" at Regulation 110 (1) to (3) which includes the following:

*"110(3) Any working area, designated by the skipper as dangerous or requiring extra care, shall be brought to the attention of the crew at regular briefing sessions on safety and to each new crew member on joining a vessel."*

The 2007 Regulations define “crew” to mean *“the skipper and all persons employed or engaged in any capacity on board a vessel on the business of that vessel;”*

### 3.6 Crew Employment

3.6.1 During the investigation interview Crewmember No. 1 stated he had no written contract of employment. In 2015-2016 Crewmember No. 1 had fished onboard the FV John B, skippered at the time by one of the owners. Previously from 2013, he had worked in the fishing industry, working as a deckhand on various vessels owned and operated by the same or related owners. This was his first trip on the FV John B since 2016. Crewmember No. 1 did not have any recorded safety training. When he first started fishing onboard the vessels, he was informed that the required safety training (which he believed it to be safe pass) would be provided. He was later made aware of the need to be registered on the Atypical Working Scheme (AWS) scheme.

3.6.2 As set out above, details including crew information were required on foot of a statutory notice dated the 24 May 2023 from each of the Registered owners including as follows:

- 1) The address of each of the crew on the voyage
- 2) The details of their terms of engagement (crew agreement)
- 3) Copies of written documents pertaining to their terms of engagement
- 4) Their training and qualifications with copies of the documents
- 5) Licences pertaining to the fishing vessel at the time including any crewing requirements
- 6) The safety folder with relevant risk assessment
- 7) Hours of rest records for the voyage from departure to accident.

The only information provided were Working Time Regulations records for six persons for the trip and these were only provided in June 2023. The copies provided are not fully legible.

3.6.3 Crewmember No. 1 alleges in his personal injury proceedings that he was employed by one or all of three of the six named defendants being Company “A”. Registered owner “1” and Company “B”. In their written response to the claim in the proceedings (“the Defence”), Company “A”, Registered owner “1” and Company “B” admit they are employers for the purposes of the proceedings. The Casualty also claims that the vessel is owned by Company “A”, the Skipper, Registered owner “2” and Registered owner “3”. That is admitted for the purposes of the proceedings. The information as to ownership is not consistent

with the MSO records. Crewmember No. 1 has also provided copies of some cheques which he claims are for salary which are drawn on Company "B" (which appears to be a Northern Ireland registered company). Issues as to ownership of a fishing vessel are important for the identification of safety obligations, as are those relating to employment.

3.6.4 Crewmember No. 1 also stated that despite assurances to do so he was not registered to work under the AWS for non-European Economic Area (EEA) nationals to work on Irish registered fishing vessels. He should have been as it was a requirement to work on an Irish registered fishing vessel at the time of the incident.

3.6.5 Conditions of the AWS for fishers are:

- The AWS only applies to crewmembers working on licensed and registered fishing vessels in the Polyvalent, Beamer and specific segments of the Irish fishing fleet for vessels more than 15 m in LOA.
- The crewmember must be employed directly by the holder of a sea-fishing boat license in Ireland.
- The crewmember must have a written contract of employment for a duration of 12 months.
- The contract of employment provided with this application must comply with all national employment law.
- The contract of employment must be provided to the crewmember in both English and their native language.
- The contract must be certified by a practicing solicitor in compliance with the conditions for the employment of non-EEA crewmembers.
- The employment contract must be lodged with the Central Depository (CDPA) for Sea-Fishing Boats at the National Seafood Centre, Clonakilty, Co Cork. Each contract will be given a unique identifying number by CDPA. This number must be stated on your AWS application form.

The AWS for Fishers ceased on 31 December 2022 and has been replaced by a work permit system operated by the Department of Justice which will lead to a Stamp 4 visa<sup>2</sup>.

2. See: [https://www.irishimmigration.ie/sea-fishers-atypical-working-scheme-update/The granting of a Stamp 4 immigration permission is applicable to any individual non-EEA Crew member in the Irish Fishing Fleet who currently holds a valid IRP card expiring on or after 1 January 2023. On the basis of a permission granted to work as non-EEA fishing crew under the Scheme or to any individual holding a letter of permission under the Scheme issued on or after 3 October 2022 for the same purpose.](https://www.irishimmigration.ie/sea-fishers-atypical-working-scheme-update/The%20granting%20of%20a%20Stamp%204%20immigration%20permission%20is%20applicable%20to%20any%20individual%20non-EEA%20Crew%20member%20in%20the%20Irish%20Fishing%20Fleet%20who%20currently%20holds%20a%20valid%20IRP%20card%20expiring%20on%20or%20after%201%20January%202023.%20On%20the%20basis%20of%20a%20permission%20granted%20to%20work%20as%20non-EEA%20fishing%20crew%20under%20the%20Scheme%20or%20to%20any%20individual%20holding%20a%20letter%20of%20permission%20under%20the%20Scheme%20issued%20on%20or%20after%203%20October%202022%20for%20the%20same%20purpose.)

### 3.7 Working Hours and Hours of Rest

3.7.1 Records of working and rest hours were requested from owners but were only received for six persons for the trip in June 2023. The copies provided are not fully legible. According to those records the vessel was on day eight of the trip on 17 July 2020. There is a dispute as to whether it was normally manned with six or seven crew, and a Skipper. The mandatory rest requirements would result in all crew not being available all of the time. Crewmember No. 1 describes himself as having had only three hours rest prior to commencing the net hauling operation that resulted in the incident. The Skipper asserts that the crew including the Casualty were well rested. Given the details that can be ascertained from the records and described in the next paragraph, it is not possible to verify this.

3.7.2 The documents provided were reviewed having regard to the MCIB having been advised that on the morning of the 17 July, the fishing gear was deployed at approximately 06.00 hrs and was recovered between 08.00 hrs and 09.00 hrs during which time the incident occurred.

- The rest time records for the Casualty show him resting from 24.00 hrs to 05.00 hrs and working from then till 07.00 hrs after which he “rested” till 14.00 hrs when he was taken off the vessel.
- The second Crewmember was resting from 24.00 hrs to 05.00 hrs, working 05.00 hrs to 07.00 hrs and then resting from 07.00 hrs.
- The third Crewmember was working from 24.00 hrs to 03.00 hrs and resting from then till 12.00 hrs.
- The fourth Crewmember was resting from 24.00 hrs till 03.00 hrs, and working from 03.00 hrs till 07.00 hrs.
- The fifth Crewmember was resting from 24.00 hrs to 05.00 hrs, working from 05.00 hrs to 07.00 hrs and resting from 07.00 hrs till 14.00 hrs.
- The Skipper rested from 24.00 hrs to 07.00 hrs and then was working from 07.00 hrs.

The records are not consistent with the Casualty and the Skipper working at the same time at any time on the 17 July. According to the records, only four crew worked during the period from 05.00 hrs to 07.00 hrs (the Casualty, the second, fourth and fifth crewmembers). Even if the difference in time for the reported injury is corrected to somewhat earlier, the presence of only four crewmembers without the Skipper during the period 05.00 hrs to 07.00 hrs is inconsistent with other evidence. If these records are correct, it suggests that the deployment and recovery of the nets was carried out by only four crewmembers. The records for the Casualty for the previous evening/night, while being illegible in part, record he rested from 18.00 hrs to 22.00 hrs, worked from 22.00 hrs to 24.00

hrs, rested from 24.00 hrs until 05.00 hrs on the 17 July, which is not consistent with his evidence. The accuracy of the records is called into question by the aforementioned. In addition, the Casualty has stated that on the 16 July a naval vessel was seen in the vicinity of the trawler. The Skipper called the crewmembers to the bridge and told them to sign some paperwork which he believed to include time sheets.

See Appendix 7.3 - Working Time Records (partially illegible).

3.7.3 Ireland is subject to EU rules on maximum hours of work and minimum hours of rest for fishers. The current rules are contained in EU Directive 2017/159, which in turn implements the social partners' agreement concerning the implementation of ILO Convention No. 188 (Work in Fishing). Article 11(b) of that Agreement, concerning working time, was transposed by the European Union (International Labour Organisation Work in Fishing Convention) (Working Hours) Regulations S.I. No. 672 of 2019 and applies to sea fishing vessels which are registered in the State and where the fisher is employed, or where at least some of the crew are employed.<sup>3</sup> S.I. No. 672 of 2019 came into force on the 19 December 2019 so was in force at the time of this incident. The Regulations also require hours of rest records to be maintained.

3.7.4 There were two subsequent sets of related Regulations that apply similar terms to other crew arrangements. The European Union (Workers on Board Seagoing Fishing Vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020<sup>4</sup> S.I. No. 585 of 2020 was signed into law on the 6 December 2020 (after the incident the subject of this investigation). These Regulations apply to a fisher who:

*“(a) works in any capacity onboard a fishing vessel manned by more than one person,*

*(b) is not employed under a contract of services, and*

*(c) is paid in whole or in part on the basis of a share of the profits or gross earnings of the catch of the fishing vessel.”*

Most Irish fishers are share fishers. The third category is covered by The European Union (Workers on Board Seagoing Fishing Vessels) (Organisation of Working Time) Regulations 2020 S.I. No. 331 of 2020 which applies to a seagoing fishing vessel flying the flag of another Member State while in a port in the State.

3. “fisherman” means a person who works in any capacity under a contract of employment or in an employment relationship on board a fishing vessel, including any other person engaged in activities related to fishing who is present on the same vessel in order to protect the overall health and safety of the persons on board,

4. Which revoked the previous S.I. No. 709 of 2003, European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations.

- 3.7.5 After December 2019, and until S.I. No. 585 of 2020 and S.I. No. 331 of 2020 came into force, all fishers with the exception of those covered by S.I. No. 672 of 2019, were subject to the previous S.I. No. 709 of 2003, European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations) as the latter was only revoked by S.I. No. 331 of 2020 on its commencement on the 1 September 2020.
- 3.7.6 The Casualty claims that he had no contract of employment and that he was typically paid €2,000 - €3,000 as a share fisherman for every trip but dependent on the catch. In those circumstances (and while it is ultimately a matter for the MSO of the Department of Transport as the enforcing agency to determine which Working Time Regulations were applicable), the applicable Working Time regulations at the time of the incident on the 17 July 2020 were S.I. No. 709 of 2003, European Communities (Workers on Board Sea-Going Fishing Vessels) (Organisation of Working Time) Regulations 2003.
- 3.7.7 The relevant regulations in S.I. No. 709 of 2003 are as follows:
- “5 (1) Subject to Regulation 8, it shall be the duty of every owner and every master of a sea-going fishing vessel to ensure that:*
- (a) workers on board a sea-going fishing vessel are provided with at least the minimum hours of rest or are required to work no more than the maximum hours of work specified in Regulation 6;*
  - (b) manning levels on board the sea-going fishing vessel are determined, approved or revised taking into account the need to avoid or minimise, as far as is reasonably practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue.*
- (2) It shall be the duty of every owner of a sea-going fishing vessel to provide the master of a sea-going fishing vessel with all necessary resources for the purposes of compliance with obligations under these Regulations.*
- 6 (1) Subject to the limit of an average of 48 hours of work over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a sea-going fishing vessel shall be either:*
- a) maximum hours of work which shall not exceed:*
    - (i) 14 hours in any 24-hour period, and*
    - (ii) 72 hours in any seven-day period*
- or*
- (b) minimum hours of rest which shall not be less than:*
    - (i) 10 hours in any 24-hour period, and*

*(ii) 77 hours in any seven-day period.*

*(2) Hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length and the interval between consecutive such periods shall not exceed 14 hours.*

*(3) A worker on board a sea-going fishing vessel who is on call shall have an adequate compensatory rest period if his hours of rest are disturbed by call-outs to work.”*

3.7.8 The current position since 2020 is that irrespective of the status of the fisher the working and rest hours regime in each is similar. By way of example, as in S.I. No. 672 of 2019 European Union (International Labour Organisation Work in Fishing Convention) (Working Hours) Regulations 2019, the requirements for which were summarised by Marine Notice No. 3 of 2020<sup>5</sup> extracts from which are in italics:

*“Subject to the limit of an average of 48 hours of work a week over a reference period not exceeding 12 months, the limits on hours of work and rest in respect of a worker on board a sea-going fishing vessel are as follows:*

- maximum hours of work shall not exceed 14 hours in any 24 hour period, and 72 hours in any seven-day period; or*
- minimum hours of rest shall not be less than 10 hours in any 24-hour period, and 77 hours in any seven-day period*

*Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between two consecutive periods of rest shall not exceed 14 hours.”*

3.7.9 Irrespective of whether there has been compliance with whatever Working Time Regulation applies to a fisher, the manning and the nature of the operations may result in fatigue. Human factors, such as fatigue may contribute to marine incidents. Fatigue has been identified as an important contributing factor to maritime casualties and to health problems of seafarers. One of the sources of fatigue is excessive hours of work and/or insufficient rest.

### 3.8 Safety Drills

3.8.1 The Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 S.I. No. 640 of 2007 sets out safety requirements applicable to a vessel the size of the FV John B, some of which are set out above. In addition, Part 8 (under heading “Emergency procedures musters and drills”) of the Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 S.I. No. 640 of 2007

5. No additional Marine Notices were published in respect of the later two sets of Regulations.

requires under section 129 (1)(a) that every crewmember shall participate in at least one abandon ship drill and one fire drill every month. Section 129 (1)(g) provides that *“The drills of the crew shall take place within 24 hours of the ship leaving a port if more than 25% of the crew have not participated in abandon ship and fire drills on board that particular vessel in the previous muster”*.

- 3.8.2 In this case as both the Skipper and Crewmember No. 1 had just joined the vessel, safety drills should have been carried out within 24 hours of the start of the voyage. Extracts from the Official Log Book for the FV John B (which is a statutory document carried by all vessels and is to record all movements of the vessel as well as required drills, accidents etc.) show no records of safety drills being carried out during the voyage that the incident occurred.

See Appendix 7.4 - Extracts from the Official Log Book.

### 3.9 Manning Levels and Certification

- 3.9.1 The Fishing Vessels (Certification of Deck Officers and Engineer Officers) S.I. No. 289 of 1988 was amended by the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019 S.I. No. 673 of 2019 (signed by the Minister on the 19 December 2019).<sup>6</sup> Marine Notice No. 04 of 2020 which addressed the applicable Regulations at the time of the incident stated:

*“The objective of the Regulations is to give effect to provisions of Article 10 of the Annex to Council Directive 2017/ S.I. No. 673 of 2019 159/EU which relates to Manning. To give effect to the Directive, amendments were made to S.I. No. 289/1988 Fishing Vessel (Certification of Deck Officers and Engineer Officers) Regulations 1988.<sup>7</sup> The amended Regulations require certain fishing vessels registered in the State to carry a specified minimum number of deck officers. They also require every fishing vessel owner on fishing vessels of 15 meters in length overall and above to ensure that there is a valid safe manning document in respect of his or her fishing vessel”*.

Marine Notice No. 04 of 2020 further stated that:

*“In all instances, it is the owner’s responsibility to ensure the fishing vessel is under the control of a competent skipper. It is important to note that from 19th December 2019, fishing vessels between 15m and 24m length require a certified skipper, with a minimum level of qualification of 2nd hand special”*.

6. S.I. No. 673 of 2019 was in turn revoked by Regulations entitled European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023). These new Regulations came into force on 1 July 2023. See also Marine Notice no 43 of 2023.

7. The Fishing Vessel (Certification of Deck Officers and Engineer Officers) Regulations 1988.S.I. No. 289/1988 have been revoked and replaced by regulations entitled Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023 (S.I. No. 313 of 2023). The new regulations apply to fishers aboard fishing vessels that are 15m in length overall and over, and came into operation on 1 July 2023. See also Marine Notice No. 43 of 2023.



See Appendix 7.5 - Marine Notice No. 04 of 2020.

- 3.9.2 Since the commencement date of S.I. No. 673 of 2019, it has been a legal requirement for owners of sea-going fishing vessels, 15 m in length or over, to ensure that the vessel is manned by a competent skipper in line with the minimum requirements as set out in S.I. No. 673 of 2019. The owners complied with these Regulations as the Skipper held a Second Hand Limited Certificate of Competency (Fishing).
- 3.9.3 According to S.I. No. 673 of 2019 there was also a requirement for a fishing vessel owner like that of the FV John B (where the vessel was constructed in 2003 and is 15-24m LOA) to ensure that there is a valid Safe Manning Document in place on the date of completion of the next survey for renewal of a Fishing Vessel Safety Certificate (FVSC) or the date of completion of the next intermediate survey, whichever occurs later, under the Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 S.I. No. 640 of 2007. As the renewal survey on the FV John B was carried out in January 2020, the requirement for this vessel to have a Safe Manning Document was by January 2022 (which was the date the next Intermediate Survey was due). The Safe Manning Document was not required for this vessel at the time of this casualty. It is not known whether it was obtained by January 2022.
- 3.9.4 The Safe Manning regime is designed to ensure there is onboard a minimum number of qualified deck and engine officers and the minimum number of other crew to operate the vessel. The Safe Manning Document would not usually specify the number of crew required to operate a vessel safely and to ensure compliance with the Working Time Regulations. With regard to Safe Manning, Marine Notice No. 04 of 2020 (now superseded by Marine Notice No. 43 of 2023) set out the transitional commencement arrangements for three categories of vessels. The Marine Notice No. 04 of 2020 went on to state:

*“Subject to those transitional arrangements the fishing vessel shall not proceed to sea without a safe manning document on board.*

*In order to be issued with a safe manning document, a fishing vessel owner must apply in writing to the competent authority outlining proposals as to the numbers and qualifications of deck officers, engineering officers and any such other personnel the owner considers should be carried on board the fishing vessel to ensure the vessel is sufficiently and safely manned for its safe navigation and operation, whilst providing appropriate work and living conditions for personnel on board.*

*The competent authority shall review and may provide guidance on safe manning, which the owner must take into account. It is the owners’ responsibility to ensure that the manning of the fishing vessel is maintained at all times to at least the level required by the safe manning document. The minimum requirements of the table in S.I. 289/1988 apply until such time as a safe manning document is in place.”*

3.9.5 Marine Notice No. 43 of 2023 advised on the commencement of the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 S.I. No. 315 of 2023<sup>8</sup>, on the 1 July 2023. This post-dated the date of the incident and did not apply at that time. The above text in respect of the Safe Manning Document did not alter substantially but the changes, underlined, are of some significance:

*“An application for a minimum safe manning document should be sent to the MSO and should contain proposals as to the numbers and qualifications of deck officers, engineer officers and similar personnel the owner considers should be carried on board the fishing vessel to ensure it is sufficiently and safely manned for safe navigation and operation and appropriate work and living conditions for personnel on board.”*

*When it is satisfied with the proposals, the MSO will issue a minimum safe manning document for the vessel. Thereafter, the fishing vessel must be manned at all times to at least the level set out in the document, unless the MSO approves changes to it.”*

See Appendix 7.6 - Marine Notice No. 43 of 2023.

The Safe Manning Document Application Form that operators must complete and submit to the MSO contains the following Note reminding owners of their obligations:

*“1 THIS SECTION COVERS THE PROPOSED MINIMUM MANNING THE OWNER CONSIDERS SHOULD BE CARRIED ON BOARD THE FISHING VESSEL TO ENSURE THE VESSEL IS SUFFICIENTLY AND SAFELY MANNED FOR ITS SAFE NAVIGATION AND OPERATION, AND APPROPRIATE WORK AND LIVING CONDITIONS FOR PERSONNEL ON BOARD. WHEN COMPLETING THIS SECTION, THE OWNER SHOULD TAKE INTO CONSIDERATION THE WORK IN FISHING CONVENTION) (WORKING HOURS) REGULATIONS 2019 AND S.I. NO. 585/2020 - EUROPEAN UNION (WORKERS ON BOARD SEAGOING FISHING VESSELS) (ORGANISATION OF WORKING TIME) (SHARE FISHERMEN) REGULATIONS 2020”.*

**3.10 Working language: Regulation 9 of the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023)**

Regulation 9 of the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023) which postdates the date of the incident now provides that:

8. Which transposed Article 10 of the Annex to Council Directive (EU) 2017/159 of 19 December 2016 concerning the Work in Fishing Convention 2007 of the International Labour Organisation.

- “(1) Every owner, or master as appropriate, shall ensure that in relation to each fishing vessel*
- (a) a working language has been established,*
  - (b) the working language is recorded in the fishing vessel logbook,*
  - (c) every fisher understands the working language,*
  - (d) where deemed necessary, fishers shall have the ability to - [315] 9 (i) give orders and instructions, and (ii) report back, in the working language, and*
  - (e) all plans and lists required to be posted on the fishing vessel shall be provided in English, and if the working language of the fishing vessel is not English all plans and lists shall include a translation into the working language.*
- (2) Every fisher shall ensure that he or she understands the working language of the fishing vessel.*
- (3) Subject to paragraph (4), every owner, or master as appropriate, shall ensure English is used on the bridge as the working language for - (a) bridge-to-bridge safety communications, (b) bridge-to-shore safety communications, and (c) communications between bridge watchkeeping crew and every pilot.*
- (4) If the persons involved in a communication referred to at paragraph (3)(a) speak a common language other than English that language may be used for the communication.”*

In summary, as set out in Marine Notice No. 43 of 2023, the current regime which commenced after the date of the incident now provides that *“The owner or master of each applicable fishing vessel must ensure that there is a working language on board, that every fisher understands it and that, where necessary, fishers can give orders and instructions and report back in that language.”*

## 4. ANALYSIS

### 4.1 Vessel and Equipment

4.1.1 The vessel and her equipment were noted to be in good condition and the vessel had valid certification. However, the Casualty alleges that the chain on the clump weight was not in good condition at the time of the incident and that it had since been replaced. The chain is not considered to be a causative factor in the casualty.

### 4.2 Vessel Management

4.2.1 The owner is responsible for ensuring the vessel is in good condition, well maintained and was manned by the correct number of properly qualified and trained crew.

4.2.2 Two crewmembers did not have the required BIM safety training. Three of the crewmembers had attended the BIM three day Basic Safety Training course in 2011, 2019 and 2020 respectively.

4.2.3 There is a dispute over the normal manning levels onboard. According to the Casualty, there were only five crew onboard the day of the incident when normally there would be six. The Casualty's description of events corroborates there being five crew and the Skipper onboard, although in an early statement provided by the Registered owners only three crew and the Skipper are listed (which makes four crew as the Casualty was not on the list). There was no official crew list in the standard format provided when requested from the owners. Based on the information available to the MCIB, it appears more probably that there were five crew and the Skipper onboard.

4.2.4 A vessel of the size and nature of the FV John B could be safely operated with a crew of five and a skipper if the qualifications and skills of the crew were compliant with regulations, and if the operational arrangements ensured effective control and communication of the operations by the skipper. The length and nature of the voyage would also dictate the necessary number of crew to ensure compliance with the Working Time Regulations. In respect of this voyage, from the information available to the MCIB, a crew of six and a skipper would have been more appropriate.

### 4.3 Weather

The weather at the time of the incident was fair and the sea state was given as slight. This indicates the weather would have had little effect on the fishing gear recovery operation.

See Appendix 7.7 - Met Éireann Weather Report.

#### 4.4 Crew Qualifications and Training

4.4.1 As stated in 4.2.2, two crewmembers (including the Casualty) did not have the basic safety training requirements.

4.4.2 There were no records of actual on-site operational training provided to the crew.

4.4.3 The Safety, Health and Welfare at Work Act 2005, strongly emphasises the need to provide employees with instruction, information and training necessary to ensure their health and safety. Providing employees with health and safety information and training reduces the chance of them suffering injuries or ill health. It helps them acquire the skills, knowledge and attitude to make them competent in the safety and health aspects of their work and instils a positive health and safety culture.

4.4.4 Regulation 4 of the Fishing Vessel (Basic Safety Training) Regulations, 2001 S.I. No. 587/2001<sup>9</sup> states that:

*“(1) Every crew member of a fishing vessel shall undertake basic safety training as set out in this Regulation.*

*(2) Basic safety training shall consist of the following 3 training units-*

*(a) personal survival techniques, including man overboard techniques,*

*(b) elementary first aid, and*

*(c) fire prevention, health and safety training,*

*and shall be held in such establishments, to such standards, under such conditions and for such duration as BIM may approve and determine.*

*(3) The dates by which basic safety training must have been completed by each crew member are specified in the Table to this Regulation.*

*(4) A crew member who has not successfully completed basic safety training by the date specified in the Table shall not work on board a fishing vessel.”*

As prescribed, the mandatory training is “Basic Safety Training”. The BIM document “Safety Awareness” does not include any reference to operational dangers such as the use of, and proximity to, winches as well as wires and ropes and associated dangers. The scope of the mandatory training does not limit the content of training under the broad headings. The absence of training modules does not relieve the owner and those responsible for compliance with the legal health and safety regime onboard fishing vessels.

9. See

[https://www.irishstatutebook.ie/eli/2001/si/587#:~:text=\(1\)%20Every%20crew%20member%20of,set%20out%20in%20this%20Regulation.&text=\(c\)%20fire%20prevention%2C%20health,BIM%20may%20approve%20and%20determine.](https://www.irishstatutebook.ie/eli/2001/si/587#:~:text=(1)%20Every%20crew%20member%20of,set%20out%20in%20this%20Regulation.&text=(c)%20fire%20prevention%2C%20health,BIM%20may%20approve%20and%20determine.)

4.4.5 The crew should have been provided with information on:

- The hazards and risks within the workplace (i.e. the vessel).
- The hazards and risks affecting specific tasks or operations carried out by the person.
- The control measures in place to minimise exposure to these risks.
- Information and instructions on the job to be carried out and how to work safely.
- Measures to be taken in an emergency.

Training means showing a person the correct method of doing a task and making sure that he or she can carry out the task correctly and safely. It can be formal, mandatory training such as the BIM courses or informal on the job training such as showing a person the correct method of doing a job, pointing out dangers and ensuring that the person understands and can do the job safely. All crew must be trained in safe work practices. This may include training in the safe use of equipment, safe work practices for the fishing method being used and any unique or unusual characteristics of the vessel.

4.4.6 Work practices and the effectiveness of any training provided should be monitored. Where unsafe work practices are detected and safety, health and welfare measures are not being followed by any member of the crew, the work or activity should be stopped until corrective action has been taken and safety controls are fully complied with. New or young crewmembers may also require extra supervision.

4.4.7 Training must be delivered in a way that all crewmembers can understand the language if it is to amount to effective and actual training.

## **4.5 Crew Experience**

4.5.1 This was the first trip for the Skipper onboard the FV John B, having only joined the vessel at the start of the voyage. He did hold the required certificate to allow him to be Skipper on this vessel. Communication with the other crewmembers was difficult as three of the crew had very limited understanding of the English language.

4.5.2 The vessel had been on the fishing trip for eight days off the north coast of Ireland so the crew would have had some familiarisation with shooting and recovering the gear by the day of the incident. Crewmember No. 1 had previously been crew onboard this vessel in 2015-2016 so was familiar with the operation of equipment onboard. However, he described a different work operation by the new Skipper.

4.5.3 The injured Crewmember was Arabic with very limited understanding of English and during the interview with the Investigator he required an interpreter. Two more of the crew of five, had very limited understanding of the English language.

#### 4.6 Operational Factors

4.6.1 Due to the winch control location and the layout of the work deck, direct visual contact and communication between the winch operator and the crew working on the stern of the vessel would have been difficult. The vessel was fitted with an intercom system and one way communication was via the Skipper in the wheelhouse. It was stated that on previous occasions a crewmember would be positioned midway between the winch operator and crew on the stern in order to relay directions.

4.6.2 While the weight was in the cage Crewmember No. 1 stood on the weight and the frame of the retaining cage in order to gain access to the fishing gear being retrieved onto the upper deck port net drum. During this process the weight position altered due to either the vessel rolling or possible settling or movement of the attached winch wire or retaining chain. It appears more likely than not that the weight moved due to the vessel rolling, as during hauling the nets there is no need to clutch in other winches.

4.6.3 Crewmember No. 1 should have fed the net at a slower rate onto the drum from the main deck level. To get better access to the net drum, Crewmember No. 1 stated that he is short in stature and needed to stand on the weight to access the net drum. It is apparent there was no one supervising his actions.

4.6.4 Following the incident, the weight position was adjusted, the injured Crewmember's foot was released, and he was taken to the galley and first aid was administered. It is apparent that no one considered how serious the injury was.

#### 4.7 Emergency Services

4.7.1 No notification of the incident was relayed to the Coast Guard and no assistance was requested. As soon as the injury occurred the Skipper should have contacted the Coast Guard and requested to be put through to Medico Cork for medical advice. This may also have resulted in timely medical intervention and evacuation by the emergency services. An ambulance should also have been requested to attend on arrival at Howth FHC to ensure the injured Crewmember was handled and moved in a safe manner taking into account the seriousness of his injuries.

## 4.8 Safety in an Occupational Setting

4.8.1 The Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations, 2007, S.I. No. 640 of 2007<sup>10</sup> Part 6, sets out the requirements for the protection of the crew as follows:

*“(1) Owners shall ensure that their vessels are operated without endangering the health and safety of the crew.*

*(2) the crew shall be given training and instruction on health and safety matters on board fishing vessels and in particular accident prevention.”*

4.8.2 The Safety, Health and Welfare at Work Act 2005 provides for the safety requirements as detailed above.

## 4.9 Lack of Required Documentation

4.9.1 Despite many requests of the owners to supply a safety statement, risk assessments, method statements and other related documentation they did not provide such material. A copy of the safety folder created for the owners by an outside contractor was located and viewed by the Investigator. The section relating to recovery of fishing gear states, *“All crew receive induction training in proper handling of ropes and procedures and importance of wearing Personal Protective Equipment (PPE).”*

4.9.2 Statutory notices that were served on each of the three recorded owners under Sections 23, 24 and 30 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (as amended) dated the 24 of May 2023 were not complied with.

## 4.10 Fatigue and Human Factors

Fatigue is a common contributory factor in accidents on fishing vessels. Fatigue may well have been a factor in the cause of this incident, as the Casualty had only three hours rest in the period immediately before the operations commenced. The rest records for the Casualty for the previous evening/night, while being illegible in part, records he rested from 18.00 hrs to 22.00 hrs, worked from 22.00 hrs to 24.00 hrs, rested from 24.00 hrs until 05.00 hrs on the 17 July, which is inconsistent with his evidence. The work and rest documents provided were reviewed and are analysed in detail above. They are inconsistent with almost all of the other evidence provided, and their accuracy has to be questioned. Further, as appears to be more probably the case, on the basis of the evidence available to the MCIB, the crew was short by one person, thereby creating greater demands on the crew which makes compliance with the regulation rest periods more difficult.

10. See

[https://www.irishstatutebook.ie/eli/2007/si/640/made/en/print#:~:text=These%20Regulations%20apply%20to%20every,Definitions.&text=\(c\)%20other%20openings%20in%20sides,efficient%20weathertight%20means%20of%20closing.](https://www.irishstatutebook.ie/eli/2007/si/640/made/en/print#:~:text=These%20Regulations%20apply%20to%20every,Definitions.&text=(c)%20other%20openings%20in%20sides,efficient%20weathertight%20means%20of%20closing.)



## 5. CONCLUSIONS

- 5.1 No risk assessment for hauling the nets was shared with the crew.
- 5.2 Some crewmembers were engaged without the mandatory training.
- 5.3 The Skipper was inexperienced on the vessel and relied on his crew to recover the gear unsupervised, while he remained in the wheelhouse.
- 5.4 The evidence from the Skipper asserting that Crewmember No. 1 had been warned about the dangers of standing on the weight while recovering the fishing gear but continued to do so is not supported by any detail or any other evidence. The assertion is denied by the Casualty. Irrespective of which is correct, the manner in which the exercise was being carried out led to a very serious incident. It is not the function of the MCIB to determine liability.
- 5.5 The design and layout of the fishing gear on this vessel was poor, making communication between the winch operator and deck crew difficult. The winch operator could not see the crewmembers feeding the nets on to the reels. Clear lines of communication were also not in place given that the winch operator could not see the crewmembers feeding the nets on to the reels. Had there been a safe design and planned effective communications in place effective supervision could have been adhered to.
- 5.6 Communications in general onboard the vessel was hampered by a language barrier between crewmembers.
- 5.7 An important factor is the number of crew on the vessel. It appears to be the more probable case on the basis of the evidence available to the MCIB, the crew comprised five crewmembers and the Skipper on the trip in question and not the normal crew of six and the Skipper. One man less in the crew complement can of course increase the fatigue factor and also increase the workload on the remaining crew. In addition, there are issues as to appropriate manning for particular operations. The Working Time Regulation records provided raise some issues as to how many of the crew were working on the operation of deploying and recovering the nets on the day in question. Given the experience of the crew, the nature of the operations and the nature of the trip a crew of six and a Skipper would have been more appropriate on the vessel.
- 5.8 Once the incident occurred, given the seriousness of the injury, the Skipper should have contacted Medico Cork through the Coast Guard Radio Station for advice and arranged safe evacuation to the hospital.
- 5.9 The owners and operators of the vessel did not comply with a variety of legislation in place governing operations and safety of the crew of an Irish registered fishing vessel.
- 5.10 It has not been possible to determine definitively who was the employer of the

Casualty or the other crewmembers at the time, given the lack of documentation. It is also not possible to determine who is the owner given that the content of the Vessel Registry (recording three individuals) is not consistent with the claims made by the Casualty and by the defendants (including the three Registered owners) to his personal injuries proceedings. Under the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 “owner”, in relation to a vessel, means:

*“(a) where it is owned by the State or another state and operated by a person who in the State or that other state, as the case may be, is registered as its operator, the person so registered, and*

*(b) in any other case—*

*(i) the person registered as its owner; or*

*(ii) the person who directly or indirectly owns the vessel, and includes any part-owner, charterer, manager or operator of the vessel.”*

The three individuals must be owners within the definition of the 2000 Act but another company or companies could also be an owner(s) if they fall within the second part of the definition.

- 5.11 It is essential on any fishing vessel to have clarity on ownership and on the employer given that the regulatory regime imposes duties on owners and on employers. By way of example, as set out above, the Merchant Shipping (Safety of Fishing Vessels) (15-24m) Regulations 2007 S.I. No. 640 of 2007 directs the Part 6 “General protective measures” at Regulation 102 (1) to (5) to vessel owners as follows:

*“102(1) Owners shall ensure that their vessels are operated without endangering the safety and health of the crew.”<sup>11</sup>*

In the Working Time Regulations applicable in July 2020 being the European Union (International Labour Organisation Work in Fishing Convention) (Working Hours) Regulations S.I. No. 672 of 2019, it is the owner and master (as defined respectively) who bear the obligations set out earlier:

*“5 (1) Subject to Regulation 8, it shall be the duty of every owner and every master of a sea-going fishing vessel to ensure that:*

*(a) workers on board a sea-going fishing vessel are provided with at least the minimum hours of rest or are required to work no more than the maximum hours of work specified in Regulation 6;*

11. “crew” means the skipper and all persons employed or engaged in any capacity on board a vessel on the business of that vessel.

*(b) manning levels on board the sea-going fishing vessel are determined, approved or revised taking into account the need to avoid or minimise, as far as is reasonably practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue.*

*(3) It shall be the duty of every owner of a sea-going fishing vessel to provide the master of a sea-going fishing vessel with all necessary resources for the purposes of compliance with obligations under these Regulations.”*

*(Where “vessel owner” is defined as “the owner of a fishing vessel or any other organisation or person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner”; and “Master” is defined as including “every person (except a pilot) having command or charge of a sea-going fishing vessel”<sup>12</sup>).*

The Safety, Health and Welfare at Work Act 2005 is largely directed to employers but also to those “who control workplaces” such as in Section 19 (referred to above) which requires that employers and those who control workplaces to any extent must identify the hazards.

- 5.12 The owners were unable to provide evidence that each of the crew was engaged in a manner required by law. The clear identification of the vessel owners/employer(s) was not provided. The importance of such identification is set out above and its absence can, naturally, create difficulties in enforcement.
  - 5.13 The owners were unable to provide satisfactory and credible evidence that each of the crew was provided with the regulatory rest and work times. The information provided to the MCIB during the investigation makes it more likely than not, that fatigue was a factor in this incident.
  - 5.14 Satisfactory records evidencing rest hours, which are mandatory, have not been provided and the content raises questions as to their accuracy. Whether there has been compliance with the applicable Regulations is entirely a matter for the MSO.
  - 5.15 Statutory notices that were served on each of the three Registered owners under Sections 23, 24 and 30 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (as amended) dated the 24 of May 2023 were not complied with. In particular, statutory notices that were served on each of the three Registered owners, which included a demand to provide details as to the interest, of any nature, that each, as Registered owner of the vessel, had in the noted companies, were not complied with.
12. The current primary Regulation being the European Union (International Labour Organisation Work in Fishing Convention) (Working Hours) Regulations S.I. 672 of 2019 provides a somewhat different definition where “owner” means the owner of a fishing vessel or any other organisation or person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner. A definition repeated in S.I. 333 but for some reason not repeated in identical terms in S.I.585 of 2020 (which now applies to share fishers) where “owner” in relation to a fishing vessel, means the owner of the vessel or any other person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner.

## 6. SAFETY RECOMMENDATIONS

### 6.1 Preamble

The FV John B is no longer on the Irish Sea Fishing Boat Register maintained by the licensing authority for fishing vessels within the Department of Agriculture Food and the Marine. The information is that the fishing gear was removed in March 2023 and is to be decommissioned under the State decommissioning scheme for fishing vessels. Therefore, certain recommendations that the Marine Casualty Investigation Board would have made had the vessel still been in operation cannot be made. By way of example, the Marine Casualty Investigation Board would have recommended that the owners of the FV John B carry out a risk assessment and a planned safe system of working in respect of all operations on the vessel including the design and layout of the fishing gear and the method of communication between the winch operator and deck crew. The Marine Casualty Investigation Board would also have sought evidence of the compliance by the owners with Regulation 9 of the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 S.I. No. 315 of 2023 which was required in respect of the FV John B by January 2022.

As the vessel is a fishing vessel with a length of more than 15 metres; the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 (“the 2011 Regulations”) apply to the investigation. Having regard to the seriousness of the injuries the event constituted a casualty within the meaning of the 2011 Regulations. The purpose of an investigation under the 2011 Regulations is provided for in Section 25 of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 subject to amendments<sup>13</sup> made by the 2011 Regulations as follows:

*“25.—(1) The purpose of an investigation under this Part is to establish the cause or causes of a [marine] casualty with a view to making recommendations for the avoidance of similar [marine] casualties.*

*(4) It shall not be the purpose of an investigation to attribute blame or fault.”*

Having regard to the fact that the object of recommendations made by the Marine Casualty Investigation Board are to assist in avoiding similar marine casualties and having regard to the failure of the owners registered with the Marine Survey Office to provide corroboration of other possible owners and the employers of the crew the recommendations now made are addressed to ensure that similar marine casualties do not occur on fishing vessels in which any of the registered owners have an interest and where any are employers.

13. The amendments delete the words in square brackets.

- 6.2 Recommendations addressed to the Registered owners of the FV John B and insofar as any or all are owners of any other fishing vessels and in their capacity as employer (where applicable)**
- 6.2.1 Must comply with the statutory legal regime set out in this Report (including the Safety, Health and Welfare at Work Act 2005, and S.I. No. 640 of 2007 Merchant Shipping (Safety of Fishing Vessels) (15-25m) Regulations 2007 and in particular in respect of having a safe system of work and maintaining accurate and complete up to date safety records.
- 6.2.2 Must comply with S.I. No. 709 of 2003, European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations or of such Working Time regulation as are applicable in respect of hours of rest and accurate records in respect of same.
- 6.2.3 Must ensure that effective operational training is carried out (and must ensure that it is carried out in a manner that achieves effective communication to all crewmembers).
- 6.2.4 Must ensure that effective health and safety training is carried out (and must ensure that it is carried out in a manner that achieves effective communication to all crewmembers).
- 6.2.5 Must not engage any crew that have not got all necessary certification and training, including Bord Iascaigh Mhara Safety Training.
- 6.2.6 Must ensure any non-European Economic Area (EEA) crewmembers comply with the rules governing the work permits that have replaced the Atypical Work Scheme for fishers in vessels over 15 metres.
- 6.3 Recommendations addressed to the Minister for Justice**
- 6.3.1 That the Minister for Justice should give consideration to: carrying out an audit of the crewing arrangements of any fishing vessel or vessels in respect of which any of the Registered owners have an interest, to ensure any non-EEA crewmembers comply with the rules governing the work permits that have replaced the Atypical Work Scheme for fishers in vessels over 15 metres. Ideally such an audit would be carried out no later than 12 months from the date of publication of this report.
- 6.3.2 That the Minister for Justice ensures that when granting work permits to fishers that there is a robust system in place to ensure that the grantees have a sufficient knowledge of the English language to be able to communicate with fellow crewmembers onboard Irish registered fishing vessels.

**6.4 Recommendations addressed to the Minister for Transport**

- 6.4.1 That the Minister should assess whether to investigate the issues raised as to the ownership of the FV John B and the related issue of the identification of the employer.
- 6.4.2 That the Minister assess whether to consider compliance with S.I. No. 709 of 2003, European Communities (Workers on Board Sea-going Fishing Vessels) (Organisation of Working Time) Regulations or of such Working Time Regulation as they are advised is applicable.
- 6.4.3 That the Minister while noting that the Safe Manning Document application under the European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023) reminds owners of their obligation to ensure a vessel is sufficiently and safely manned and with appropriate work and living conditions, and, that owners must comply with the applicable Working Time Regulations; regard should be had to the contents of this report when assessing future applications by the Registered owners of the FV John B or any of them for Safe Manning Documents.

**6.5 Recommendations addressed to Bord Iascaigh Mhara**

- 6.5.1 That Bord Iascaigh Mhara provides the required statutory basic safety training mandated by Regulation 4 of the Fishing vessel (Basic Safety Training) Regulations, 2001 S. I. No. 587 of 2001. In the light of the findings in this Report, and in many other MCIB reports involving injuries on fishing vessels, it should review the content of its safety training modules with regard to the health and safety aspects identified in this Report to include operational issues and the carrying out of risk assessments for fishing operations (including the risks associated with working with fishing gear).


**7. APPENDICES**

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Appendix 7.1 Marine Survey Office Survey January 2020

(v0.1)

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Dept. of Transport, Tourism & Sport Marine Survey Office Leeson Lane Dublin 2		Phone: +353 (0)1 6783400 Email: <a href="mailto:FirstNameLastName@dtas.ie">FirstNameLastName@dtas.ie</a> Web: <a href="http://www.dttas.ie">www.dttas.ie</a>
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**Report of Survey/ Inspection**

TMS No:

Name of Vessel:	John B	ON/IMO:	
Type of Vessel:	15-24M Fishing Vessel	Port of Registry:	Drogheda
Date of Survey:	06/01/2020	Place of Inspection:	Howth.
Surveyor:	[REDACTED]	Activity:	Fishing Vessel Safety Certificate (15-24m)
Office:	Dublin	Deficiencies:	Yes

Hull Modifications   
  Exemptions / Equivalencies

**Inspection Operations**  
(Please tick the relevant areas inspected)

Hull Out of Water Survey	<input checked="" type="checkbox"/>	Sea Valves & Skin Fitting	<input checked="" type="checkbox"/>	Internal Void Space & Ballast Tank(s) Opened & Inspected	<input checked="" type="checkbox"/>
Decks	<input checked="" type="checkbox"/>	Steering / Engine Room	<input checked="" type="checkbox"/>	Cargo Hold(s) / Tank(s)	<input type="checkbox"/>
Accommodation	<input checked="" type="checkbox"/>	Passenger Spaces	<input type="checkbox"/>	Propeller Shaft & Rudder Removal	<input type="checkbox"/>
Shell Plating U/T Inspection	<input checked="" type="checkbox"/>	Safety Equipment	<input checked="" type="checkbox"/>	Emergency Steering	<input checked="" type="checkbox"/>
Sea Trials & Crew Drills	<input type="checkbox"/>	Navigational Equipment	<input type="checkbox"/>	MLC	<input type="checkbox"/>
Radio Equipment	<input type="checkbox"/>				

Other:

**Comments**

Out of water survey

.....

.....


.....

.....

Signature \_\_\_\_\_



Appendix 7.1 Marine Survey Office Survey January 2020

Page 2 of 5		SUR 2500 Rev 2.00 (04/16)	
Dept. of Transport, Tourism & Sport Marine Survey Office Leeson Lane Dublin 2		Phone: +353 (0)1 6783400 Email: <a href="mailto:FirstNameLastName@dtas.ie">FirstNameLastName@dtas.ie</a> Web: <a href="http://www.dttas.ie">www.dttas.ie</a>	
<b>Deficiencies</b>			
Item No.	Nature of Deficiency	Legislation Reference (if detained)	Action Taken
1	Ventilation Dampers for Accommodation not closing fully(completed)		17
2	Hatch(Top of Shelter Deck) cover not completely sealing Complete		
3	Electrical junction boxes found open and wires exposed Complete		
4	Fire detector missing and one taped up Complete		
5	Navigation light Port not working Complete		
6	fresh water tank to be opened for inspection and cleaned		
7	Thickness report to be sent to MSO		
8	Fire extinguishers service report to be sent to MSO		
9	Engine room HIHI level Bilge alarm not as required it should stay in alarm until it is manually cancelled from the engine room.complete		
10	Additional Fire detector's in crew cabins		
11	Rubber mat for electrical switchboard		
12	Bilge valves signage		
13	Life jacket donning instructions		
00	No Action Taken	18	ISM Non Conformities: rectify before departure
10	Deficiency Rectified	19	ISM Non-Conformities: rectify within 3 months
12	All Deficiencies Rectified	30	Grounds for Detention
15	Rectify Deficiency at Next Port	35	Ship allowed to sail after detention
16	Rectify Deficiency within 14 days	70	Classification Society Informed
17	Master instructed to rectify deficiency before departure	99	Other (Specify in Clear Text)
<p>This report must be retained on board for a period of two years and must be available for consultation by a Department of Transport, Tourism &amp; Sport Surveyor at all times. This inspection is based on random samples and therefore deficiencies may exist which may not have been identified.</p>			







Appendix 7.2 Photographs of Vessel and Stern Area Supplied by the Casualty



View from Winch Operator's Position



Weight Cage

# APPENDIX 7.3

## Appendix 7.3 Working Time Records (partially illegible)

Vessel Name: JOHN B Record of Hours of Work

Forename: [REDACTED] SWCT number: \_\_\_\_\_  
Surname: [REDACTED] BIM Number: \_\_\_\_\_

Week 1	Start Date	Day 1	Day 2	Day 3	Day 4	Day 5
	Day	10/1	10/2	10/3	10/4	10/5
	Total Hours Worked	3	7	8	8	8

Week 2	Date	Day 1	Day 2	Day 3	Day 4	Day 5
	Day Number	1				
	Total Hours Worked	2				

Week 3	Date	Day 1	Day 2	Day 3	Day 4	Day 5
	Day					
	Total Hours Worked					

Week 4	Date	Day 1	Day 2	Day 3	Day 4	Day 5
	Day					
	Total Hours Worked					

I declare that the above information in relation to daily and weekly hours of rest is correct.

Crew Signature: [REDACTED] Skipper Signature: [REDACTED]  
Date: 17/09/20 Date: 17/09/20

Vessel Name: JOHN B Record of Hours of Rest

Idp Number: 29  
SWCT number: \_\_\_\_\_  
BIM Number: \_\_\_\_\_

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Hours																																
Minutes																																

Name: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]  
Date: 17/09/20 Date: 17/09/20 Date: \_\_\_\_\_

Appendix 7.3 Working Time Records (partially illegible)

Report of Hours of Work

Vessel Name: JOLUS B

Forename: [REDACTED] SWCT number: \_\_\_\_\_

Surname: [REDACTED] BIM Number: 9986 Date of Discharge: 17/7/20

	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Total Work Hours
Week 1	Start Date: <u>10/7</u>	<u>11/7</u>	<u>12/7</u>	<u>13/7</u>	<u>14/7</u>	<u>15/7</u>	<u>16/7</u>	
	Day							
	Total Hours Worked: <u>5</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	
Week 2	Date: <u>17/7</u>							
	Day Number							
	Total Hours Worked: <u>2</u>							
Week 3	Date							
	Day							
	Total Hours Worked							
Week 4	Date							
	Day							
	Total Hours Worked							

I declare that [REDACTED] relation to daily and weekly hours of rest is correct and I have complied with statutory rest entitlements.

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

Report of Hours of Work

Vessel Name: [REDACTED]

Forename: [REDACTED] SWCT number: \_\_\_\_\_

Surname: [REDACTED] BIM Number: \_\_\_\_\_ Date of Discharge: \_\_\_\_\_

Hour	0	1	2	3	4	5	6	7	8	9	10	11	12
Day 1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
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24													
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26													
27													
28													
29													
30													
31													

I declare that [REDACTED] relation to daily and weekly hours of rest is correct and I have complied with statutory rest entitlements.

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

# APPENDIX 7.3 Cont.

## Appendix 7.3 Working Time Records (partially illegible)

Vessel Name: John B

Forename: [REDACTED] SWCT number: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Surname: [REDACTED] SSN Number: \_\_\_\_\_ Date of issue: \_\_\_\_\_

Week 1	Day 1	Day 2	Day 3	Day 4	Day 5
Start Date	1st	2nd	3rd	4th	5th
Day					
Total Hours Worked	6	3	4	5	5

Week 2	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Date	1st						
Day Number							
Total Hours Worked	3						

Week 3	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Date							
Day							
Total Hours Worked							

Week 4	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Date							
Day							
Total Hours Worked							

I declare that the [REDACTED] weekly hours of rest is correct. [REDACTED]

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

Vessel Name: John B Record of Hours of Rest

Forename: [REDACTED] Trip Number: 29 Date of departure: 16-7-20

Surname: [REDACTED] SWCT number: \_\_\_\_\_ Date of Loading: 17-7-20

SSN Number: \_\_\_\_\_

Hour	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	
Day 1																										
Day 2																										
Day 3																										
Day 4																										
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Day 26																										
Day 27																										
Day 28																										
Day 29																										
Day 30																										
Day 31																										

I declare that the [REDACTED] weekly hours of rest is correct. [REDACTED]

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20



Appendix 7.3 Working Time Records (partially illegible)

Record of Hours of Work

Vessel Name: John B

Forename: [Redacted] SWCT number: \_\_\_\_\_

Surname: [Redacted] BIM Number: \_\_\_\_\_

	Day 1	Day 2	Day 3	Day 4	Day 5
Week 1 Start Date	10/11	11/11	12/11	13/11	14/11
Day					
Total Hours Worked	8	8	8	8	8

	Day 1	Day 2	Day 3	Day 4	Day 5
Week 2 Date	15/11				
Day Number					
Total Hours Worked	5				

	Day 1	Day 2	Day 3	Day 4	Day 5
Week 3 Date					
Day					
Total Hours Worked					

	Day 1	Day 2	Day 3	Day 4	Day 5
Week 4 Date					
Day					
Total Hours Worked					

I declare that the above information in relation to daily and weekly hours of rest is correct.

Crew Signature: \_\_\_\_\_ Date: 17/3/20

Skipper Signature: [Redacted] Date: 17/3/20

Record of Hours of Work

Vessel Name: \_\_\_\_\_

Forename: [Redacted] SWCT number: 29

Surname: [Redacted] BIM Number: \_\_\_\_\_

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1																															
2																															
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4																															
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27																															
28																															
29																															
30																															
31																															

I declare that the above information in relation to daily and weekly hours of rest is correct.

Crew Signature: \_\_\_\_\_ Date: 17/3/20

Skipper Signature: [Redacted] Date: 17/3/20

Witness Signature: [Redacted] Date: 17/3/20

# APPENDIX 7.3 Cont.

## Appendix 7.3 Working Time Records (partially illegible)

Record of Hours of Work

Vessel Name: John B  
 Forename: [REDACTED] SWCT number: \_\_\_\_\_  
 Surname: [REDACTED] BIM Number: \_\_\_\_\_

Tin Number: 29  
 Date of Departure: 10-7-20  
 Date of Landing: 17-7-20

Week 1	Start Date	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Total Hours
	10-7-20	11 <sup>h</sup>	11 <sup>h</sup>	12 <sup>h</sup>	12 <sup>h</sup>	14 <sup>h</sup>	15 <sup>h</sup>	15 <sup>h</sup>	82
		8	8	8	8	7	8	7	56
									52

Week 2	Date	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Total Hours
	17-7-20								4
									4

Week 3	Date	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Total Hours

Week 4	Date	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Total Hours

I declare that the above information in relation to daily and weekly hours of rest is correct and true to the best of my knowledge.

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]  
 Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

Record of Hours of Work

Vessel Name: John B  
 Forename: [REDACTED] SWCT number: \_\_\_\_\_  
 Surname: [REDACTED] BIM Number: \_\_\_\_\_

Tin Number: 29  
 Date of Departure: \_\_\_\_\_  
 Date of Landing: \_\_\_\_\_

Hour	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17	Day 18	Day 19	Day 20	Day 21	Day 22	Day 23	Day 24	Day 25	Day 26	Day 27	Day 28	Day 29	Day 30	Day 31	
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I declare that the above information in relation to daily and weekly hours of rest is correct and true to the best of my knowledge.

Crew Signature: [REDACTED] Skipper Signature: [REDACTED] Witness Signature: [REDACTED]  
 Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

Appendix 7.3 Working Time Records (partially illegible)

Vessel Name: Jaws B Record of Hours of Work

Forename: [Redacted] Tally Number: \_\_\_\_\_ Date of Departure: \_\_\_\_\_

Surname: [Redacted] SWCT number: \_\_\_\_\_ Date of Landing: \_\_\_\_\_

BIM Number: \_\_\_\_\_

Week	Start Date	Day 1	Day 2	Day 3	Day 4	Day 5	Total Hours Worked
Week 1	10/1	10/2	10/3	10/4	10/5	10/6	3
Week 2	10/7	10/8	10/9	10/10	10/11	10/12	2
Week 3							
Week 4							

I declare that the above information in relation to daily and weekly hours of rest is correct and I have reached my statutory rest entitlements.

Crew Sign: [Redacted] Skipper Sign: [Redacted] Witness Sign: [Redacted]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

Vessel Name: Jaws B Record of Hours of Work

Forename: [Redacted] Tally Number: 29 Date of Departure: 10-7-20

Surname: [Redacted] SWCT number: \_\_\_\_\_ Date of Landing: 17-7-20

BIM Number: \_\_\_\_\_

Hour	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	25	26	27	28	29	30	31
Day 1																																
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I declare that the above information in relation to daily and weekly hours of rest is correct and I have reached my statutory rest entitlements.

Crew Sign: [Redacted] Skipper Sign: [Redacted] Witness Sign: [Redacted]

Date: 17/7/20 Date: 17/7/20 Date: 17/7/20

# APPENDIX 7.4

## Appendix 7.4 Extracts from Official Log Book

Week No.	Date and Hour/Place of Occurrence	Date of Entry	Detail of Entry	Signed	
				Skipper	Witnessed
7	8-4-20	8-4-20	MAN OVER BOARD AFD LIFE RAFTS		
8		4/20	FIRE IN ENGINE ROOM		
		4/3/20	FIRE ALARMS TESTED		
		4/7/20	B/CCE ALARMS TESTED		
9	26/2/20 Castletown bere	26/3/20	Man over board life Raft Launching Abandon Ship drill		

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Week No.	Date and Hour/Place of Occurrence	Date of Entry	Detail of Entry	Signed	
				Skipper	Witnessed (Fisher)
10	Castletown bere	27/4/20	H: Life technique, practice, Emergency steps and life launching		
	Penzance East	15/05/20	Fire in Cabin, fire in EIR, fire in galley, Bunker heating.		
11	Howth	22/05/20	Equip, Hand Bitted VHF LRA Life Launching.		
	Howth.	29/6/20	Immersion Suit, Muster Duties Fire Plans		
12	Howth.	8/6/20	Anchoring, Skipper Overboard. Fire in Cabin.		

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Appendix 7.4 Extracts from Official Log Book

Week No.	Date and Hour/Place of Occurrence	Date of Entry	Detail of Entry	Signed	
				Skipper	Witnessed (Fisher)
13	29/7/20	29/7/20	Fire in engine room Groundwater later left And master drills		
	11/8/20	11/8/20	Man over board, Fire in Cabin Hi Line technique.		
14					
15					

Week No.	Date and Hour/Place of Occurrence	Date of Entry	Detail of Entry	Signed	
				Skipper	Witnessed (Fisher)
16					
17					
18					

## Appendix 7.5 Marine Notice No. 04 of 2020



An Roinn Iompair,  
Turasóireachta agus Spóirt  
Department of Transport,  
Tourism and Sport

### Marine Notice No. 04 of 2020

*Notice to all Fishing Vessel Owners, Agents, Skippers, Fishers and Seafarers*

**S.I. No 673 of 2019  
Fishing Vessels (Certification of Deck Officers and  
Engineer Officers) (Amendment) Regulations 2019**

#### 1. Background

The Work in Fishing Convention, 2007 (C188) was adopted at the 96th session of the International Labour Conference in June 2007. It aims to ensure decent conditions of work in the fishing sector with regard to minimum requirements for work on board fishing vessels; conditions of service; accommodation and food; medical care and health protection; and social security. The Convention entered into force on 16 November 2017 and, so far, 14 Member States of the ILO have ratified it.

On 31 January 2017, Council Directive (EU) 2017/159 was published in the Official Journal of the European Union (OJ No. L 25, 31.1.2017, p.12). This Directive contains a Social Partners' Agreement, concluded on 21 May 2012, which aims to implement the Work in Fishing Convention.

The Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019, (S.I. No 673 of 2019) amends S.I. No. 289/1988 - Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 in order to give effect to the provisions of Article 10 of the Annex to Council Directive 2017/159/EU.

#### 2. Objective of the Regulations

The objective of the Regulations is to give effect to provisions of Article 10 of the Annex to Council Directive 2017/159/EU which relates to *Manning*.

To give effect to the Directive, amendments were made to S.I. No. 289/1988 Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988. The amended Regulations require certain fishing vessels registered in the State to carry a specified minimum number of deck officers. They also require every fishing vessel owner on fishing vessels of 15 metres length overall (Loa) and above to ensure that there is a valid safe manning document in respect of his or her fishing vessel.

## Appendix 7.5 Marine Notice No. 04 of 2020

The Regulations do not apply to fishing vessels which are required to have a safe manning document under the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998 (S.I. No. 551 of 1998).

### 3. Competent Authority

The Marine Survey Office is designated as the competent authority in the State for the purposes of these Regulations.

### 4. Minimum number of Deck Officers.

The Regulations require certain fishing vessels registered in the State to carry a specified minimum number of deck officers. The table contained in Regulation 4 of the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 (S.I. No. 289 of 1988) has been amended in order to bring fishing vessels of 15 metres length overall (and above) into scope of SI 289 of 1988. A copy of this table is attached to this Notice at Appendix 1.

In all instances, it is the owners' responsibility to ensure that the fishing vessel is under the control of a competent skipper.

It is important to note that from 19 December 2019, fishing vessels between 15m LoA and 24m length will require a certified skipper, with a minimum level of qualification of 2nd hand special.

### 5. Safe manning document

While ships of 500 Gross Tonnage (GT) are currently required to carry a safe manning document<sup>1</sup>, the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019 (S.I. No. 673 of 2019) provides for the phased introduction of a safe manning document for fishing vessels 15m LoA and above. The safe manning document will specify the number and qualifications of the fishers required for the safe navigation and operation of the vessel.

The requirement to carry a safe manning document will be introduced on a **transitional basis** to allow owners and/or masters time to prepare. As a result, the effective date for which the requirement to have a safe manning document comes into force is as follows:

- For fishing vessels of 15 metres in length overall (Loa) and over, constructed on or after 19<sup>th</sup> December 2019, it is the duty of the fishing vessel owner to ensure that there is a safe manning document in respect of the fishing vessel before they proceed to sea.
- In relation to fishing vessels of 15 metres in length overall (Loa) and over but less than 24 metres in length, the fishing vessel owner is required to ensure that there is a valid safe manning document in place on the date of completion of the next survey for the grant or renewal of a fishing vessel safety certificate or the date of completion of the next intermediate survey, whichever occurs later, under the

<sup>1</sup> Please refer to Section 5 of S.I. No. 551/1998 - Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998

## Appendix 7.5 Marine Notice No. 04 of 2020

Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 (S.I. No. 640 of 2007).

- For fishing vessels of 24 metres in length and over, the fishing vessel owner is required to ensure that there is a valid safe manning document on the date of completion of the next survey for the issue of a certificate of compliance or the date of completion of the next intermediate survey, whichever occurs later, under the Fishing Vessels (Safety Provisions) Regulations 2002 (S.I. No. 418 of 2002).

Subject to the transitional periods outlined above, the fishing vessel shall not proceed to sea without a safe manning document on board. In order to be issued with a safe manning document, a fishing vessel owner must apply in writing to the competent authority outlining proposals as to the numbers and qualifications of deck officers, engineering officers and any such other personnel the owner considers should be carried on board the fishing vessel to ensure the vessel is sufficiently and safely manned for its safe navigation and operation, whilst providing appropriate work and living conditions for personnel on board.

The competent authority shall review and may provide guidance on safe manning, which the owner must take into account. It is the owners' responsibility to ensure that the manning of the fishing vessel is maintained at all times to at least the level required by the safe manning document. The minimum requirements of the table in S.I. 289/1988 apply until such time as a safe manning document is in place.

For more information please contact:

Marine Survey Office  
Irish Maritime Administration,  
Leeson Lane,  
Department of Transport, Tourism and Sport,  
Dublin 2,  
D02 TR60  
Phone: 016783400,  
Email: [mso@dtias.gov.ie](mailto:mso@dtias.gov.ie)

Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

07/01/2020

Encl: Annex

For any technical assistance in relation to this Marine Notice, please contact:  
The Marine Survey Office, tel: +353-(0)1-678 3400.  
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.  
Written enquiries concerning Marine Notices should be addressed to:  
Dept. of Transport, Tourism and Sport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60,  
Ireland.  
email: [MarineNotices@dtias.gov.ie](mailto:MarineNotices@dtias.gov.ie) or visit us at: [www.gov.ie](http://www.gov.ie)



Appendix 7.5 Marine Notice No. 04 of 2020

**Appendix 1: Minimum Number of Qualified Deck Officers to be carried on Vessel**

Column 1	Column 2	Column 3			Column 4
Fishing Area	Description of Length or Length Overall (L <sub>oa</sub> ) of Vessel	Minimum Number of Qualified Deck Officers to be carried on Vessel			Minimum Total Number of Officers to be carried on Vessel
		Skipper Full	2 <sup>nd</sup> Hand Full or Skipper Limited	2 <sup>nd</sup> Hand Limited or 2 <sup>nd</sup> Hand Special	
Unlimited	100 metres in length and over	1	3		3 Officers required in addition to Skipper Full
Unlimited	50 metres in length and over to less than 100 metres in length	1	2		2 Officers required in addition to Skipper Full
Unlimited	Less than 50 metres in length	1	1		1 Officer required in addition to Skipper Full
Limited	100 metres in length and over	1	1	1	2 Officers required in addition to Skipper Full
Limited	50 metres in length and over to less than 100 metres in length		1 Skipper Limited	2	2 Officers required in addition to Skipper Limited
Limited	24 metres in length and over to less than 50 metres in length		1 Skipper Limited	1	1 Officer required in addition to Skipper Limited
Limited	15 metres length overall (L <sub>oa</sub> ) and over to less than 24 metres in length			1 2 <sup>nd</sup> Hand Special	1 2 <sup>nd</sup> Hand Special (Skipper)

## Appendix 7.6 Marine Notice No. 43 of 2023



An Roinn Iompair  
Department of Transport

### Marine Notice No. 43 of 2023

Amended 30/06/2023

*Notice to all Fishing Vessel Owners, Agents, Skippers, Fishers and Seafarers*

#### Safe Manning Document – Fishing Vessels

The Department of Transport wishes to advise that the Minister for Transport has signed Regulations entitled [European Union \(International Labour Organisation Work in Fishing Convention\) \(Safe Manning\) Regulations 2023 \(S.I. No. 315 of 2023\)](#) on 13 June 2023. These Regulations come into force on 1 July 2023.

#### 1. Background

The European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023), hereinafter referred to as the Fishing Vessel (FV) Safe Manning Regulations, transpose Article 10 of the Annex to Council Directive (EU) 2017/159 of 19 December 2016 concerning the Work in Fishing Convention 2007 of the International Labour Organisation.

Safe manning requirements for fishing vessels were previously set out in the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998 (S.I. No. 551 of 1998) and the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019 (S.I. No. 673 of 2019), both of which have now been revoked.

#### 2. Application

The FV Safe Manning Regulations apply to any sea-going ship or boat of 15 metres in length overall and over registered in the State, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing in the limited and unlimited areas.

#### 3. Regulation Requirements

The FV Safe Manning Regulations enter into force on 1 July 2023. They provide for the safe manning of fishing vessels of 15 metres in length overall and over. The Regulations oblige the owner of every relevant fishing vessel to secure a minimum safe manning document from the Marine Survey Office (MSO) in the Department of Transport by a certain date.

## Appendix 7.6 Marine Notice No. 43 of 2023

For fishing vessels constructed on or after 19 December 2019, the Regulations are in force and such a fishing vessel is not permitted to proceed to sea without having a minimum safe manning document in place.

For fishing vessels between 15 metres and 24 metres in length constructed before 19 December 2019, they have until the date of completion of the next survey for the grant or renewal of a fishing vessel safety certificate or the date of completion of the next intermediate or periodical survey, whichever occurs later from the date of 19 December 2019 (bearing in mind that this date may have already passed).

For fishing vessels 24 metres in length and over constructed before 19 December 2019, they have until the date of completion of the next survey for the issue of a certificate of compliance or the date of completion for the next periodical or intermediate survey, whichever occurs later from the date of 19 December 2019 (again bearing in mind that this date may have already passed).

Until such time as a minimum safe manning document is in place, a fishing vessel owner must ensure that the fishing vessel is manned to the minimum level set out in Appendix 1 with regard to deck officers and in Appendix 2 with regard to engineer officers.

#### 4. Competent Authority

The MSO is designated as the competent authority in the State for the purposes of these Regulations.

#### 5. Application for a Minimum Safe Manning Document

An application for a minimum safe manning document should be sent to the MSO and should contain proposals as to the numbers and qualifications of deck officers, engineer officers and similar personnel the owner considers should be carried on board the fishing vessel to ensure it is sufficiently and safety manned for safe navigation and operation and appropriate work and living conditions for personnel on board. When it is satisfied with the proposals, the MSO will issue a minimum safe manning document for the vessel. Thereafter, the fishing vessel must be manned at all times to at least the level set out in the document, unless the MSO approves changes to it.

#### 6. Working Language

The owner or master of each applicable fishing vessel must ensure that there is a working language on board, that every fisher understands it and that, where necessary, fishers can give orders and instructions and report back in that language.

#### 7. Watchkeeping Arrangements

Any person in charge of a navigational watch must hold an appropriate certificate of competency or certificate of equivalent competency. In the event of the death or incapacity of any officer certified under the [Fishing Vessels \(Certification of Deck Officers and Engineer Officers\) Regulations 2023 \(S.I. 313 of 2023\)](#), a deck officer or engineer officer who is not certified to act in that capacity may act in the certificated capacity until the vessel reaches the next intended port of call.

**Appendix 7.6 Marine Notice No. 43 of 2023****8. Offences**

There are a number of offences under the FV Safe Manning Regulations:

- Prior to securing a minimum safe manning document, the owner of a fishing vessel who fails to comply with the relevant minimum manning levels for deck officers and engineer officers set out in Appendices 1 and 2 respectively commits an offence;
- An owner who fails to ensure that their vessel is under the control of a competent skipper commits an offence;
- An owner who fails to ensure that after the effective date their vessel has a valid minimum safe manning document, that the vessel does not proceed to sea without such a document and that the vessel is manned at all times to at least the level required by the document commits an offence;
- An owner who fails to apply to the MSO for a minimum safe manning document before their fishing vessel proceeds to sea after the effective date commits an offence;
- An owner who reduces the manning of their vessel below the level required by the minimum safe manning document without the MSO's approval commits an offence;
- A person who prevents, obstructs, impedes or delays an authorised officer in the performance of his or her functions under these Regulations, fails to comply with a requirement or request of an authorised officer or gives an authorised officer any information which is false or misleading and knows it to be so commits an offence;
- The master of a vessel who fails to comply with a notice of detention served on him or her by an authorised officer commits an offence;
- A person who fails to comply with a direction served by the MSO commits an offence.

Proceedings for an offence under these Regulation may be brought and prosecuted summarily by the Minister. A summary conviction of any of the above offences may lead to the imposition of a class A fine.

The European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023 (S.I. No. 315 of 2023) may be purchased by mail order from Government Publications, Office of Public Works, Mountshannon Road, Dublin, D08 XA06; Tel: (046) 9423100. It is also available online at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

Irish Maritime Administration,  
Department of Transport,  
Leeson Lane, Dublin 2, D02 TR60, Ireland.

26/06/2023

Amended 30/06/2023

**Enclosures**

- Appendix 1: Minimum number of deck officers to be carried on board until a minimum safe manning document is secured;

## Appendix 7.6 Marine Notice No. 43 of 2023

- Appendix 2: Minimum number of qualified engineer officers to be carried on board until a minimum safe manning document is secured.

For any technical assistance in relation to this Marine Notice, please contact:

The Marine Survey Office, email: [MSO@transport.gov.ie](mailto:MSO@transport.gov.ie).

For general enquiries, please contact the Maritime Safety Policy Division, email:

[MaritimeSafetyPolicyDivision@transport.gov.ie](mailto:MaritimeSafetyPolicyDivision@transport.gov.ie).

Written enquiries concerning Marine Notices should be addressed to:

Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.

email: [MarineNotices@transport.gov.ie](mailto:MarineNotices@transport.gov.ie) or visit us at: [www.gov.ie/transport](http://www.gov.ie/transport).

Appendix 7.6 Marine Notice No. 43 of 2023

Appendix 1: Minimum number of deck officers to be carried on board until a minimum safe manning document is secured

Column (1) Area	Column (2) Length or Length Overall (L <sub>oa</sub> )	Column (3) Minimum Number of Qualified Deck Officers to be carried on a fishing vessel					Column (4)
		Skipper Full	Skipper Limited	Second Hand Full	Skipper Limited <24m	Second Hand Limited	Total Number of Deck Officers to be carried on a fishing vessel
Unlimited	100 metres in length and over	1	-	3	-	-	4
Unlimited	50 metres in length and over to less than 100 metres in length	1	-	2	-	-	3
Unlimited	Less than 50 metres in length	1	-	1	-	-	2
Limited	100 metres in length and over	1	-	-	-	2	3
Limited	50 metres in length and over to less than 100 metres in length	-	1	-	-	2	3 Limited
Limited	24 metres in length and over to less than 50 metres	-	1	-	-	1	2
Limited	15 metres in L <sub>oa</sub> and over to less than 24 metres in length	-	-	-	1 (or Second Hand Special)	1	2*


\*Requirement is for one officer: either a Skipper Limited <24m or a Second Hand Special

Appendix 7.6 Marine Notice No. 43 of 2023

Appendix 2: Minimum number of qualified engineer officers to be carried on board until a minimum safe manning document is secured

Column (1)	Column (2)	Column (3)		
Description of registered power of vessel (kilowatts)	Number of qualified engineer officers	Required Classes of Certification		
		Chief Engineer Officer	Second Engineer Officer	Third Engineer Officer
Vessels powered by main propulsion machinery of 3,000 kW propulsion power or more	3	Class 1 FV or STCW Reg III/2 Chief Engineer	Class 2 FV or STCW Reg III/2 Second Engineer	Class 3 FV or STCW Reg III/1 Officer in charge of an engineering watch
Vessels powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power	2	Class 2 FV or STCW Reg III/3 Chief Engineer	Class 3 FV or STCW Reg III/1 Officer in charge of an engineering watch	n/a

## Appendix 7.7 Met Éireann Weather Report




Weather Forecast From Met Éireann

### 24-hour Sea Area Forecast

Updated at 0000 / 0600 / 1200 / 1800

Sea Area Forecast until 1200 Friday, 17 July 2020  
Issued at 1200 Thursday, 16 July 2020

- Gale warning:** Nil  
**Small craft warning:** In operation
- Meteorological situation at 0900:** An anticyclone of 1030hPa, centred north of the Azores and a depression of 981hPa, centred over Iceland generates a moderate to fresh westerly airflow over Ireland. A frontal trough associated with the depression will reach northwestern coastal areas tonight.
- Forecast for Irish coastal waters from Slyne Head to Bloody Foreland to Fair Head**  
**Wind:** West to southwest force 4 or 5, occasionally reaching force 6 on northwestern coasts. Later easing westerly force 3 to 4 in the northwest.  
**Weather:** Cloudy with patchy mist and drizzle, rain developing in the northwest later.  
**Visibility:** Moderate or poor in precipitation, otherwise moderate to good.  
**Forecast for Irish coastal waters from Fair Head to Wicklow Head to Carnsore Point and for the Irish Sea**  
**Wind:** West to southwest force 3 or 4. Occasionally increasing force 5 on the north Irish Sea later.  
**Weather:** Cloudy becoming mostly fair. Rain developing in northern parts later.  
**Visibility:** Moderate or poor in precipitation, otherwise moderate to good.  
**Forecast for Irish coastal waters from Carnsore Point to Mizen Head to Slyne Head**  
**Wind:** West to southwest force 4 or 5 and gusty, reaching force 6 locally off the Cork coast at times today.  
**Weather:** Cloudy with patchy drizzle and mist, becoming cloudy to fair this afternoon.  
**Visibility:** Moderate or poor in precipitation, otherwise moderate to good.  
**Warning of Heavy Swell:** Nil
- Outlook for a further 24 hours until 1200 Saturday 18 July 2020:** Moderate to fresh southwesterly winds will veer northwesterly on Saturday. Weather: Patches of mist, fog and drizzle. Rain along Atlantic and northeastern coasts becoming patchy as it extends southeastwards with showers on northern coasts later.



Weather Forecast From Met Éireann

**Text of Gale Warning**  
Nil

**Text of Small Craft Warning**  
Southwest to west winds will occasionally reach force 6 on Irish coasts from Rossan Point to Bloody Foreland to Malin Head this afternoon and evening.

Coastal Reports	12 Noon Thursday, 16 July 2020
Malin Head Automatic	Southwest, 16 Knots, Cloudy, 5.8 Miles, 1018, Steady
Dublin Airport	West, 13 Knots, Cloudy, 2.1 Miles, 1021, Rising slowly
Buoy M5 61° 41'N 0° 42'W	West-Northwest, 9 Knots, Wave ht: 0.7 m, The visibility at Tuskar is greater than 10 Miles, 1024, Rising slowly
Roches Point Automatic	South, 4 Knots, Cloudy, 20.8 Miles, 1024, Rising slowly
Sherkin Island Automatic	West-Southwest, 16 Knots, Recent fog, 16 Miles, 1024, Rising slowly
Valentia Automatic	West, 6 Knots, Fog patches, 2 Miles, 1025, Rising slowly
Mace Head Automatic	West-Southwest, 14 Knots, Cloudy, 8 Miles, 1022, Steady
Beinmullet Automatic	Southwest, 16 Knots, Cloudy, 7 Miles, 1020, Steady
Buoy M1 53° 8'N, 11° 12'W	Report not available
Buoy M2 53° 28'N, 8° 26'W	Southwest, 5 Knots, Wave height not available, 1021, Rising slowly
Buoy M3 61° 13'N, 10° 33'W	Wind Direction Not available, Wind Speed Not available Knots, Wave height not available, 1025, Steady
Buoy M4 56° 0'N 10° 0'W	Southwest, 16 Knots, Wave ht: 2 m, 1018, Falling slowly
Buoy M6 53° 4'N 15° 56'W	Southwest, 18 Knots, Wave ht: 2.3 m, 1020, Steady

**Disclaimer:** buoy locations are approximate and are not for navigational purposes

Sea Crossings	State of sea until 1200 Saturday 18 July 2020
Dublin - Holyhead	Slight
Rosslare - South Wales	Slight, increasing mostly moderate Friday evening, decreasing slight to moderate Saturday
Cork - South Wales	Slight, increasing mostly moderate Friday evening, decreasing slight to moderate Saturday
Rosslare - France	Slight to moderate
Cork - France	Slight to moderate

**Next update before 1900 Thursday, 16 July 2020**  
A detailed forecast may be obtained by dialling #Festhbrdial on 1550 123 855.



Beaufort Scale of Wind				
Force	Description	Speed** knots / km/hr	Specifications -sea	Wave height** (metres)
0	Calm	<1	Sea like mirror	0.1 (0.1)
1	Light air	1-3	Ripples	0.2 (0.3)
2	Light breeze	4-6	Small wavelets	0.6 (1)
3	Craft breeze	7-10	Large wavelets, crests begin to break	1 (1.5)
4	Moderate breeze	11-16	Small waves becoming longer, frequent white horses	2 (2.5)
5	Fresh breeze	17-21	Moderate waves, many white horses, chance of spray	3 (4)
6	Strong breeze	22-27	Large waves, white foam crests, probably some spray	4 (5.5)
7	Near gale	28-33	Sea begins up, streaks of white foam	5.5 (7.5)
8	Gale	34-40	Moderately high waves of greater length	7 (10)
9	Strong gale	41-47	High waves, dense streaks of foam, spray may reduce visibility	9 (12.5)
10	Storm	48-55	Very high waves, long overhanging crests, visibility affected	11.5 (16)
11	Violent storm	56-63	Exceptionally high waves, long white foam patches cover sea	14 (-)
12	Hurricane	64+ & over	Air filled with foam and spray, sea completely white	14 (-)

\*\*Speed = mean speed at a standard height of 10 metres.  
\*\*Wave height is only intended as a guide to what may be expected in the open sea.  
Marked figures indicate the probable maximum wave height.



## SECTION 36 PROCESS

### Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000

It is a requirement under Section 36 that:

- (1) Before publishing a report, the Board shall send a draft of the report or sections of the draft report to any person who, in its opinion, is likely to be adversely affected by the publishing of the report or sections or, if that person be deceased, then such person as appears to the Board best to represent that person's interest.
- (2) A person to whom the Board sends a draft in accordance with subsection (1) may, within a period of 28 days commencing on the date on which the draft is sent to the person, or such further period not exceeding 28 days, as the Board in its absolute discretion thinks fit, submit to the Board in writing his or her observations on the draft.
- (3) A person to whom a draft has been sent in accordance with subsection (1) may apply to the Board for an extension, in accordance with subsection (2), of the period in which to submit his or her observations on the draft.
- (4) Observations submitted to the Board in accordance with subsection (2) shall be included in an appendix to the published report, unless the person submitting the observations requests in writing that the observations be not published.
- (5) Where observations are submitted to the Board in accordance with subsection (2), the Board may, at its discretion -
  - (a) alter the draft before publication or decide not to do so, or
  - (b) include in the published report such comments on the observations as it thinks fit.'

The Board reviews and considers all observations received whether published or not published in the final report. When the Board considers an observation requires amendments to the report, those amendments are made. When the Board is satisfied that the report has adequately addressed the issue in the observation, then no amendment is made to the report. The Board may also make comments on observations in the report.

Response(s) received following circulation of the draft report (excluding those where the Board has agreed to a request not to publish) are included in the following section.

The Board has noted the contents of all observations, and amendments have been made to the report where required.

## SECTION 36 CORRESPONDENCE

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### 8. MSA 2000 SECTION 36 - CORRESPONDENCE RECEIVED

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Note: The names and contact details of the individual respondents have been obscured for privacy reasons.

## 8.1 Correspondence from Bord Iascaigh Mhara and MCIB response



**Bord Iascaigh Mhara,  
Crofton Road,  
Dun Laoghaire,  
Co Dublin,**

**19<sup>th</sup> October 2023**

**Re: Draft report of an investigation into a marine casualty involving the fishing vessel 'John B' on or about the 17<sup>th</sup> July off Howth, Co Dublin.**

Dear [REDACTED], we welcome the opportunity to respond to the above report.

With regards to the crew members on board the vessel at the time of the incident we note that three of the crew had undertaken BIM training, whilst as per section 4.2.2 of the draft report, *'two of the crew did not have the required BIM training.'*

With regards to the recommendations addressed to Bord Iascaigh Mhara on page 31 of the draft report, as quoted from S.I. No. 587 of 2001, BIM Basic Safety Training shall consist of the following three training units:

- Personal survival techniques, including man overboard techniques.
- Elementary first aid
- Fire prevention, health and safety training

*'And shall be held in such establishments, to such standards under such conditions and for such duration as BIM may determine.'*

The BIM Safety Awareness course is intended to help improve safety onboard fishing vessels, reducing the number of accidents and to comply with legal requirements, regarding:

- Safety legalisation, including muster regulations, personal floatation devices, and safety, health, and welfare at work act.
- Personal safety - boarding/leaving vessel, working with gear on deck or aloft, shooting and hauling nets, working with winches and power blocks, safety in the

## 8.1 Correspondence from Bord Iascaigh Mhara and MCIB response



Engine-room, safety in the galley, safety in the accommodation, lifting equipment and hours of rest.

- Stability - Awareness and best practice for maintaining vessel stability.
- Safety management - Safety Statements and formal risk assessment.

We believe that the training delivered by BIM and offered to seafarers through a wide range of dates and locations each year, is comprehensive and meets legal obligations, covering the full range of skills required by fishers.

Yours sincerely

[Redacted signature]

[Redacted name]

**Skills Development Services Unit**

**Bord Iascaigh Mhara**

[Redacted contact information]

**Ireland's Seafood Development Agency**  
**bim.ie**

**MCIB RESPONSE:** The MCIB notes the contents of this observation.









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