

**MCIB**

Marine Casualty Investigation Board  
*Bord Imscrúdú Taisní Muirí*



**REPORT OF INVESTIGATION  
INTO A FATAL INCIDENT  
INVOLVING  
'FV JULIE ELEANOR'  
GALWAY BAY  
22nd NOVEMBER, 2017.**

**REPORT NO. MCIB/276  
(No.2 OF 2019)**

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or on board, 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 for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea.

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.



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## Glossary of Abbreviations and Acronyms

<b>ALB</b>	All Weather Lifeboat
<b>ATT</b>	Admiralty Tide Tables
<b>BIM</b>	Bord Iascaigh Mhara
<b>CG</b>	Coast Guard
<b>CoP</b>	The Code of Practice for fishing vessels under 15 meters length overall
<b>DoC</b>	Declaration of Compliance stating the vessel complies with the Code of Practice
<b>EPIRB</b>	Emergency Position Indicating Radio Beacon
<b>ILB</b>	Inshore Lifeboat
<b>IMA</b>	Irish Maritime Administration
<b>LOA</b>	Length Over All
<b>MMSI</b>	Maritime Mobile Service Identity
<b>MRCC</b>	Marine Rescue Coordination Centre
<b>PFD</b>	Personal Floatation Device
<b>PLB</b>	Personal Locator Beacon
<b>SAR</b>	Search and Rescue
<b>UTC</b>	Universal Coordinated Time (Greenwich Mean Time)
<b>VHF</b>	Very High Frequency

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## 1. SUMMARY

On the 22nd November, 2017 at 12.22 hrs the fishing vessel '*FV Julie Eleanor*' departed with a single fisher aboard.

At 21.46 hrs on 22nd November the Coast Guard received a phone call reporting the fishing vessel as overdue. At 23.15 hrs the SAR helicopter located the vessel at a position 1.2 miles south east of Barna where it was held fast to a line of pots. The Galway lifeboat crew boarded the vessel at 23.21 hrs and found nobody aboard. The sole Personal Floatation Device (PFD) with which the vessel was equipped was subsequently located in the wheelhouse.

The search was suspended at 01.33 hrs on 23rd November and was resumed at first light. The body of the fisher was recovered around noon approximately five miles east of where the vessel had been located.

Note all times are local time.

## 2. FACTUAL INFORMATION

### 2.1. The vessel:

Name:	<i>'FV Julie Eleanor'</i> .
Type:	Half decked wooden vessel.
Port of Registry:	Galway.
Fishing No:	G 577.
Call Sign:	EI4497.
MMSI:	258004875.
Length Overall (LOA):	10.82 metres (m).
Breadth:	3.47 m.
Depth:	0.91 m.
Gross Tonnage:	5.26.
Year:	1970.
Construction:	Wood carvel.
Engine:	Gardiner inboard diesel.
Power:	41.78 Kw.

See Appendix 7.1 Photograph No.1.

The vessel was a half decked multipurpose fishing vessel with wooden decks and bulwarks with a height of 800 mm. The bulwarks were capped with aluminium to which were welded safety rails giving over the regulation minimum height of one metre all around the deck. There were two gaps in the rails, one at the pot hauler where the bulwark minimum height was 700 mm and the other at the stern where the bulwark height was 800 mm, the latter was bridged with a rope at top rail height.

There was a forward wheelhouse constructed of plywood and glass-reinforced plastic. There was a pot hauler on the starboard side outside the wheelhouse. On the after deck there was a tubular steel frame and a reel with a net. Just forward of the reel was a winch with two drums. The pot hauler, reel and winch were powered by a hydraulic pump powered by the main engine.

The vessel had previously been issued with a Declaration of Compliance (DoC) indicating compliance with the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 m Length overall. This DoC for the vessel expired on the 24th June, 2017. A surveyor had inspected the vessel on the hard in July, 2017 with a view to renewing the DoC but this had not been progressed by the owner.

The fishing licence expired on the 30th June, 2017 and was not renewed.

## 2.2 Crew Details

The only person aboard for the voyage was a male in his late forties. He had been a fisher for more than 25 years and up to mid 2017 had crewed on a larger fishing vessel. His Bord Iascaigh Mhara (BIM) safety certificates were in date.

## 2.3 Safety Equipment

One Mullion Compact 150 inflatable PFD was found hanging in the wheelhouse. Its service date was February 2017 (see Appendix 7.1 Photograph No. 2).

There was an Emergency Position Indicating Radio Beacon (EPIRB) in the wheelhouse, but this was not operational. The battery replacement date was 2015. The first aid kit also had a 2015 expiry date.

There was one ICOM IC M421 Very High Frequency (VHF) transceiver on the vessel which was in working condition and set on channel 04.

## 2.4 Voyage Particulars

This was an inshore fishing voyage from Galway Docks to Barna which would have been approximately a 10 nautical mile round trip (see Appendix 7.2. Chartlet of area).

## 2.5 Marine Incident Information

Type:	This was a very serious marine casualty.
Date:	22nd November, 2017.
Time:	21.46 UTC.
Position:	Lat 53° 14.30' N - Long 009° 07.27' W.
Wind Speed:	4 Beaufort - moderate breeze (11-16kn).
Wind direction:	West.



Sea state:	Slight (1-1.5 m).
Swell:	Low wave (0-2 m).
Visibility:	Good.
Air Temperature:	5.5 °C.
Sea Temperature:	11 °C.

(see Appendix 7.3 for the Met Eireann Weather Forecasts on 22nd and 23rd November, 2017).

Tide Information (ATT): High Water 06.54 and 19.17.  
Galway  
Low Water 12.58 and 01.11 (23rd November).  
High Water 07.34 and Low water 13.19 on  
23rd November.  
Range: Mid between Spring and Neap tides.

Tidal stream:	Easterly 1-2 Knots from 13.20 to 18.20.
Sunrise:	Approximately 08.14.
Sunset:	Approximately 16.31.
Ship Operation:	Fishing - pot hauling/laying.
Place on board:	Man lost overboard.
Human factors:	Person alone in vessel.
Equipment Factor:	Not wearing PFD. EPIRB on the vessel was non-operational.
Consequences:	Fatality.

## 2.6 Shore Authority Involvement and Emergency Response

Following the telephone call to the Coast Guard at 21.46 hrs on 22nd November which reported the vessel as overdue, the Marine Rescue Coordination Centre (MRCC) Valentia tasked the Galway inshore lifeboat, the Aran Islands offshore lifeboat and the Shannon Search and Rescue (SAR) helicopter R115. They also tasked Coast Guard shore teams to search along the coast from Spiddal to Galway. The Shannon helicopter located the fishing

vessel at 23.15 hrs at which stage it was held fast by a line of pots. Crew from the Galway inshore lifeboat boarded the fishing vessel but there was nobody aboard. The Galway lifeboat passed a towline to the Aran Islands lifeboat and the fishing vessel was towed back to Galway docks where it was put alongside under its own power.

The helicopter continued searches until 01.26 hrs on 23rd November when it returned to base. At 01.33 hrs on 23rd November searches were suspended until first light. From 08.00 hrs searches resumed with shore parties, Galway and Aran Islands lifeboats, local fishing vessels and helicopter R118 from Sligo.

At 08.26 hrs on 23rd November the line of pots where the vessel had been located was pulled by the Galway lifeboat to search for the missing fisher but he was not located. At around 12.00 hrs on the 23rd the body of the missing fisher was recovered on the high water mark at the east end of Galway Bay (see Appendix 7.2 Chartlet of area).

Appendix 7.4 provides extracts from situation reports by Valentia Marine Radio Station Centre (MRSC) for the 22nd and 23rd November, 2017.

### 3. NARRATIVE

- 3.1 At 11.38 hrs on 22nd November the son of the owner of the fishing vessel '*FV Julie Eleanor*' was recorded by Closed Circuit TV (CCTV) on the pontoon close to the vessel at Galway Harbour. Footage recorded the vessel leaving the harbour at 12.22 hrs. There was only one person aboard and he was not wearing a PFD at any time whilst within the range of the CCTV camera. The owner of the vessel stated that there were usually two crewmembers. A text was recovered from the Casualty's mobile phone from another fisher saying he could not go fishing with him on that day.
- 3.2 The vessel was observed to be one mile south of Barna Pier at 13.18 hrs and later as between Barna and Black Rock at approximately 14.45 hrs. On both occasions the vessel was observed with the bow pointing west into the wind and the tide with pots deployed over the side. Exhaust smoke was observed indicating the engine was running. The observer did not see anyone aboard on the second occasion but a person would not have been clearly visible from that distance. The observer was an experienced fisher who recognised the '*FV Julie Eleanor*'. He noted that the vessel's aspect with engine running was consistent with pot laying under the tide and wind conditions prevalent at the time. This observer did not report seeing any other vessel in the vicinity at these times.
- 3.3 When the vessel was recovered the Casualty's mobile phone was found on a shelf close to the door in the wheelhouse. There were unanswered calls at 14.50 hrs, 15.15 hrs and subsequently a series of calls from the same number commencing at 16.31 hrs up to 18.30 hrs. The last calls were identified as being from the Casualty's mother. On instructions from the Casualty's mother, his brother went to Galway docks around 19.00 hrs. He observed that the vessel had not returned. He told his father about the absence of the vessel about two hours later when they met in Carna.
- 3.4 At 21.00 hrs the Casualty's father commenced phoning other fishing contacts in an effort to locate his son. One of these men contacted the Royal National Lifeboat Institution (RNLI) in Galway who called the Coast Guard at 21.46 hrs. The Coast Guard tasked the Galway RNLI inshore lifeboat, the Aran Islands Lifeboat and the Shannon SAR helicopter 115. Coast Guard shore teams were also sent to search the shore between Spiddal and Galway.
- 3.5 The vessel was located at 23.15 hrs by the helicopter. Crew from the Galway lifeboat boarded the vessel but there was nobody aboard. The engine was stopped and in forward gear. The vessel was held in position by a line of pots from the starboard quarter and was heading in an easterly direction, i.e. downwind.
- 3.6 Video footage from the helicopter reflects that the deck of the vessel was strewn with 15 pots. The vessel was restrained by the line of pots overboard on the

starboard quarter with the stern on to the sea and waves. The vessel was heaving and surging with waves coming on deck. The lifeboat crew reported lines hanging off the stern, one of which could not be pulled inboard.

- 3.7 The *'FV Julie Eleanor'* was taken in tow by the Aran Islands lifeboat. The line of pots was cut free and the vessel was brought to Galway harbour. The lines over the stern were recovered, including the one that was fast. The engine was started and the vessel was brought alongside under its own power. The 15 pots remained on the deck and the boat hook/gaff for picking up the lines of pots was also aboard. There were reported to be 50 pots aboard when the vessel left Galway docks. The normal method of shooting pots was to pass them over the rail from the after starboard side. The pots were in lines of 25 and were of light plastic construction.
- 3.8 A search by lifeboats, the Coast Guard shore units and other fishing vessels located the body of the missing fisher at around 12.00 hrs on 23rd November (see Appendix 7.2 Chartlet of area). The body was found on the shore around the high water mark and was fully clothed with oilskins and boots but he was not wearing a PFD.
- 3.9 Measurements taken on the vessel after the incident record that the side rails on the starboard side were 1.5 m high above the deck and the freeboard of the vessel was 750 mm. There were only two points where there were no side railings. One at the wheelhouse door in way of the pot hauler where the bulwark was 700 mm high for about 1,700 mm aft of the hauler. The second was right aft where the bulwark was 800 mm high. There was a light rope secured across this latter gap at the 1.5m height in the gap at the stern. There was a gap between the top of the bulwark and the side rail of about 800 mm width.
- 3.10 Inspection of the vessel after the incident found that the structure of the vessel was sound with parts newly painted. The Mullion Compact 150 inflatable PFD hanging in the wheelhouse was the only one on the vessel. The PFD, EPIRB and First Aid kit all required renewal or servicing. There was no liferaft and the two life rings on the wheelhouse roof were securely tied to the handrails. There was no means of recovering a person from the water as required by the "Code of Practice" section 7.9.1 (see Appendix 7.4).
- 3.11 The DoC and the fishing vessel licence had expired in the summer of 2017. The owner of the *'FV Julie Eleanor'* was in the process of transferring ownership to his son. The vessel had been surveyed during the summer of 2017 and the surveyor had indicated the necessary work to be done and equipment required to be procured for the issue of a DoC. The vessel appeared to be structurally sound but the required safety equipment was not on board.
- 3.12 The post mortem report indicates that death was due to drowning. There were no adverse medical factors noted which might have caused the Casualty to fall overboard. The Coroner's Court on the 27th September, 2018 brought in an open verdict of death by drowning.

## 4. ANALYSIS

- 4.1. Vessels engaged in commercial sea fishing, including potting, are required to hold a Sea Fishing Boat licence from the Sea Fish Licensing Authority of the Department of Agriculture, Fisheries and the Marine. One requirement for such a licence is that the vessel must comply with safety requirements. For vessels under 15 m length these include compliance with the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels (CoP for Small Fishing Vessels). Vessels which are engaged in recreational sea fishing, including non-commercial potting, do not need to hold a sea fishing licence. Such vessels are categorised as recreational craft and should comply with the Code of Practice for the Safety of Recreational Craft (CoP for Recreational Craft).
- 4.2. Following a public consultation, the Department of Agriculture Fisheries and the Marine, introduced the Non-Commercial Pot Fishing (Lobster and Crab) Regulations, 2016 to clarify the distinction between commercial and non-commercial potting. These new regulations were introduced in January, 2016 and define the limits of non-commercial potting (see Appendix 7.4 - S.I. No. 31 of 2016).
- 4.3. In this incident the vessel was not operated under the following applicable limits for non-commercial potting:
  - (a) The vessel was potting in the closed season which is from October to April.
  - (b) The vessel had more than the maximum number of pots which is six pots.

However, irrespective of which code the vessel should have operated under, the following deficiencies in equipment and operations were relevant factors in this incident:

- The PFD, which was overdue a service, was not being worn on the working deck of a fishing vessel.
- The EPIRB on the vessel was not operational.
- The life rings were secured to the vessel so they were not ready for use and could not float free.
- There was no means of recovering a person from the water, nor for a conscious person to reboard the vessel from the water.
- There was no formal communication to a responsible person onshore as to time of departure and expected time of return.
- The First Aid kit was out of date.

- 4.4. The freeboard of the vessel was about 750 mm which is too high for a person to climb back aboard unaided. A physically fit and conscious person could climb back aboard if there was an overside ladder or boarding net rigged. Such a ladder or net could be deployed on the side away from fishing operations and should comply with the recommendation 7.9.1 of the CoP for Small Fishing Vessels *'an overside ladder or scrambling net extending from the weather deck to at least 1000mm below the operational waterline'*. A boarding ladder is also recommended equipment for sail and motor boats used in coastal operations in Chapters 2 and 11 of the CoP for Recreational Craft.
- 4.5. Under the International Convention for the Safety of Life at Sea (SOLAS) Chapter V all vessels are required to plan voyages and passages. Appendix 7.5 of this report reproduces the requirements for Regulation 34 on Voyage Planning. Whilst the voyage plan does not necessarily need to be written down, the last paragraph is essential *'information ashore: make sure that someone ashore knows the plans for the trip and knows what to do should they become concerned for the crews' well-being.'* In most instances this requirement is addressed by contact with family members or colleagues ashore. Mobile phones are often used as the method of communication. The use of mobile phones for safety monitoring is not recommended as one or both phones may be out of coverage. The use of VHF radio is recommended as it is a broadcast system which covers the whole coast. The Coast Guard operates a *'24-hour monitoring of VHF and MF marine radio frequencies for receipt of Vessel Trade Route (TR) and Recreational Craft Sail Plan reports'* as stated on their website.
- 4.6. In this incident there was no formal record that the 'FV Julie Eleanor' was at sea. As a result valuable time was lost in ascertaining if the vessel had returned. Four hours elapsed between the time when concerns arose and the alarm was raised. Once the alarm was raised the search was commenced.
- 4.7. All vessels at sea with a VHF radio are required to keep a listening watch on safety channel number 16. Had the vessel notified the IRCG of the intended passage plan and had VHF radio communications been used, other vessels could have been alerted to keep a lookout for the vessel much earlier.
- 4.8. A sole occupant of a vessel is at considerable risk. Once such a person enters the water and becomes detached from the vessel, the safety and the communication equipment aboard is of little use as it cannot be activated. Survival in the water is dependent on the speed of recovery. A Personal Locator Beacon (PLB) could, if activated, raise the alarm very quickly. The Casualty was not wearing the PFD which was aboard. The vessel was equipped with a Mullion BIM which incorporated a PLB. Had this been worn by the Casualty it is likely that he would have stayed afloat and could have been able to raise the alarm. Under S.I. No. 586/2001 - Fishing Vessel (Personal Flotation Devices) Regulations, 2001 there is an obligation to wear a PFD: *'The personal flotation device shall be worn at all times by the crew of the fishing vessel, when on the exposed deck of the vessel,'*

- 4.9. The scattering of the pots on the deck and the lines over the stern, as recorded on the CCTV footage from the SAR helicopter, were probably due to the movement of the vessel after the Casualty had gone overboard. By that point the weather had deteriorated and waves were breaking on the deck of the vessel.
- 4.10. The CCTV camera at Galway docks recorded the vessel departing at 12.22 hrs. The earliest arrival at Barna would have been around 13.00 hrs. When the vessel was observed at 13.18 hrs the first line of pots were in the process of being deployed. When observed on the second occasion at 14.45 hrs the first line of pots had been laid and the second line of 25 pots were being deployed. This operation was interrupted with 15 pots still on deck.
- 4.11. The cause of the Casualty falling overboard is not readily identifiable. It has not been possible to ascertain what caused the interruption in deployment of the second line of pots. The fact that the boathook was on board suggests the Casualty was not trying to clear fouled pots or lines as it would have gone overboard also. In addition, the engine and steering were operating satisfactorily when the vessel was brought to Galway docks, which is counter indicative of a fouled propeller or rudder that the fisher might have been attempting to clear. The weather and sea at the time were not severe so those factors are unlikely to have caused the Casualty to fall overboard.
- 4.12. Once in the water the Casualty would have drifted eastwards with the flooding tidal stream which would be running in that direction for another three and a half hours. The body was recovered around noon on the 23rd November, 2017 about five miles to the east of the vessel (see Appendix 7.2 Chartlet of area). The Marine Institute conducted a particle track modelling for the body on the day of the incident. This analysis concluded that provided the body did not sink below three metres it could have arrived at the location where it was recovered around high water on the 23rd November. The probabilities are highest for objects close to the surface, just below 40% but for objects at three metres depth the probability is between 1% and 2%. Low water was at 12.58 hrs and the body was recovered at the high water mark indicating it was washed ashore around high water which was at 07.34 hrs which coincides with the time estimated by analysis.
- 4.13. It appears that when the Casualty went overboard the engine was running and in forward gear. This kept the vessel head to wind and tide, pointing in a westerly direction but was secured at the stern by the line of pots. At some point the engine stalled and it is possible that a rope fouled the propeller. With the engine stopped the vessel would have drifted downwind pointing in an easterly direction and was held by the line of pots. This was the position the vessel was found in at 23.15 hrs on the 22nd November, 2017. The wind had increased and was the predominant force over the tide at this time.

- 4.14. The Maritime Safety Strategy published by the Department of Transport, Tourism and Sport emphasis the need for individuals to take personal responsibility to operate safely (Sections 10 and 11 of the Strategy). The strategy recognises that maritime safety is a wide ranging issue and while the efforts of organisations, Departments and agencies is important they cannot on their own lead to improved maritime safety.



## 5. CONCLUSIONS

- 5.1. If the vessel was engaged in commercial fishing then it should have complied with the requirements of the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels of Less than 15 m Length overall. The vessel did not have a DoC or the required licence to engage in commercial fishing
- 5.2. If the vessel was engaged in recreational fishing then the vessel should have complied with the requirements of the Code of Practice for the Safe Operation of Recreational Craft.
- 5.3. It was unclear which activity the vessel was engaged in. However, from a safety perspective there is a requirement for the vessel to have complied with either the requirements of the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels of Less than 15 m Length overall or the Code of Practice for the Safe Operation of Recreational Craft, which includes requirements for recreational fishing. In this case the vessel did not comply with either set of requirements.
- 5.4. If the Casualty had been wearing the PFD and a PLB then the alarm could have been raised earlier and the Casualty may have survived.
- 5.5. The safety equipment on board was not maintained to the required operational standard.
- 5.6. There was no over side ladder or scrambling net. If such equipment had been deployed it could have enabled a conscious person in the water to climb back aboard unaided.
- 5.7. There was a lack of voyage planning with no responsible person onshore being informed of the sailing time and the time expected back in port. This resulted in a long delay before the alarm was raised.
- 5.8. The use of mobile phones as a means of communication at sea is not recommended as coverage can be unreliable. The vessel was not keeping a listening watch on VHF channel number 16.
- 5.9. The Maritime Safety Strategy published by the Department of Transport, Tourism and Sport emphasises the need for individuals to take personal responsibility to operate safely.

## 6. SAFETY RECOMMENDATIONS

- 6.1. The Minister for Transport, Tourism and Sport should issue a Marine Notice confirming that craft engaged in non-commercial potting should comply with the Code of Practice for the Safe Operation of Recreational Craft and that craft engaged in commercial potting should comply with the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 m Length overall.

**7. APPENDICES**

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## APPENDIX 7.1

### Appendix 7.1 Photographs of the vessel.



Photograph No. 1: 'FV JULIE ELEANOR'.

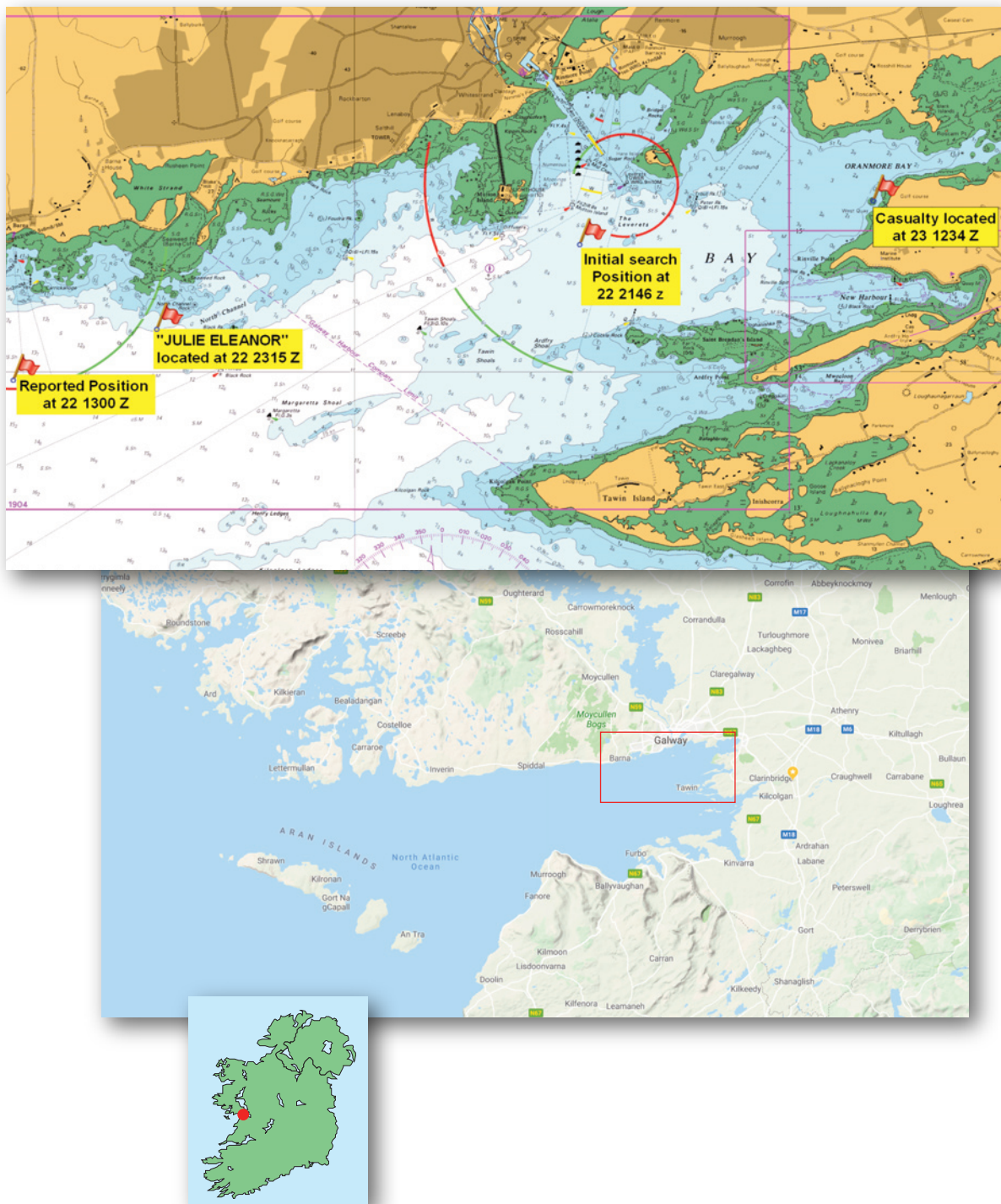
Appendix 7.1 Photographs of the vessel.



Photograph No. 2: The PFD hanging in wheelhouse.

# APPENDIX 7.2

Appendix 7.2 Chartlet of area.



Appendix 7.3 Weather Forecasts for 22nd & 23rd November 2017.



**MET ÉIREANN**  
*The Irish Meteorological Service*

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**General Meteorological Situation:** *A complex area of low pressure covered Ireland on 22<sup>nd</sup> with a slack varying airflow over the country. A more pronounced and stronger westerly flow became established on the 23<sup>rd</sup>.*

**Forecast 12:00 to 18:00 hours on 22 November 2017**

**Wind:** West 12 to 16 knots (Beaufort Force 4)  
**Weather:** Infrequent showers. Mainly fair.  
**Temperatures:** Air temperature 5 to 6 degrees Celsius (Water 10 to 11 degrees).  
**Visibility:** Good.  
**Sea States** Some underlying swell (1 to 2 meters); Sea slight.

**Forecast 18:00 to 24:00 hours on 22 November 2017**

**Wind:** Increasing west 20 to 24 knots (Force 6)  
**Weather:** Infrequent light showers. Mainly fair.  
**Temperatures:** Air 7 to 8 degrees; (Water 11 degrees)  
**Visibility:** Good  
**Sea States** 1.5 to 2 meter swell; increasing to moderate sea.

## Appendix 7.3 Weather Forecasts for 22nd &amp; 23rd November 2017.

**MET ÉIREANN**  
*The Irish Meteorological Service*

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**Forecast 00:00 to 06:00 hours on 23 November 2017**

**Wind:** Southwest to west 25 to 30 knots occasional gusts 40 knots (Force 7 with gale force 8 gusts).

**Weather:** Showery rain.

**Temperatures:** 7 to 8 degrees (Water 10 degrees)

**Visibility:** Moderate, but often good

**Sea States** Southwest swell increasing 3 meters/period 10 seconds; sea increasing 2 to 2.5 meters. Total significant height 3.5 meters/10 seconds. This would be described as rough.

**Forecast 06:00 to 12:00 hours on 23 November 2017**

**Wind:** West to northwest 23 to 27 knots/gusts 40 knots (Force 7 to gale force 8).

**Weather:** Occasional rain.

**Temperatures:** 6 to 7 degrees (Water 10 degrees)

**Visibility:** Mostly moderate

**Sea States** West Significant height 3.4 to 3.6 meters/8 to 10 seconds. This would be described as rough.



## Appendix 7.4 Extracts from Situation Reports.

### 22nd November 2017

- 21:46 Galway RNLI call the Coast Guard.
- 21:52 Galway & Aran Islands RNLI alerted and tasked.
- 21:55 R115 alerted and tasked
- 22:01 Pan broadcast by Galway CGR.
- 22:05 Costello bay CGU alerted/tasked/proceeding.
- 22:07 Galway ILB proceeding,
- 22:12 Aran Island ALB proceeding.
- 22:41 R115 proceeding.
- 22:59 R115 on scene and searching.
- 23:15 R115 located half decker, 1.2 nautical miles south east of Barna. Made fast on pots.
- 23:21 Galway ILB crew board vessel. No persons on board. Search ongoing.

### 23rd November 2017

- 00:50 'FV Julie Eleanor' under tow to Galway.
- 01:06 R115 released back to base.
- 01:23 Shore CGU released
- 02:25 'FV Julie Eleanor' berthed in Galway Docks.
- 08:19 Aran Is ALB proceeding to search area
- 08:26 Galway ILB proceeding to search haul pots
- 08:34 R118 Sligo Helicopter on scene
- 08:44 Lifeboats, Helicopter, CG shore units & local vessels searching North Bay
- 09:33 Galway ILB on scene and pots hauled, no results.
- 10:35 R118 released to base
- 11:44 mfv "Christina" sights "something yellow on shore"
- 12:00 Galway ILB investigating yellow object, possibly the casualty
- 13:05 Casualty confirmed by Galway ILB – No PFD on casualty
- 13:10 Casualty being transferred to Galway by Aran Is ALB
- 13:44 "Pan" signal cancelled, all units stood down

### Appendix 7.5 Code of practice for fishing vessels under 15 m section 7.9.

#### **APPENDIX 7.5 Extracts from “The Code of Practice - Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 m Length overall “**

##### **7.9 Means for Recovering Persons from the Water**

- 7.9.1 To aid the recovery of a person from the water a retrieval system must be provided or a system specifically adapted to the vessel which can accomplish the same function, e.g. an overside boarding ladder or scrambling net extending from the weather deck to at least 1000 mm below the operational waterline.
- 7.9.2 While it is desirable to lift a person from the water in a horizontal position, this is considered secondary to the speed of retrieval so that the person does not become hypothermic.
- 7.9.3 Each vessel must carry a buoyant rescue quoit, fitted with 18 metres of buoyant heaving line.

##### **8.7 Responsibility of the Owner for Safe Manning of Vessel**

It is the owner's responsibility to ensure that the skipper has, in addition to the certification already detailed, recent and relevant experience of the type and size of vessel, the machinery onboard, and the type of operation undertaken. The owner must also ensure that there are sufficient qualified crew onboard, having regard to the type and duration of the voyage undertaken.

##### **8.9 Musters and Drills**

- 8.9.1 The master and crew shall comply with SI 48 of 1993 Merchant Shipping (Musters) (Fishing Vessels) Regulations 1993 (S.I. No. 48 of 1993).
- 8.9.2 The master of a fishing vessel not less than 12 metres in length shall ensure that the crew are instructed, trained and drilled in the use of the life-saving and fire-fighting equipment on the vessel and that each member of the crew is aware of the location on the vessel of such equipment.
- 8.9.3 This instruction and training aforesaid shall be given, before the vessel commences a voyage with a new crew or new member of the crew and, thereafter, at monthly intervals.
- 8.9.4 Life-saving and fire-fighting equipment on a fishing vessel of 12 metres or more in length shall be inspected by the skipper at intervals of not more than one month.
- 8.9.5 Where necessary, the master of a fishing vessel shall arrange for maintenance or repairs to the life-saving and fire-fighting equipment on board to be carried out as soon as may be required after an inspection.
- 8.9.6 These drills and inspections must be recorded on board the vessel. Use of the Fishing Vessel Log Book as published by the DTTAS will fulfil compliance with this requirement.
- 8.9.7 Vessels of less than 12 metres in length are recommended to follow the above requirements.

Appendix 7.6 S.I. 31 of 2016: Non-Commercial Pot Fishing (Lobster and Crab) Regulations 2016.

S.I. No. 31 of 2016

NON-COMMERCIAL POT FISHING (LOBSTER AND CRAB)  
REGULATIONS 2016

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, exercise of the powers conferred on me by sections 3 and 15 of the Sea-Fisher and Maritime Jurisdiction Act 2006 (No 8 of 2006) and of the Sea-Fisher Foreshore and Dumping at Sea (Transfer of Departmental Administration a Ministerial Functions) Order 2007 (S.I. No. 707 of 2007) (as adapted by t Agriculture, Fisheries and Food (Alteration of Name of Department and Ti of Minister) Order 2011 (S.I. No. 455 of 2011)), hereby make the followi regulations:

1. (1) These Regulations may be cited as the Non-Commercial Pot Fishi (Lobster and Crab) Regulations 2016.

(2) These Regulations come into operation on 1 February 2016.

2. For the purposes of these Regulations—

“banded claw” means a claw of a crab or lobster that is restrained or prevent from opening by a rubber band or similar restraint placed on the claw;

“closed season” means the months of October, November, December, Janua February, March and April;

“crab” means *Cancer pagurus*, *Maja squinado* or *Necora puber*;

“flap” means any part of the five flaps of the tail fan of a lobster including t telson with anus and left and right uropod each uropod containing two flaps;

“licensed fishing boat” means an Irish sea-fishing boat or a Union fishing vess

“lobster” means *Homarus gammarus*;

“mutilated lobster” means a lobster which has been mutilated in such a man which could hide or obliterate a V notch;

“nicked claw” means a claw of a crab or lobster where tendons or ligaments the claw have been cut or severed;

“pot” means any pot, receptacle or container with one or more openings entrances and which is capable of being left at sea to catch crabs or lobster;

“sell” includes offer, expose or keep for sale, invite an offer to buy, or distrib for reward;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 29th January, 2016.*

**Appendix 7.6 S.I. 31 of 2016: Non-Commercial Pot Fishing (Lobster and Crab) Regulations 2016.**

“Union fishing vessel” means a fishing vessel flying the flag of an EU Member State and registered in the Union;

“V notch” means a marking in the shape of the letter “V” cut for the purposes of identification of particular lobsters into one or more of the five flaps of the tail fan of any lobster, with the apex of the V positioned inwards from the edge of the flap;

“V-notched lobster” means a lobster bearing a V notch.

3. A person on board a fishing boat shall not, during the closed season-

(a) place pots in the sea from the boat, or

(b) land, transport, store or retain on board the boat a lobster or crab.

4. A person on board a fishing boat shall ensure that, in any period of twenty-four hours, no more than-

(a) one lobster, and

(b) five crab

are landed from or retained on board the boat.

5. (1) A person on board a fishing boat shall not land, transport, store or retain on board the boat a V-notched lobster or mutilated lobster.

(2) A person on board a fishing boat shall cause a V-notched lobster or mutilated lobster taken by the boat to be carefully handled and returned alive to the sea without delay.

6. A person on board a fishing boat shall ensure that he or she, whether individually or in combination with other persons on board the boat, has no more than a total of six pots on board the boat or in the sea at any one time.

7. A person shall not store in the sea a crab or lobster that has a nicked claw or banded claw.

8. A person shall not buy, handle, tranship, transport, land, process, store or sell a crab or lobster taken by a fishing boat in contravention of these Regulations.

Appendix 7.6 S.I. 31 of 2016: Non-Commercial Pot Fishing (Lobster and Crab) Regulations 2016.

9. These Regulations shall not apply to—

- (a) a fishing boat fishing outside the internal waters or territorial seas of the State, or
- (b) a licensed fishing boat.

L.S.

GIVEN under my Official Seal,  
20 January 2016.

SIMON COVENEY,  
Minister for Agriculture, Food and the Marine.

### Appendix 7.7 Extract from MARINE NOTICE No. 9 of 2003

#### **SOLAS CHAPTER V – Regulation 34 Voyage Planning**

##### **Voyage Planning**

Regulation V/34 'Safe Navigation and avoidance of dangerous situations', is a new regulation. It concerns prior-planning for a boating trip, more commonly known as voyage or passage planning. Voyage planning is basically common sense.

Recreational craft users should particularly take into account the following points when planning a boating trip:

- weather: before going boating, check the weather forecast and get regular updates if planning to be out for any length of time.
- tides: check the tidal predictions for the trip and ensure that they fit with the planned trip.
- limitations of the vessel: consider whether the boat is up to the proposed trip and that there is sufficient safety equipment and stores.
- crew: take into account the experience and physical ability of the crew. Crews suffering from cold, tiredness and seasickness won't be able to do their job properly and could even result in an overburdened skipper.
- navigational dangers: make sure the crew is familiar with any navigational dangers that may be encountered during the boating trip. This generally means checking an up to date chart and a current pilot book or almanac.
- contingency plan: always have a contingency plan should anything go wrong. Before departing, consider places where the boat can take refuge should conditions deteriorate or if the crew suffer an incident or injury. Bear in mind that the GPS set is vulnerable and could fail at the most inconvenient time. It is sensible and good practice to make sure that the crew are not over-reliant on the GPS set and that they can navigate to safety without it should it fail.
- **information ashore: make sure that someone ashore knows the plans for the trip and knows what to do should they become concerned for the crews' well-being.** The Irish Coast Guard has a Yacht and Boat safety scheme and all vessels planning to sail off-shore are encouraged to submit a Sail Plan before commencing the voyage. In addition, the Irish Coast Guard reminds all vessels that they should pass TR messages via their nearest Coast Radio Station. There is no charge for this service. Please note, however, that overdue reporting remains the responsibility of the vessels shore contact. The Irish Coast Guard will not initiate overdue procedures on the basis of TR messages.

## NATURAL JUSTICE - CORRESPONDENCE RECEIVED

Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 requires that:

- ‘36 (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 that is stated beside the relevant observation. When the Board is satisfied that the report has adequately addressed the issue in the observation, then the observation is ‘Noted’ without comment or amendment. The Board may make further amendments or observations in light of the responses from the Natural Justice process.

‘Noted’ does not mean that the Board either agrees or disagrees with the observation.

## 8. NATURAL JUSTICE - CORRESPONDENCE RECEIVED

There was no correspondence received in the Natural Justice process for this investigation.











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