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**REPORT OF THE
INVESTIGATION INTO
THE COLLISION BETWEEN
THE YACHT "DAI MOUSE"
AND THE U.K. REGISTERED
WORK BOAT "VOE TRADER"
IN DUBLIN BAY
ON 12TH MAY 2001.**

The Marine Casualty Investigation Board was established on the 5th, June 2002 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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1.	SYNOPSIS	4
2.	DESCRIPTION OF THE "VOE TRADER"	5
2.	DESCRIPTION OF THE "DAI MOUSE"	7
3.	FACTUAL REPORT OF THE COLLISION AS TAKEN FROM THE TESTIMONY OF THE MASTER OF THE "VOE TRADER"	9
4.	FACTUAL REPORT OF THE COLLISION AS TAKEN FROM THE TESTIMONY OF THE CREW OF THE "DAI MOUSE"	11
5.	INJURIES SUFFERED BY CREWMEMBERS AND DAMAGE TO THE DAI MOUSE	13
6.	INFORMATION OBTAINED FROM THE RADAR RECORDINGS FROM DUBLIN PORT	14
7.	OTHER MATTERS TO BE CONSIDERED	15
8.	CONCLUSIONS	16
9.	RECOMMENDATIONS	17
10.	APPENDICES	18
11.	CORRESPONDENCE	34

N.B. All times are local.

1. SYNOPSIS.

- 1.1 On 12th May 2001 at about 1240 hours, a collision occurred in Dublin Bay between the United Kingdom registered workboat "Voe Trader" and the Irish yacht "Dai Mouse". The collision occurred in a position between the Poolbeg and the entrance to Dun Laoghaire Harbour in good weather conditions. Visibility was about four miles.
- 1.2 The "Dai Mouse" was the principal race committee boat for the Royal Alfred Yacht Club Baily Bowl, which was due to be held in the area. The start of the race had been deferred twice due to a lack of wind. There were a large number of yachts in the area. At the time of the collision the "Dai Mouse" had been stopped in the water for some time and was being moved by tidal flow only. There were six persons on the "Dai Mouse", five of whom suffered injuries, some serious, in the incident. There was also substantial damage to the yacht.
- 1.3 The "Voe Trader" was on passage from the Poolbeg to Dun Laoghaire for a crew change. The speed of the vessel was estimated to be about 9.0 knots. There were six persons on board. There was no injuries to personnel or damage to the "Voe Trader".
- 1.4 The information concerning speed and movement of both vessels was obtained from radar recordings from Dublin Port, as well as the statements of the witnesses.

2. DESCRIPTION OF THE "VOE TRADER".

2.1 Particulars of the vessel.

Flag:	United Kingdom
Port of Registry:	Lerwick
Built:	1997
Length overall:	25.85 metres
Breadth overall:	9.55 metres
Depth moulded:	2.85 metres
Gross tonnage:	199.37
Net tonnage:	81.71
Main Engine:	Two Cummins KT-38-M @ 597 kW each giving a speed of 10 knots.
Owner:	Delta Marine, 5 Gladstone Terrace, Lerwick.
Description of Vessel:	Steel, multi-purpose tug / workboat. The vessel was built in accordance with the United Kingdom "Safety of Small Workboats and Pilot Boats - A Code of Practice (Draft Version R-8)" Category 1 - up to 150 miles from a safe haven. The vessel was engaged in working on the Dublin Bay project. Photographs of the Voe Trader are given in Appendix A.

2.2 Main Navigation Aids provided on board.

Magnetic Compass:	One-Kelvin Hughes Observator Pilot MK.
Radars:	Two Furuno.
DGPS:	One Philips Navigator MK9.
VHF:	One ICOM IC-M58. One Sailor Compact RT 2048 One DSC RM 2042.
Echo Sounder:	One Furuno FE 606. One Furuno FCV-600L
Electronic Chart Plotter:	One Seiwa Oyster including GPS.

2.3 Lifesaving Appliances on board.

Two 6 man Liferrafts RFD Surviva 6, fitted with HRU's
Six lifejackets Cosalt Premier
Six Immersion suits
Six parachute distress flares
Six hand flares
Two buoyant smoke signals
One EPIRB, fitted with HRU
One SART
Two hand held VHF Radios

DESCRIPTIONS

CONTD.

- 2.4 There were 6 persons on board at the time of the collision. There were three crewmembers as follows:

Mr. Steven MacLean, age 33 years, from Lerwick, Shetland Islands, who was the Master of the vessel. He is the holder of a Certificate of Service as Coastal Skipper issued by the Royal Yachting Association. This certificate carries an endorsement "valid for commercial use on vessels certificated under the MCA Code of Practice for the Safety of Small Workboats and Pilot Boats until 22 / 11 / 2004".

Mr. Johnny Spanswick, who was a crewmember.

Mr. Shaun Ratter, also a crewmember.

Both Mr. Spanswick and Mr. Ratter were in the accommodation, below deck at the time of the collision.

There were also three employees of Tideway International, as follows:

Mr. Philip Van de Castele, a Belgian national.

Mr. Koen van de Osselaere, also a Belgian national.

Mr. Damian Byrne, age 21 years from Dublin.

The three Tideway personnel were on the after deck at the time of the collision but did not witness the events leading up to the incident.

DESCRIPTION OF THE "DAI MOUSE".

2.5 Particulars of the vessel.

Flag:	United Kingdom
Designer:	Sparkman & Stephens
Length overall:	10.87 metres
Beam:	2.94 metres
Draught:	1.82 metres
Built:	1968
Displacement:	6.50 kg
Owner:	Mr Alan McGettigan, Dalkey, Co. Dublin.

Engine on board: Yanmar 3GM 28hp.

"Dai Mouse" is a S&S Swan 36 GRP constructed sailing yacht with sloop rig. On May 12th 2001, the "Dai Mouse" was the principal race committee boat in the Royal Alfred Yacht Club Baily Bowl, which was being held in Dublin Bay. There were no sails on board at the time of the incident. This yacht race is included in the fixture list of the Irish Sailing Association.

2.6 Navigation Aids provided on board.

GPS:	One Garmin GPS 128 One hand held Garmin 175 GPS
VHF;	One ICOM IC-M59
Nav Sounder:	One STOWE
Speed Log:	One STOWE
Compass:	One Henry Brown & Son and one hand bearing compass
Barometer:	One
Clock:	One

There was also STOWE log / wind speed instruments.

Also on board was a copy of the Irish Cruising Club, Sailing Directions for the South and West Coasts of Ireland.

2.7 Lifesaving Appliances on board.

Four Crewsaver Lifejackets

One Compass 100N Lifejacket 30-40 kg for sheltered waters

In addition it is understood that some of the crewmembers had brought their personal lifejackets.

Two red parachute rockets

One red rocket parachute

One red hand flare

One radio distress beacon

DESCRIPTIONS

CONTD.

- 2.8 The following crewmembers were on board the "Dai Mouse" at the time of the collision.

Mr. Alan McGettigan
Ms. Caroline Leonard
Mr. Bert Bass
Ms. Annette Bennett
Ms. Mairin Colleary
Mr .Tony O`Gorman

Mr. McGettigan was the skipper and has been the owner of the yacht since 1988. He was also the Rear Commodore of the R.I.Y.C.

Mr. O`Gorman is an International Race Officer and has been an International Race Judge since 1997 with the International Sailing Federation. He has been re-appointed for another 4-year term from 2001 to 2004. He commenced competitive sailing at 7 years of age in Crosshaven and then in Kinsale and has been in race management since the mid 1980's.

Ms. Bennett has been in Race Management for 25 years. She has been a race committee member since 1992 as a timekeeper. She holds a Yachtmasters Offshore Certificate.

The remainder of the crew are all regarded as being experienced race committee members.

3. FACTUAL REPORT OF THE COLLISION AS TAKEN FROM THE TESTIMONY OF THE MASTER OF THE "VOE TRADER"

- 3.1 The "Voe Trader" departed from the Coal Quay in Dublin Port at about 1210 hours on Saturday 12th May 2001. A full service to both engines was carried out prior to sailing. The cargo on board was about 20 tons of deck cargo. All equipment - engines and navigational equipment were operating satisfactorily.
- 3.2 There were a total of 6 persons on board, 3 of which were vessels crew and 3 belonging to Tideway International who were being transported from their place of work. The vessel was proceeding to Dun Laoghaire for a crew change. The Master stated that the visibility was good with very light easterly winds. The Met Eireann weather report for Dublin Bay is included at Appendix B. There is some dispute between the parties as to the strength of the wind at the locus of the collision.
- 3.3 The Master Steven MacLean was on the bridge on his own. The vessel's crew were below deck. Tideway's crew was on the after deck. The vessel was on hand steering with the engines controlled from the bridge. The maximum speed of the vessel is 10 knots but because of the load on deck and the 50,000 litres of fuel on board Mr. MacLean estimates that the maximum speed would be about 8 or 9 knots. After departing the berth the speed would have been about 6 or 7 knots.
- 3.4 As soon as the "Voe Trader" cleared the Poolbeg, Mr. MacLean saw about 40 or 50 yachts between the Poolbeg and Dun Laoghaire Harbour. After leaving the Dublin Port fairway channel he altered course for a position to the west of Dun Laoghaire so as to pass to the west of the yachts. He states that the speed of the "Voe Trader" was about 6 or 7 knots. The yachts were not racing but seemed to be setting up. There was a speedboat about 15 feet in length inside towards the shore. There were also a couple of smaller yachts in towards the coast but these were not in the path of the "Voe Trader".
- 3.5 Mr. MacLean first noticed the yacht "Dai Mouse" about 30 or 40 degrees off the "Voe Trader's" port bow at a distance of 30 to 40 metres. It had no sails up and Mr. MacLean stated that the "Dai Mouse" was under way and making way. He noticed that there was a slight bow wave from this yacht. Other yachts were sailing. The radars on the "Voe Trader" were not operating. He stated that there was no risk of collision. From his experience Mr. MacLean estimated that the "Voe Trader" would pass ahead of the yacht. No bearings were taken of the yacht. Mr. MacLean did not want to go too far in towards the shore. The draft of the workboat was less than 2.3 metres. There were smaller boats behind the ship on the port side.
- 3.6 The Master recalls looking around to check the wake and its effect on these smaller boats. When he turned back the yacht was under the bow with its hull at an angle of about 15° to port. He stated that he had looked aft for about 5 to 10 seconds. There were people on the yacht. Mr. MacLean went full astern and the "Voe Trader" stopped. The bow of the yacht had come up with its stern

VOE TRADER TESTIMONY

CONTD.

down in the water. The Master checked if the yacht was OK and offered assistance. They told the "Voe Trader" to stand off.

- 3.7 Mr. MacLean said to the "Dai Mouse" crew that the "Voe Trader" had the right of way and that the "Dai Mouse" was the give way vessel. The "Voe Trader" stood off and then went back again to offer assistance. Mr. MacLean was told that the lifeboat was coming.
- 3.8 Mr. MacLean estimated that the yacht was on a course of between 300° and 330°. The course of the "Voe Trader" was about 180° at the time of the collision. Mr. MacLean assumed that the yacht would alter course to starboard when she saw the "Voe Trader" coming. Mr. MacLean estimates that the yacht was doing a speed of a couple of knots. Mr. MacLean did not use any sound signals and did not hear any from the other vessel.
- 3.9 When shown the Dublin Port radar recordings, Mr. MacLean stated that it would appear that the "Voe Trader" was coming slightly to port at the time of the incident.

4. **FACTUAL REPORT OF THE COLLISION AS TAKEN FROM THE TESTIMONY OF THE CREW OF THE "DAI MOUSE"**
- 4.1 On May 12th 2001, the "Dai Mouse" was the principal race committee boat in the Royal Alfred Yacht Club Baily Bowl, which was being held in Dublin Bay. There were no sails on board at the time of the incident.
- 4.2 Before the "Dai Mouse" departed from Dun Laoghaire the start of the race was deferred from 1130hrs to 1230 hrs due to lack of wind. The "Dai Mouse" departed from Dun Laoghaire at about 1015 hours to observe conditions in the Bay around the racing area, where the collision later occurred.
- 4.3 At 1030 hrs, they were the only boat in the area. From 1130 hrs, competitors commenced arriving in the area and by 1200 hrs all 50 or 60 yachts had checked in with the race committee boat ("Dai Mouse") as required. During this time all yachts were stationary with sails up, except "Dai Mouse" and "Cevantes" (finish boat), who were in the middle of the yachts.
- 4.4 Visibility was good. As there was still no wind at 1230 hrs a further indefinite postponement was signalled. All yachts were in close proximity to the "Dai Mouse".
- 4.5 Around 1230 hrs, Mr. O'Gorman, who was a crew member on board the "Dai Mouse", noticed the "Voe Trader" leaving the Poolbeg area and heading in the direction of the "Dai Mouse", which was 1.20 nautical miles from the Poolbeg at the time. The "Dai Mouse" was positioned in a line between the Poolbeg and Dun Laoghaire Harbour entrance.
- 4.6 The crew of the "Dai Mouse" thought that the "Voe Trader" would navigate around the yachts passing to the East or West. There did not appear to be any reduction of speed on the "Voe Trader" prior to the collision, which the crew of the "Dai Mouse" estimated to be about 10 or 11 knots.
- 4.7 As the "Voe Trader" approached closer, she was still heading for the yachts. The "Dai Mouse" was stopped in the water and drifting for maybe up to one hour prior to the collision and her heading was 310° approximately.
- 4.8 The tide was flooding with not a lot of drift. There was concern on board the yacht when the "Voe Trader" got to a quarter of a mile away and was still heading for the yachts.
- 4.9 The situation was now developing very quickly. The "Voe Trader" came into the fleet of yachts passing very close to a number of them. The course of the workboat changed in an arc to port as she approached. The crew of the "Dai Mouse", who were all on deck, except for Alan McGettigan who was below deck preparing the anchor, commenced waving and shouting in order to attract the attention of the "Voe Trader".

DAI MOUSE TESTIMONY

CONTD.

- 4.10 An attempt was made just prior to the collision to put the engine on the "Dai Mouse" into reverse but before this could be carried out the collision occurred.
- 4.11 Just prior to the collision, the "Dai Mouse" was lifted by the bow wave of the "Voe Trader". Contact was made on the bow of the "Dai Mouse", about 1 metre from the port side of the bow of the "Voe Trader" and at a slight angle.
- 4.12 The "Dai Mouse" was then pushed back and around to the port side of the "Voe Trader". The engine on the "Dai Mouse" was in neutral at all times.
- 4.13 The "Voe Trader" stopped after the collision and offered assistance. Mr. O'Gorman advised Dublin Port Radio of the collision, on Channel 12 using the portable VHF. The crew of the "Dai Mouse" suffered various injuries in the incident as detailed in Section 5, which also details the damage suffered by the "Dai Mouse".
- 4.14 The R.N.L.I. were advised of the incident and within a short time the Dun Laoghaire lifeboat was on scene. Three of the crew of the "Dai Mouse" were transferred to the lifeboat and were subsequently taken to hospital. It took about 30 minutes to transfer Ms. Annette Bennett to the lifeboat because of her injuries.
- 4.15 The "Dai Mouse" was towed back to Dun Laoghaire with a RIB secured to each side. Other crewmembers subsequently attended hospital in order to attend to their injuries.
- 4.16 The "Voe Trader" proceeded to Dublin Port after the incident. Prior to the collision the crew of the "Dai Mouse" were shouting and roaring. The crew of the "Dai Mouse" did not hear any sound signal from the "Voe Trader".
- 4.17 The collision position is given on the chart extract of Dublin Bay in Appendix C.

5. INJURIES SUFFERED BY CREWMEMBERS AND DAMAGE TO THE "DAI MOUSE".

Personnel Injuries.

5.1 The following were the injuries suffered by the crewmembers on board the "Dai Mouse"

Ms. Caroline Leonard broke a bone in her foot.

Mr. Bert Bass suffered a head injury.

Ms. Annette Bennett suffered numerous injuries including:

- A corkscrew fracture to her right arm
- A cracked left shoulder blade
- 2 fingers dislocated on her left hand
- An ankle injury and multiple bruises

Ms. Mairin Colleary suffered bruising to her arm.

Mr. Tony O’Gorman suffered a shoulder injury.

Mr. Alan McGettigan suffered no apparent injuries in the collision.

Damage to the "Dai Mouse".

5.2 The bow area of the yacht was damaged in the collision. The cockpit was filled with water, as it would appear that as the bow was raised the stern of the boat was submerged, filling it with water. It was found that the drain from the cockpit had sheared and was filling the boat. There was also water entering under pressure from the outside. The leak was plugged and one of the boat’s bilge pumps was used to pump out the yacht. The steering gear was also damaged in the incident. Photographs of the damaged yacht are given in Appendix D.

6. INFORMATION OBTAINED FROM THE RADAR RECORDINGS FROM DUBLIN PORT.

- 6.1 Recordings of the events leading up to the incident were obtained from the radars at Dublin Port Company. The following information was obtained directly from these recordings. The positions of the two vessels for the times given are reproduced on the chart extract given in Appendix C.

"Dai Mouse".

- 6.2 For the period from 1228 to 1240 hours, the recordings show that the "Dai Mouse" moved a distance of 0.084 nautical miles in the approximate direction of 316 degrees True. This gives a speed of 0.42 knots over the ground. The estimated tidal set, at the time, for the area of the collision was 340 degrees at 0.40 knots. The movement of the "Dai Mouse" over the ground is consistent with the tidal flow at the time of the incident and would indicate that the yacht was stopped in the water.

"Voe Trader".

- 6.3 For the period from 1234 to 1240 hours, the recordings show that the "Voe Trader", travelling on various courses in a mainly southerly direction, covered a distance of approximately 0.861 nautical miles. This gives a speed of 8.61 knots over the ground. Taking into account the tidal flow, as experienced by the yacht, this would indicate that the "Voe Trader" was proceeding at a speed of about 9.03 knots at the time of collision.
- 6.4 The radar recordings also reveal that the "Voe Trader" altered course to port in the immediate time leading up to impact. This is shown by radar recordings showing the track history of the "Voe Trader" as given in Appendix E. It would appear from witness statements that this alteration took place in order to avoid another committee boat that was ahead of the "Voe Trader" prior to the alteration to port.
- 6.5 The radar recording for the time 12:40:25, which is given in Appendix F, shows the vessel movements and concentrations in Dublin Bay at the time of the collision.
- 6.6 The above information give the best estimates that can be obtained from the recordings taken into account the size of the echoes and the time scale involved. The times given on the radar recordings are 17 seconds fast.

7. OTHER MATTERS TO BE CONSIDERED..

- 7.1 Prior to the collision, Dublin Port stated that they were not aware of any complaints concerning the operation of any of the workboats on the Dublin Bay project.
- 7.2 A number of the crew of the "Dai Mouse" have stated that prior to the collision they did not observe anybody on the bridge of the "Voe Trader". However the Master of the "Voe Trader" has stated that he was on the bridge of the vessel throughout the time prior to the collision. He further clarified that the crane on the foredeck of the workboat did not impede his vision of the yacht prior to the collision.
- 7.3 It would appear that the crew of the "Dai Mouse" were extremely lucky that contact was made at a slight angle to port with the "Voe Trader", as this angle of contact resulted in the yacht being pushed around to the port side of the "Voe Trader".

8. CONCLUSIONS

- 8.1 This collision was caused because the International Regulations for Preventing Collisions at Sea, 1972, as amended, were not observed.
- 8.2 Rule 5 of the International Regulations for Preventing Collisions at Sea, 1972, as amended, deals with the requirement to maintain a proper look-out. Rule 5 is produced in Appendix G. The "Voe Trader" would appear not to have been maintaining a proper lookout as it steamed towards the "Dai Mouse". The crew of the "Dai Mouse" observed the "Voe Trader" approaching and believed that the workboat would alter course around them, especially as the "Dai Mouse" and the entire fleet, were in a clearly designated Yacht Racing area.
- 8.3 Rule 6, which is given in Appendix G, deals with the requirement to proceed at a safe speed at all times. The "Voe Trader" does not appear to have observed this rule, as the vessel was not stopped within a distance appropriate to the prevailing circumstances and conditions. The "Dai Mouse" was stopped in the water for some time prior to the collision.
- 8.4 Rule 7 deals with the determination whether risk of collision exists. This does not appear to have been established by the "Voe Trader". The Master did state that there was no risk of collision. From his experience, Mr. MacLean estimated that the "Voe Trader" would pass ahead of the yacht. However, this was an estimation only and no bearings were taken of the yacht. Rule 7 is given in Appendix G.
- 8.5 Rule 8 deals with action to avoid collision and is given in Appendix G. The "Voe Trader" appears to have altered course to port to avoid another committee boat shortly before the collision with the "Dai Mouse". However this alteration of course to port appears to have resulted in the collision situation developing with the "Dai Mouse".
- 8.6 Rule 34 deals with the manoeuvring and warning signals to be given by vessels. The Master of the "Voe Trader" stated that no signals were given by his vessel. The crew of the "Dai Mouse" stated that they did try to attract the attention of the "Voe Trader" by waving and shouting. Rule 34 is given in Appendix G.
- 8.7 Rule 2 is given in Appendix G and it deals with the responsibility of vessels. In the circumstances of this case it is hard to understand why the "Voe Trader" did not navigate around the cluster of yachts as there was ample sea room to the east and west of the yachts, as illustrated by the radar recording given in Appendix F.

Other findings.

- 8.8 Although the "Voe Trader" was carrying three persons from their place of work, the vessel was not in possession of a passenger boat licence, as required under the Merchant Shipping Act, 1992.

9. RECOMMENDATIONS

- 9.1 All Ports should ensure that vessels operating in their area of jurisdiction are fully briefed in relation to safe operations within the Port area and be made aware of all activities taking place within their area of jurisdiction.
- 9.2 Port Authorities should ensure that all work boats operating within their area of jurisdiction be made aware of their obligations under International Regulations for Preventing Collisions at Sea and any local bye-laws in operation at any given time.

10. APPENDICES

- | | | |
|------|-------------|---|
| 10.1 | Appendix A. | Photographs of MV "Voe Trader". |
| 10.2 | Appendix B. | Weather Report from Met. Eireann. |
| 10.3 | Appendix C. | Chart extract-showing position of collision. |
| 10.4 | Appendix D. | Photographs showing damage to the yacht "Dai Mouse". |
| 10.5 | Appendix E. | Dublin Bay Radar Recordings leading up to the collision. |
| 10.6 | Appendix F. | Dublin Bay Radar Recording giving the overall situation at the time of the collision. |
| 10.7 | Appendix G. | Extract from the International Regulations for Preventing Collisions at Sea, 1972, as amended, Rules 2, 5, 6, 7, 8, and 34. |

10.1 Appendix A.

Photographs of MV "Voe Trader".





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**Weather Report for Dublin Bay
on May 12th 2001
between 10 and 13 hours**

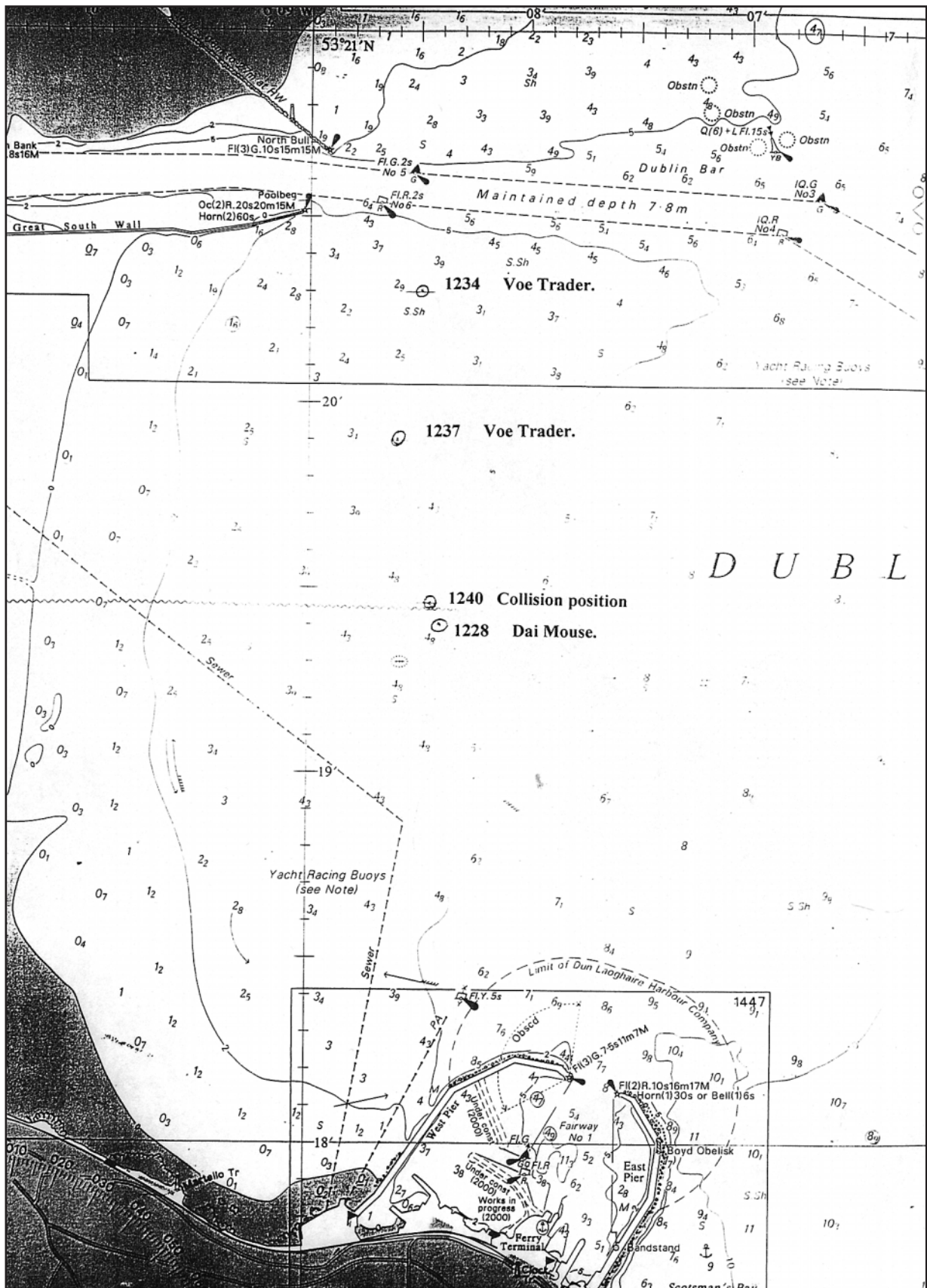
Winds: slack Force 2 to 3 mainly from a north-east to east direction

Weather: cloudy with mist and haze

Visibility: moderate to poor

Seastate: Slight, with Buoy M2 in the Irish sea reporting 0.5 metres significant wave height and 4 to 5 second wave periods.

10.3 Appendix C. Chart extract-showing position of collision.

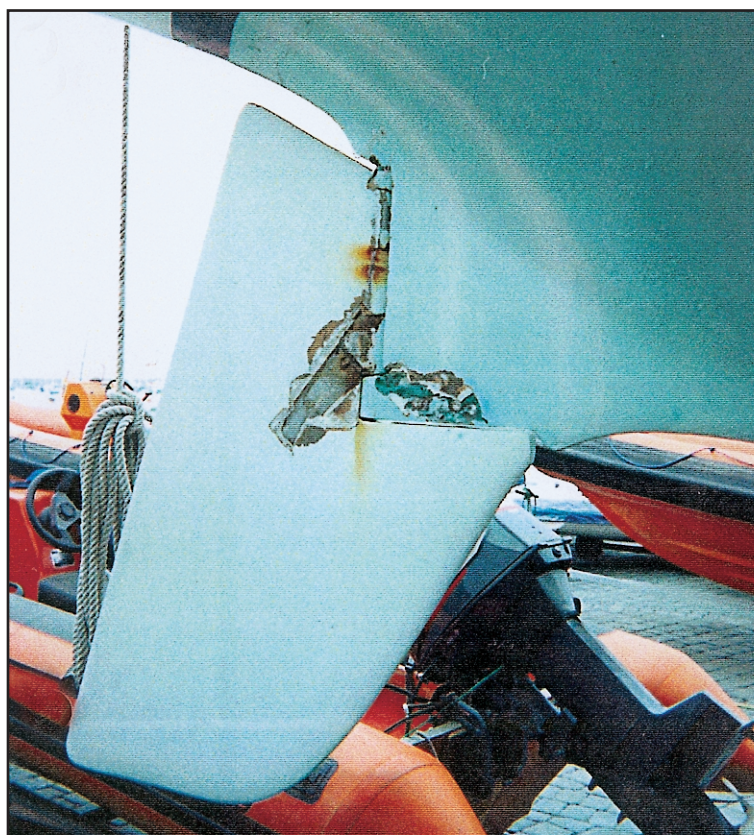


APPENDIX 10.4

10.4 Appendix D.

Photographs showing damage to the yacht "Dai Mouse".

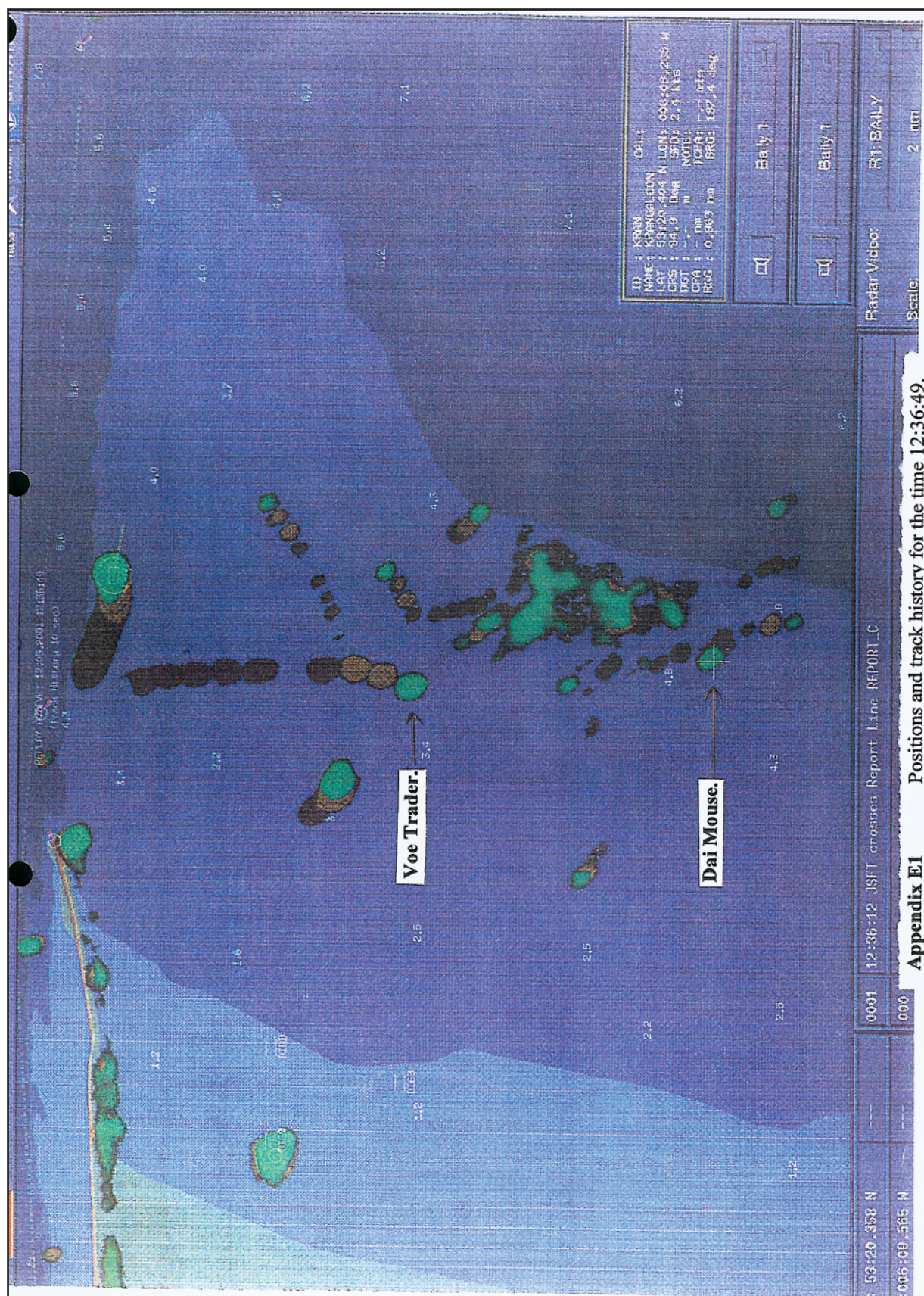


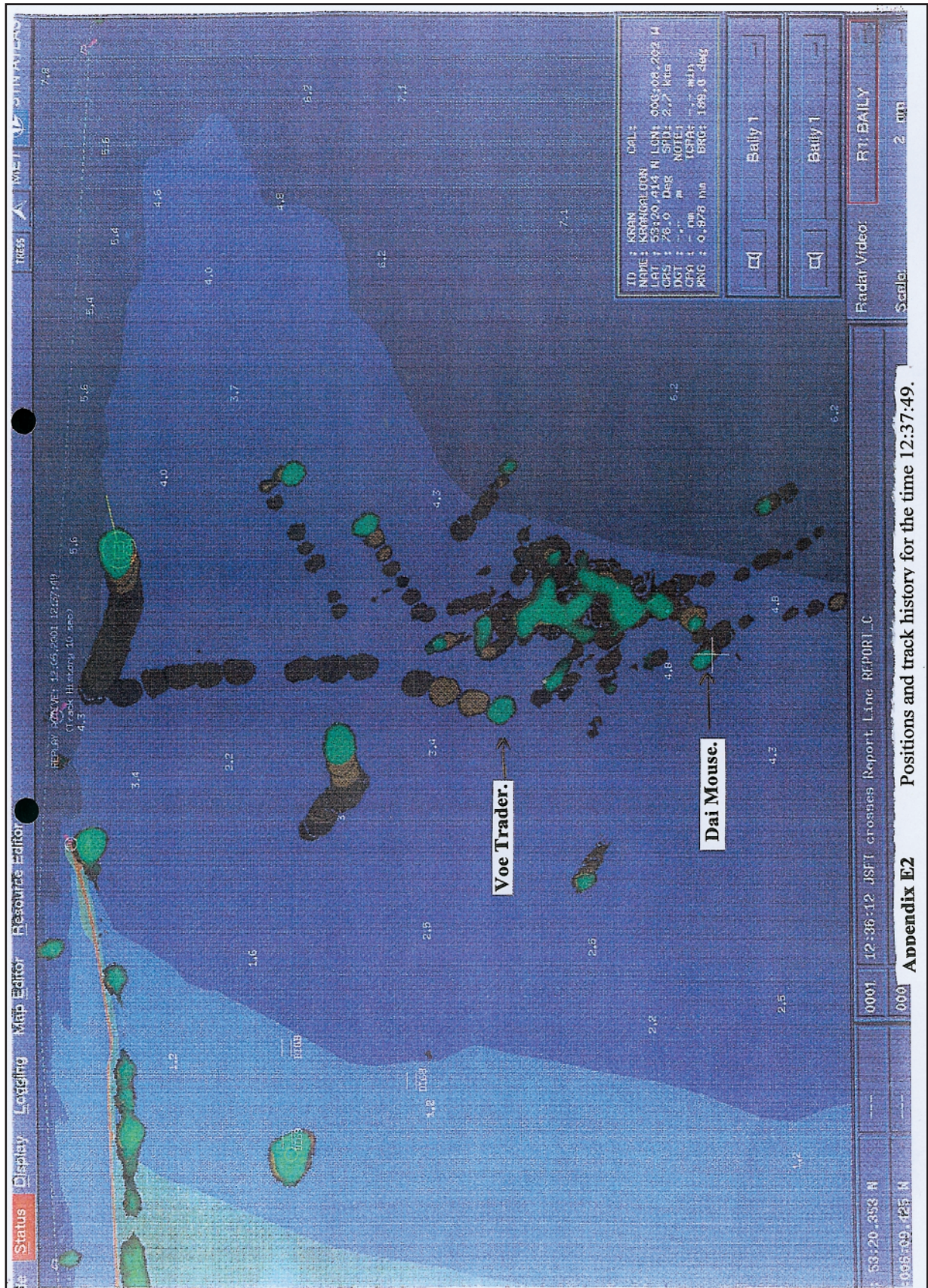


APPENDIX 10.5

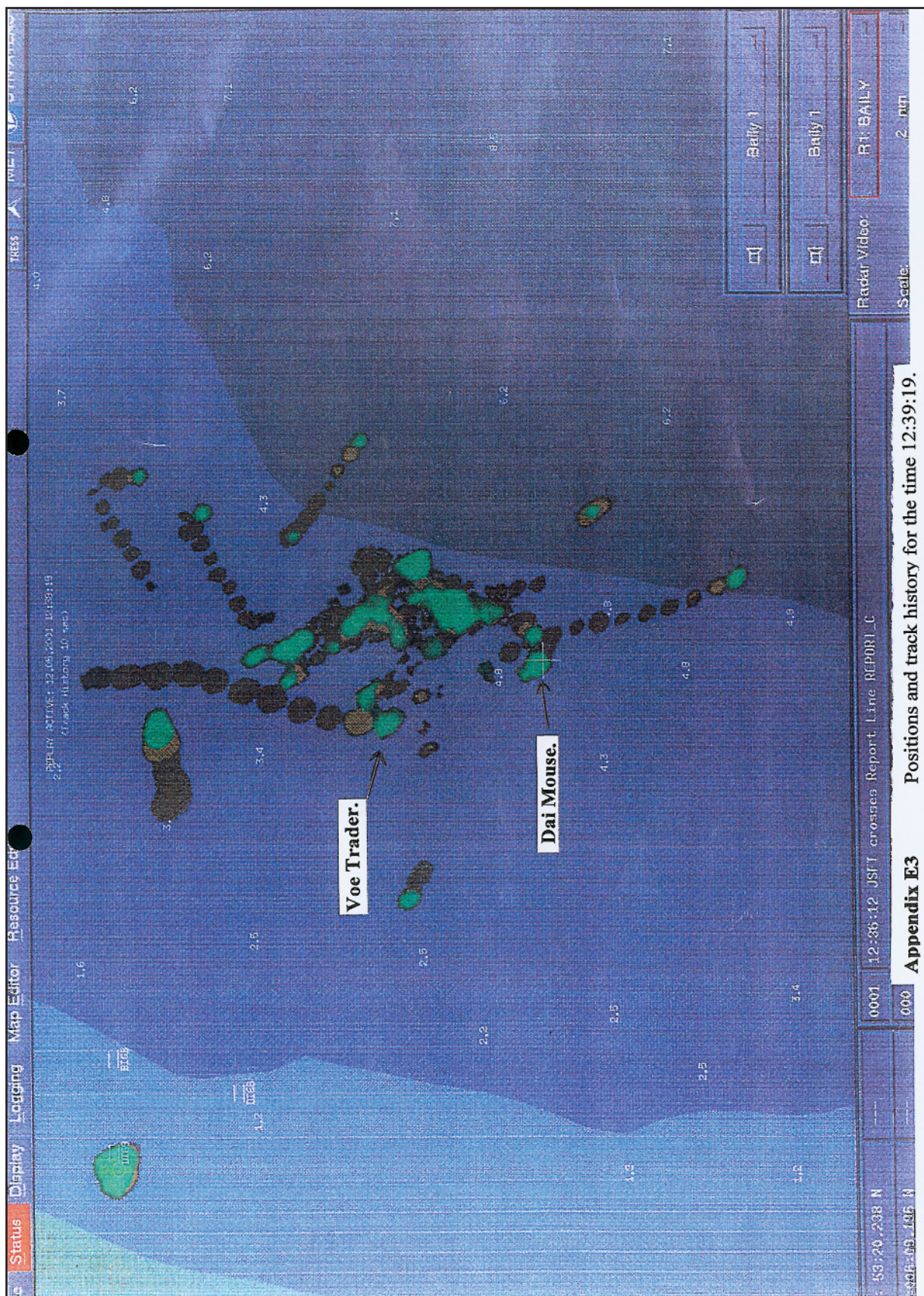
10.5 Appendix E.

Dublin Bay Radar Recordings leading up to the collision.



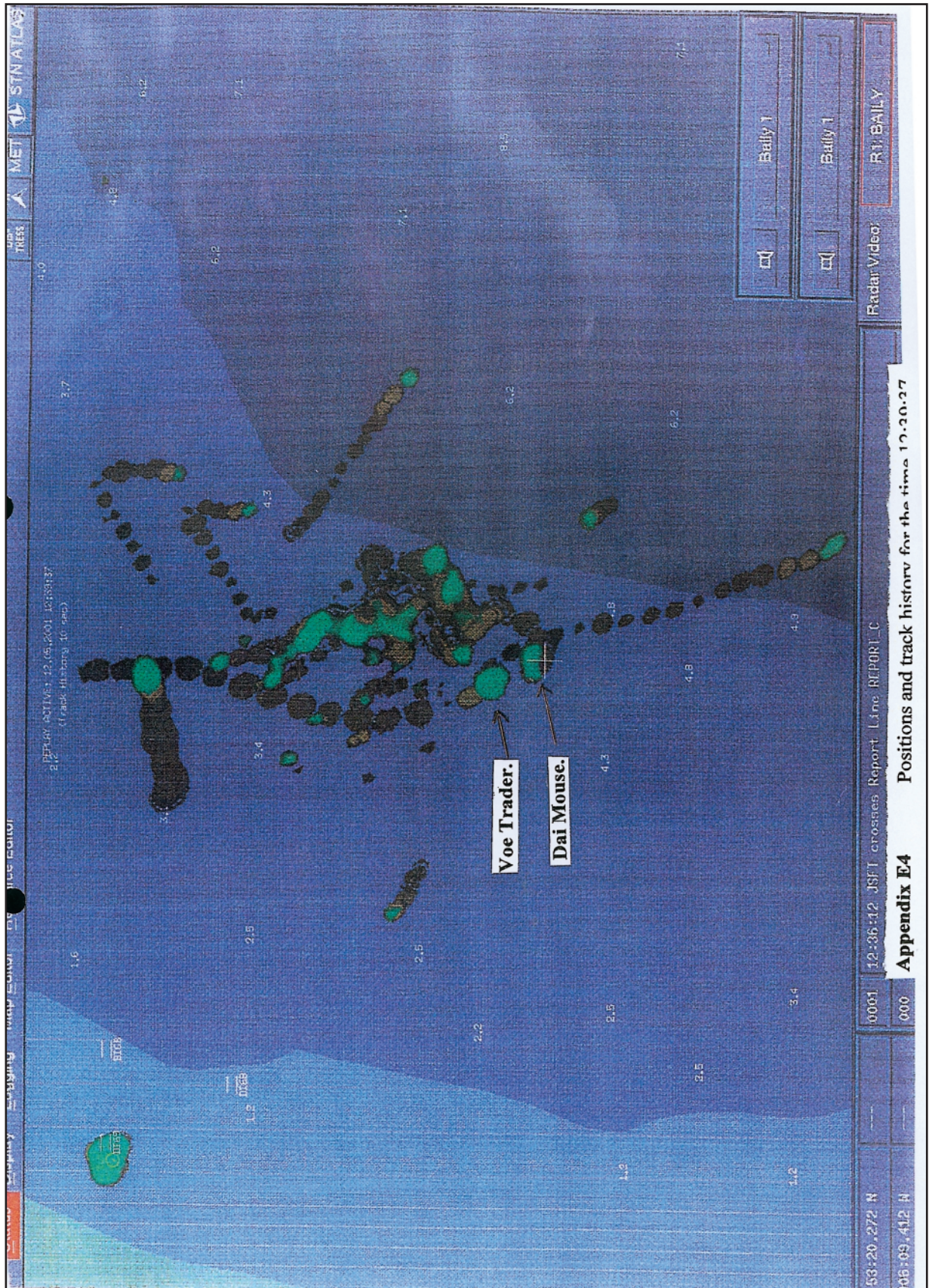


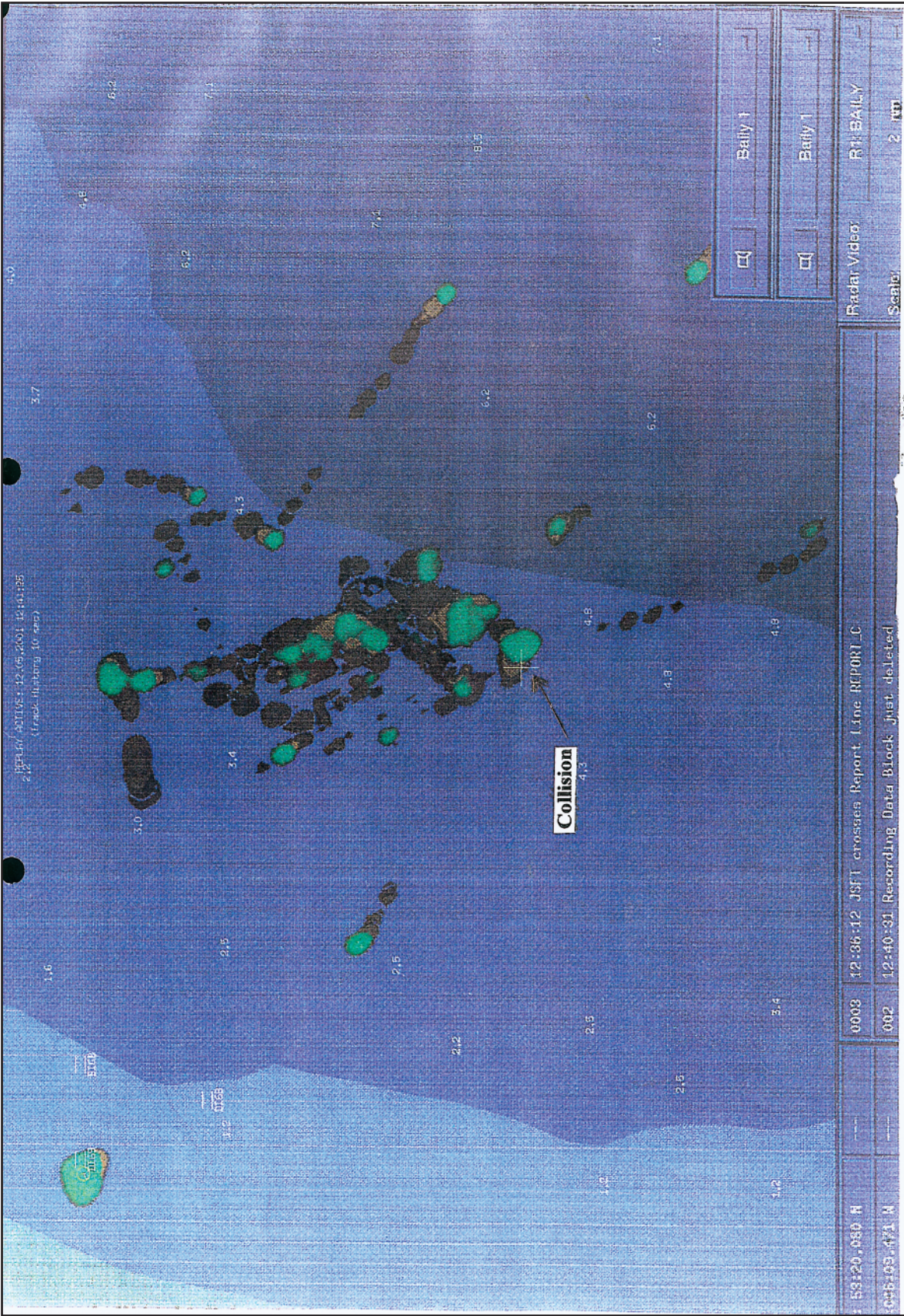
Appendix E2 Positions and track history for the time 12:37:49.



Positions and track history for the time 12:39:19.

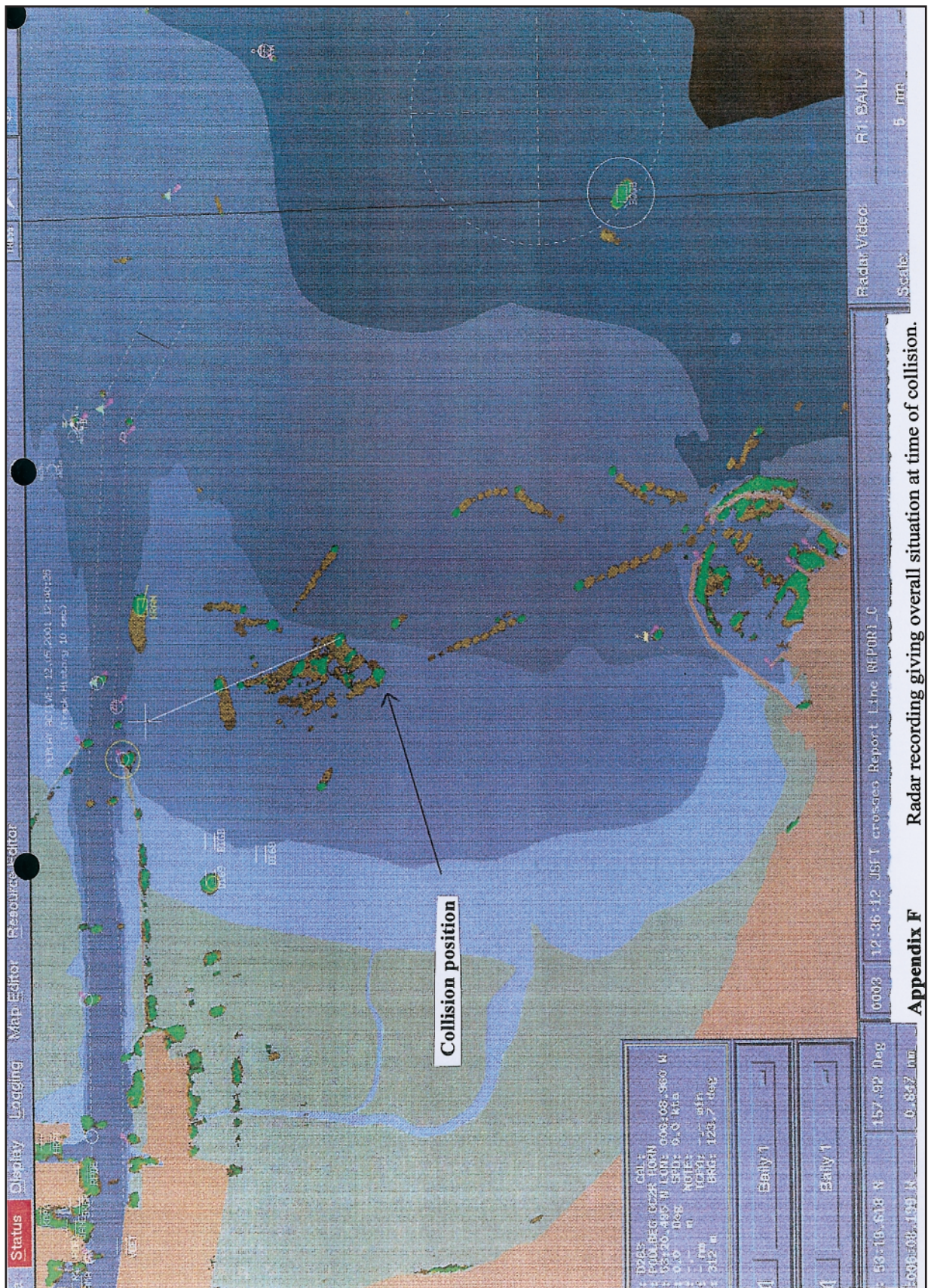
Appendix E3





Appendix E5 Positions for the time 12:41:25.

Dublin Bay Radar Recording giving the overall situation at the time of the collision.



**International Regulations for Preventing Collisions at Sea, 1972,
as amended.**

Rule 2

Responsibility

- a) Nothing in these rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
- b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

Rule 5

Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

Rule 6

Safe speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

- a) By all vessels:
 - (i) the state of visibility;
 - (ii) the traffic density including concentrations of fishing vessels or any other vessels;
 - (iii) the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions.

- (iv) at night the presence of background light such as from shore lights or from back scatter of her own lights;
 - (v) the state of wind, sea and current, and the proximity of navigational hazards;
 - (vi) the draught in relation to the available depth of water.
- b) Additionally, by vessels with operational radar:
- (i) the characteristics, efficiency and limitations of the radar equipment;
 - (ii) any constraints imposed by the radar range scale in use;
 - (iii) the effect on radar detection of the sea state, weather and other sources of interference;
 - (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;
 - (v) the number, location and movement of vessels detected by radar;
 - (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

Rule 7

Risk of collision

- a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.
- b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.
- c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.
- d) In determining if risk of collision exists the following considerations shall be among those taken into account:
 - (i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;
 - (ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow when approaching a vessel at close range.

Rule 8

Action to avoid collision

- a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.
- b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to

another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

- c) If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.
- e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.
- f)
 - (i) A vessel which, by any of these Rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea-room for the safe passage of the other vessel.
 - (ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Rules of this Part.
 - (iii) A vessel the passage of which is not to be impeded remains fully obliged to comply with the Rules of this Part when the two vessels are approaching one another so as to involve risk of collision.

Rule 34

Manoeuvring and warning signals

- a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:
 - one short blast to mean "I am altering my course to starboard";
 - two short blasts to mean "I am altering my course to port";
 - three short blasts to mean "I am operating astern propulsion".
- b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:
 - (i) these light signals shall have the following significance
 - one flash to mean "I am altering my course to starboard";
 - two flashes to mean "I am altering my course to port";
 - three flashes to mean "I am operating astern propulsion";

- (ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;
- (iii) the light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I to these Regulations.
- c) When in sight of one another in a narrow channel or fairway:
 - (i) a vessel intending to overtake another shall in compliance with Rule 9 (e)(i) indicate her intention by the following signals on her whistle:
 - two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
 - two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side".
 - (ii) the vessel about to be overtaken when acting in accordance with Rule 9 (e)(i) shall indicate her agreement by the following signal on her whistle:
 - one prolonged, one short, one prolonged and short blast, in that order.
- d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.
- e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.
- f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

11. INDEX OF CORRESPONDENCE RECEIVED

Correspondent	Page
Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company - dated 21st January, 2003	35
Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company - dated 5th March, 2003	36
MCIB RESPONSE	37
Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company - dated 13th May, 2003	39
MCIB RESPONSE	41
Mr. Tony O’Gorman - dated 12th February, 2003	43
MCIB RESPONSE	45
Ms Mairin Colleary - Fax dated 13th February, 2003	46
MCIB RESPONSE	47
Capt J.P. Carter, Harbour Master, Dun Laoghaire - dated 12th February, 2003	48
MCIB RESPONSE	49
Ms Annette M. Bennett - dated 8th February, 2003	50
MCIB RESPONSE	51
Mr. Damian Byrne - dated 8th February, 2003	52
Mr. Albert Bass - dated 13th February, 2003	53

Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company
- dated 21st January, 2003

21st January 2003

Mr. Dick Heron,
Secretary,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Calafort Átha Cliath



Dublin Port Company
Port Centre, Alexandra Road, Dublin 1
Telephone (353 1) 887 6000, 855 0888
Fax (353 1) 855 1241
Web www.dublinport.ie

Voe Trader/Dai Mouse 12th May 2001

Dear Sir,

I am in receipt of the above report, which I believe to be a true representation of the events of that day.

Regarding the recommendations made, Dublin Port would fully agree. It is the practice to have a briefing session with Masters of working craft in this port, which are exempt from pilotage before they start operating. We have not previously pointed out a requirement to comply with the International Regulations for Preventing Collisions at Sea, but will do so in future.

Yours faithfully,


.....
Capt. R. G. J. Wiltshire
Harbour Master

Directors: J. Burke (Chairman)
R. Brady, C. Bryce, E. Connellan (Managing), B. Daly, T. Ennis, T. Hussey,
B. W. Kerr, J. Kiersey, S. Martin, E. O'Brien, J. Stafford
Secretary: M. Sheary

Registered in Ireland with Limited Liability No. 262367
VAT No. IE8262367G

CORRESPONDENCE

CONTD.

Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company
- dated 5th March, 2003

5th March 2003

Mr. John G. O'Donnell,
Chairperson,
M.C.I.B.,
29-31 Adelaide Road,
Dublin 2.



Calafort Átha Cliath



Dublin Port Company

Port Centre, Alexandra Road, Dublin 1

Telephone (353 1) 887 6000, 855 0888

Fax (353 1) 855 1241

Web www.dublinport.ie

Re: Dai Mouse/Voe Trader 12th May 2001

Dear Mr. O'Donnell,

I am in receipt of your letter of 28th February 2003, received this morning, re the reporting of incidents with work boats taking part in the Dublin Bay Project.

Your statement is quite true, that Dublin Port were aware of complaints about the conduct of the workboats in the Dublin Bay area. We received several complaints and these were dealt with as they arose with the Contractor. I do not recall any denial that these incidents took place. Indeed, with the huge number of workboat movements in the bay, and the heavy usage of the bay by leisure craft, careful monitoring of such incidents was essential.

Yours sincerely,

Capt. R. G. J. Wiltshire
Harbour Master

Directors: J. Burke (Chairman)
R. Brady, C. Bryce, E. Connellan (Managing), B. Daly, T. Ennis, T. Hussey,
B. W. Kerr, J. Kiersey, S. Martin, E. O'Brien, J. Stafford
Secretary: M. Sheary

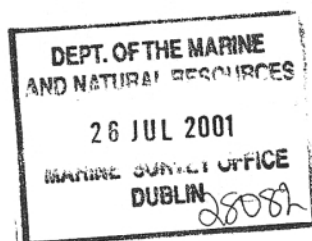
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VAT No. IE8262367G

MCIB RESPONSE

THE MCIB RE-ITERATES THE CONTENTS OF PARAGRAPH 7.1 OF THE REPORT AND WOULD DRAW DUBLIN PORT'S ATTENTION TO THEIR CORRESPONDENCE OF JULY 24TH, 2001 TO THE MARINE CASUALTY INVESTIGATION BOARD'S INVESTIGATOR (COPY ATTACHED)

24 July 2001

Capt. Michael Purcell,
Marine Surveyor,
Dept. of the Marine,
Eden Quay,
Dublin 1.



CALAFORT ÁTHA CLIATH

**DUBLIN
PORT**

DUBLIN PORT COMPANY

PORT CENTRE, ALEXANDRA ROAD, DUBLIN 1.

TELEPHONE: (01) 855 0888, 855 5771

FAX: (01) 855 1241

email: dubport@dublin-port.ie

Website: www.dublin-port.ie

Voe Trader/Dai Mouse 12th May 2001

Dear Capt. Purcell,

This is to certify, that to the best of my knowledge, prior to the collision between the above two craft, I had received no reports of unseamanlike practices by the working craft from the Dublin Bay Project.

Yours sincerely,

Capt. R. G. J. Wiltshire
Harbour Master

Directors - E.D. Browne (Chairman), R. Brady, E. Connellan (Managing), T.A. Geraghty,
B.W. Kerr, T.A. Linehan, E. McAteer, L. McCaffrey, E.J. Nolan, E. O'Brien, S. Sleator, J. Stafford.
Secretary - J.J. Killeen.
Registered in Ireland with Limited Liability No. 262367. V.A.T. No. IE8262367G

Capt R.G.J. Wiltshire, Harbour Master, Dublin Port Company
- dated 13th May, 2003

13th May 2003

Mr. John G. O'Donnell,
Chairperson,
Marine Casualty Investigation Board,
29-31 Adelaide Road,
Dublin 2.



Calafort Átha Cliath

Dublin Port Company

Port Centre, Alexandra Road, Dublin 1.

Telephone (353 1) 887 6000, 855 0888

Fax (353 1) 855 1241

Web www.dublinport.ie

Voe Trader/Dai Mouse 12th May 2001

Dear Mr. O'Donnell,

Further to my letter of 21st January 2003 concerning the above.

I have shown the draft report and the exchange of correspondence with this office to our Chief Executive, Mr. Enda Connellan, and he wishes to make the following points.

- (1) It is the duty of owners to see that they have a qualified crew. Such duty cannot be passed onto the Port Authority. It is a basic duty for owners to ensure that the crew knows the Collision Regulations and in this case, it's obvious that they didn't.
- (2) If "Voe Trader" was not acting in accordance with the International Regulations for Prevention of Collisions at Sea, why is she not prosecuted by the authorities under these regulations?
- (3) Conclusions (7 in all)
 - 1,2 and 4 refer to keeping a lookout.
 - 3 refers to speed.
 - 5,6 and 7 refer to manoeuvres.

There is no logic how these translate into admonitions to the Port Company. Nevertheless, it is acknowledged that the Port Companies should inform, and in this case they did.

Directors: E.D. Browne (Chairman),
R. Brady, E. Connellan (Managing), T.A. Geraghty,
B.W. Kerr, T.A. Linehan, E. McAteer, L. McCaffrey,
E.J. Nolan, E. O'Brien, S. Sleator, J. Stafford.
Secretary: M. Sheary
Registered in Ireland with Limited Liability No. 262367
VAT No. 1E8262367G

CORRESPONDENCE

CONTD.

/.....2

It should be noted that incidents that took place with the area of Dun Laoghaire Harbour are under a different jurisdiction.

I also note, during the conversation with Mr. Dick Heron on 12th May 2003, that the question of Dublin Port Company denying that they were unaware of any complaints in relation to workboats, was probably extracted from other statements and was not as a result of a denial by Dublin Port Company.

Yours sincerely,



.....
Capt. R. G. J. Wiltshire
Harbour Master

MCIB RESPONSE

THE MCIB NOTES THE CONTENTS OF CAPT. WILTSHIRE'S LETTER DATE 13TH MAY, 2003 AND WISH MAKE THE FOLLOWING POINTS:

1. AT NO TIME DID THE MCIB REPORT INTO THIS INCIDENT ATTEMPT TO PASS ANY DUTY ON THE SAFE MANNING AND OPERATION OF SUCH VESSELS ONTO DUBLIN PORT;
2. THE MCIB IS A NON-PROSECUTORIAL BODY AND HAS NO FUNCTION IN SUCH MATTERS;
3. THE MCIB RE-ITERATE THE CONCLUSIONS CONTAINED IN THE REPORT AND FAIL TO SEE HOW DUBLIN PORT TRANSLATE THESE CONCLUSIONS INTO ADMONISHMENTS OF THE PORT COMPANY.

AS REGARDS THE LAST PARAGRAPH OF THIS LETTER PLEASE SEE THE LETTER FROM DUBLIN PORT COMPANY DATED 24TH JULY, 2001, ATTACHED WHICH STATES:

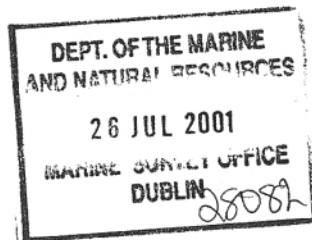
"THIS IS TO CERTIFY, THAT TO THE BEST OF MY KNOWLEDGE, PRIOR TO THE COLLISION BETWEEN THE ABOVE TWO CRAFT, I HAD RECEIVED NO REPORTS OF UNSEAMANLIKE PRACTICES BY THE WORKING CRAFT FROM THE DUBLIN BAY PROJECT"

CONCLUSION

THE ABOVE CORRESPONDENCE FROM DUBLIN PORT COMPANY IS CONTRADICTORY AND UNHELPFUL.

24 July 2001

Capt. Michael Purcell,
Marine Surveyor,
Dept. of the Marine,
Eden Quay,
Dublin 1.



CALAFORT ÁTHA CLIATH



**DUBLIN
PORT**

DUBLIN PORT COMPANY

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FAX: (01) 855 1241

email: dubport@dublin-port.ie

Website: www.dublin-port.ie

Voe Trader/Dai Mouse 12th May 2001

Dear Capt. Purcell,

This is to certify, that to the best of my knowledge, prior to the collision between the above two craft, I had received no reports of unseamanlike practices by the working craft from the Dublin Bay Project.

Yours sincerely,

Capt. R. G. J. Wiltshire
Harbour Master

Directors - E.D. Browne (Chairman), R. Brady, E. Connellan (Managing), T.A. Geraghty,
B.W. Kerr, T.A. Linehan, E. McAteer, L. McCaffrey, E.J. Nolan, E. O'Brien, S. Sleator, J. Stafford.
Secretary - J.J. Killeen.
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Mr. Tony O’Gorman - dated 12th February, 2003

Random Harvest
Glencormac
Co Wicklow
Tel: 01-2867010



Marine Casualty Investigation Board
Leeson Lane
Dublin 2

12/02/2003.

Your Ref: MCIB 55.

For the attention of :
Mr Dick Heron Sec MCIB

RE: Marine Casualty involving the workboat "Voe Trader" and Yacht "Dai Mouse" which occurred in Dublin Bay on May 12th 2001.

Dear Mr Heron,

Firstly let me congratulate the Board on their report in relation to the above.

However please find some of my comments and observations that may be worth noting.

Section 7. OTHER MATTERS TO BE CONSIDERED.

7.1

It is not correct for Dublin Port to say they were unaware of any complaints in relation to these workboats on the Bay project.

I am aware of a number of phone calls that were made to Dublin Port complaining about the behaviour of the two smaller workboats, one called "Redwolf ", and I don't know the name of the other workboat. These calls were made between April 26 and May 11th just before our incident with the 'Voe Trader', basically the first two weeks of the Racing season.

The nature of the complaints were as a result of these work boats, while acting as a 'taxi service' between Dublin Port and Dun Laoghaire, regularly motoring at speed without due care and attention, in an unseaman like manner, creating a large wash through groups of sailing boats, skimming some, as they were manoeuvring in preparation to start racing, many of whom did not have engines to get out of the way, combined with light winds making their task more difficult. These incidents occurred close to the West Pier where the starting lines are located.

Appendix B

The Met Eireann Weather report for Dublin Bay May 12th 2001

It states the winds were slack force 2-3, surely they mean 2-3 Knots.

If it was Beaufort force 2-3 as stated, the wind speed would have been 6-10 knots, under these conditions the sea would be described as 'large wavelets, crests begin to break, a few white horses'. If these conditions prevailed we would certainly have been racing, the Bay remained glass calm at all times. Our wind speed instruments never got above 4 knots, dropping off to zero for sustained periods up to the incident.

We appear to be consistent with the information you obtained from the radar recordings from Dublin Port. MCIB 55 : 6.2)

Their reference to the M2 Buoy positioned out in the Irish Sea due east of Drogheda was not reflecting the conditions in Dublin Bay between 10 and 13 hrs on May 12th 2001.

Yours faithfully

Tony O'Gorman

MCIB RESPONSE

THE MCIB ACCEPTS THAT THE MET EIREANN REPORT FOR DUBLIN BAY (12/5/2001) WAS TAKEN FROM THE M2 BUOY, AND THE MCIB FURTHER ACCEPTS AT THAT TIME ON THE DAY IN QUESTION, THE WIND SPEED AT THE LOCATION DID NOT EXCEED 4 KNOTS.

Ms Mairin Colleary - Fax dated 13th February, 2003

facsimile

to: John O Donnell
fax #:
re: Voe Trader
cc:
date: 13/02/03
pages: page(s) total, including this cover sheet

Dear Mr O Donnell

Many thanks for your letter and copy of the report of the investigation Board

I have a couple of comments to make

1. I do not accept that we were abusive to the skipper of the Voe Trader. When he came back after the incident his first comments (that I heard) was that 'he had right of way' - he did not enquire if anyone was hurt or if he could help. In the circumstances we responded vigorously that this was not the case and that he remarks were inappropriate as we were dealing with a seriously injured colleague and a sinking boat.
2. There was virtually no wind when the incident took place.

Yours sincerely

Mairin Colleary

from

Tel: 353 - 1 - 2801831
Fax: 353 - 1 - 2807265
e-mail: gcolleary@hotmail.com

4 Bayswater Terrace
Sandycove
Co Dublin

353 1 6790585

MCIB RESPONSE

THE MCIB NOTES THE COMMENTS MADE IN POINT 1.

THE MCIB ACCEPTS THAT THE MET EIREANN REPORT FOR DUBLIN BAY (12/5/2001) WAS TAKEN FROM THE M2 BUOY, AND THE MCIB FURTHER ACCEPTS AT THAT TIME ON THE DAY IN QUESTION, THE WIND SPEED AT THE LOCATION DID NOT EXCEED 4 KNOTS.

Capt J.P. Carter, Harbour Master, Dun Laoghaire
- dated 12th February, 2003



Mr. R. Heron,
Secretary,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Harbour Office
Terminal Building
Dun Laoghaire
Co. Dublin
Ireland

12th, February, 2002

o/r 200-001/EB/SS/03021011
y/r MCIB 55

Telephone 353 1 280 1130
353 1 280 8074
Facsimile 353 1 280 8062
email: info@dlharbour.ie
Web: www.dlharbour.ie

RE: Report into the Investigation of the Marine Casualty involving the Workboat "Voe Trader" and the Yacht "Dai Mouse" which occurred in Dublin Bay on 12th. May 2001.

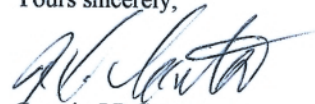
Dear Mr. O'Donnell,

I refer to your letter dated 14th. January and enclosures.

Dun Laoghaire Harbour Company wishes to make the following comments on the draft report:-

1. It is most regrettable that such accident occurred.
2. The yacht racing event was located close to an already notified, major works area.
3. It is noted (section 2 of draft report) that "Dai Mouse" appears not to have been equipped with sound making equipment such as a starting gun or gas operated klaxon which might (pursuant to Rule 34) have been utilised.
4. Dun Laoghaire Harbour Company is satisfied that it had in respect of this matter conducted itself in accordance with recommendations 9.1 and 9.2 in the draft report.

Yours sincerely,


Captain J.P. Carter
Harbour Master



Copy. Mr. M. Hanahoe, Chief Executive
Dun Laoghaire Harbour Company

Board Mr. Patrick J. McMahon (Chairperson), Cllr. Victor Boyhan, Cllr. Betty Coffey, Mr. Sean Costello, Cllr. Jane Dillon Byrne, Cllr. Tony Fox, Mr. Michael Hanahoe (Chief Executive and Company Secretary), Cllr. Donal Marren, Mr. Gerry Nagle, Mr. David Redmond, Ms. Eithne Scott Lennon, Mr. Tom Welby

Dún Laoghaire Harbour Company
Registered in Ireland No: 262366. Registered for VAT No: 8262366E

MCIB RESPONSE

THE MCIB NOTES THE COMMENTS MADE IN THIS LETTER

Ms Annette M. Bennett - dated 8th February, 2003

**SANTON, 39 KILLINEY ROAD,
KILLINEY, CO. DUBLIN
TEL: 2852309. FAX: 2848659. MOBILE: 087 2580574
Email: wilben@gofree.indigo.ie**

Mr. Dick Heron,
Secretary,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.



8th February 2003.

Dear Mr. Heron,

I have received and read your very comprehensive report into the incident between the "Dai Mouse" and the "Voe Tader" on 12th May 2001. There are just two comments and observations I would like to make.

8.2. The last sentence should include the following :- Especially since the "Dai Mouse" and the entire fleet were in a clearly designated Yacht Racing area.

Appendix B. The Weather Report does not give the actual conditions for Dublin Bay on the morning of Saturday 12th May. If there had been winds of Force 2-3 as stated then we would have been racing. The rule-of-thumb is that we do not start races in under 5 knots of breeze. At no stage did we have anything approaching that speed which explains the 2 postponements. The conditions were calm and the sea was glassy. Could the Meteorologist possibly have meant 2-3 **KNOTS** of breeze?

The Buoy M2 referred to is actually situated North of Howth and as such does not give an accurate reading for Dublin Bay.

The actions of the Master of the "Voe Trader" on that day were criminal and have changed the lives of all of us. No report could convey the horror of what happened and the on-going repercussions we have to face on a daily basis.

If you feel I can contribute anything else, please do not hesitate to contact me.

Yours sincerely,

Annette M. Bennett

ANNETTE M. BENNETT

MCIB RESPONSE

THE MCIB NOTES THE POINT RAISED UNDER 8.2 AND HAS AMENDED THE REPORT ACCORDINGLY.

CORRESPONDENCE

Mr. Damian Byrne - dated 8th February, 2003

DICK HERON

I HAVE NO COMMENTS OR OBSERVATIONS
IN REGARDS TO THE DRAFT REPORT
INTO THE INCIDENT ON THE 12TH MAY
2001 INVOLVING THE WORK BOAT "OCE TRADER"
AND THE YACHT "DAI MUSE"

THANKING YOU
DAMIAN BYRNE



Mr. Albert Bass - dated 13th February, 2003



Berhoff,
Glencree Road,
Enniskerry,
Co. Wicklow

13th February, 2003.

Mr. Dick Heron,
Secretary,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

**Re: Report into the Investigation of the Marine Casualty involving the workboat
"Voe Trader" and the yacht "Dai Mouse" which occurred in
Dublin Bay on 12 May, 2001.**

Dear Mr. Heron,

I acknowledge receipt of your correspondence dated 14th January 2003 concerning above and wish to note the comments made therein.

Yours Sincerely,

Katherine Carroll
p.p. Albert Bass.

NOTES

[illegible]