

Leeson Lane, Dublin 2.
Telephone: 01-678 3485/86.
Fax: 01-678 3493.
email: info@mcib.ie
www.mcib.ie

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

The copyright in the enclosed report remains with the Marine Casualty Investigation Board by virtue of section 35(5) of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. No person may produce, reproduce or transmit in any form or by any means this report or any part thereof without the express permission of the Marine Casualty Investigation Board. This report may be freely used for educational purposes.

**REPORT OF INVESTIGATION
INTO AN INCIDENT ON
PASSENGER BOAT
“FLYING HORSE”
OFF THE SKELLIG ISLANDS,
CO. KERRY
29th JUNE 2012**

**REPORT No. MCIB/220
(No.1 of 2014)**

Report MCIB/220 published by The Marine Casualty Investigation Board.
Printed 25th March 2014.

	PAGE
1. SUMMARY	4
2. FACTUAL INFORMATION	5
3. NARRATIVE	7
4. ANALYSIS	9
5. CONCLUSIONS	11
6. SAFETY RECOMMENDATIONS	12
7. APPENDICES	13
8. CORRESPONDENCE RECEIVED	26

1. SUMMARY

(Note: All times are in Irish Summer Time)

- 1.1 The 33ft Irish passenger boat “*Flying Horse*” departed Ballinskelligs Pier for Skellig Michael at approximately 11:00hrs on the 29th June 2012 with 14 passengers and one crew member on board.

Approximately 20 minutes into the trip the boat came off a big wave, following which a loud bang was heard. The boat commenced flooding and the Skipper, realising that there was something wrong, turned the boat around and attempted to contact the owner’s representative by mobile telephone. No attempt was made to use the boat’s VHF Radio.

The passengers donned lifejackets. However accessing the lifejackets was difficult and there was insufficient lifejackets for all persons on board.

The boat returned to Ballinskelligs and all passengers were landed safely ashore albeit somewhat traumatised.

2. FACTUAL INFORMATION

2.1 Particulars of the Vessel

Name of Vessel:	<i>"Flying Horse"</i>
Builder:	Hull moulded by Aquastar Workboats, Carrigaline, Co. Cork. Boat fitted out by Rossbrin Boatyard.
Year of Build:	1995
Overall Length:	10 metres
Breadth:	3.60 metres
Draft:	Approx. 1.00 metres
Engine:	Yanmar 6LYA STP, Six cylinder, water cooled, turbocharged diesel engine of 272 KW Capacity at 3,300 RPM.
General Description of Craft:	<p>Traditionally built craft of fibre reinforced plastic, of carvel form, with a raked stem and transom stern. Craft was of decked design (raised foredeck, open sealed aft deck with freeing ports).</p> <p>Craft powered by a Yanmar, Six cylinder, turbocharged diesel engine of 272 KW Capacity at 3,300 RPM. Fitted in an engine compartment towards the aft end of the vessel.</p> <p>A wheelhouse and saloon superstructure enclosing two-thirds length of the vessel.</p>
Passenger Boat Licence:	The P5 passenger boat licence was granted by the Marine Survey Office on the 6th June 2012 and was valid until the 6th September 2012.

2.2 Environmental Conditions

Met Éireann, the Irish Meteorological Service, gave an estimate of the weather conditions in the Skelligs Sea Area between 6-12 hours as follows:

Winds: Moderate occasionally Fresh, Force 4 occasionally Force 5 and gusting 20 to 25 knots, from a mainly south-west to westerly direction.

Weather: cloudy at times but also good sunshine at times, with a few, mostly light, showers in the area.

Visibility: mostly moderate to good.

Sea state: Moderate, about 2 metres significant wave height, from a mainly south-westerly direction.

The maximum wave height encountered by Meteorological buoy M3 situated 35 miles south west of the incident were recorded at 3.6 metres. (12') at 11:00hrs 29th June (See Appendix 7.1 Met Éireann Report).

The Office of Public Works, who oversee the Skelligs Islands, remark on weather conditions for 29th June was "Very strong winds abating; blustery, landing uncertain".

2.3 Crew Particulars

The only crewmember was the Skipper who was 29 years of age. He had carried out seasonal work as a crewmember and Skipper on passenger vessels in the area for the previous 10 years.

2.4 Marine Casualty Information

Date and Time:	11:20hrs, 29th June 2012
Type of marine casualty:	Marine Casualty
Location of Incident:	Off Bolus Head, Co. Kerry
Injuries/fatalities:	Nil
Damages:	Hull damages starboard side
Environmental Impact:	None
Persons Onboard:	15
Boat Operation:	On Passage

3. NARRATIVE

- 3.1 At approximately 10:30hrs on the 29th June 2012 the passengers for the boat trip to Skellig Michael met the owner's representative on the pier at Ballinskelligs. He brought them to the boat the "*Flying Horse*" where he formally introduced himself. He took their money when they boarded the boat.
- 3.2 Once on board the boat the owner's representative gave them a short safety briefing. He pointed out the location of the life jackets as part of the briefing (pointing to sides of the boat behind the seats). No instructions were given as to how to don the lifejackets. The owner's representative warned the passengers that the sea would be rough on the way out but what seemed rough to the passengers was normal to him and that it was absolutely safe (See Appendix 7.2 Photograph of life jackets position).
- 3.3 The 33ft Irish passenger boat "*Flying Horse*" departed Ballinskelligs Pier for Skellig Michael at approximately 11.00hrs on the 29th June 2012 with 14 passengers which included one child plus one crew member on board.
- 3.4 The sea was rough on the way out with wave heights between 2 and 3 metres in height with some passengers feeling queasy and sick. Approximately 20 minutes into the trip when the boat had just cleared the end of the headland into open sea, the boat came off a big wave, when a loud bang was heard (See Appendix 7.3 Chartlet of area of incident).
- 3.5 The boat commenced flooding and the Skipper, realising that there was something wrong, turned the boat around and headed back to Ballinskelligs. After turning the boat around the Skipper had difficulty contacting the owner's representative by phone and was heard shouting down the phone that he was in big trouble. He made no attempt to use the boat's VHF Radio.
- 3.6 Passengers observed water on the deck on the forward cabin and it was suggested to the Skipper that the passengers should put on lifejackets.
- 3.7 Difficulty was experienced by passengers opening the storage lockers where the lifejackets were stowed and also finding lifejackets for all passengers. Passengers became somewhat panicky when it became apparent that there was insufficient lifejackets for all persons on board. A passenger had to lie on the deck and pull out lifejackets from the lockers under the seats. There was insufficient lifejackets found for two passengers and the Skipper, and the lifejacket on the child appeared to be too large.
- 3.8 The forward compartment of the boat was noted to have become partially flooded and the boat appeared to be sluggish in the water during the passage back to Ballinskelligs. The boat arrived back at approximately 12.00hrs on 29th June 2012 to Ballinskelligs Pier where all passengers landed safely ashore albeit

traumatised. They were met on the pier by the owner's representative, who gave them their money back and took them to a local café for tea and scones.

- 3.9 A subsequent examination of the craft showed that damages had been sustained on the starboard side over a length 500mm above keel over a length of 1000mm commencing 1400mm abaft of the stem (See Appendix 7.4 Photographs of damage sustained).

4. ANALYSIS

The purpose of the analysis is to determine the contributory causes and circumstances of the incident as a basis for making recommendations to prevent similar accidents occurring in the future.

- 4.1 The “*Flying Horse*” was licenced by the Department of Transport, Tourism & Sport to carry 12 passengers and two crewmembers a maximum of 14. On the day of the incident the craft was carrying 14 passengers and one crewmember. The boat was thereby exceeding the permitted loading capacity of the boat and could be considered as being overloaded.
- 4.2 For a craft engaged in carrying passengers to the Skelligs the Skipper/Master must hold a valid Certificate of Competency with a commercial endorsement as required by the Passenger Boat Manning Regulations of 2005. Also every passenger boat, which carries a radio, should have at least one person holding a Radio Operator’s Certificate suitable for the radio equipment on board and suitable for the area of operation of the vessel. No official records could be found to show that the Skipper held the necessary qualifications to be the Master of the subject boat or that he was in possession of a Radio Operator’s Certificate.
- 4.3 A short safety briefing was given by the owner’s representative prior to the craft departing Ballinskelligs. Part of the briefing pointed out the location of the lifejackets, namely in lockers on the boat’s sides under the seats. However, the briefing did not include a demonstration as to how to don a lifejacket. It is a condition of the boat’s licence, that safety instructions concerning signals, life-saving appliances, means of escape, etc. must be announced to the passengers before the commencement of any voyage.
- 4.4 There was an inadequate number of lifejackets on board for the passengers and crew being carried, at least three persons could not be provided with lifejackets, and there was also no child’s lifejacket provided. The child had to wear a lifejacket that was too large for her and could have been completely ineffective if it had become necessary to abandon the boat. The lifejackets were stowed in lockers at the sides of the boat under the seats. This would not be considered the most accessible place for the stowage of lifejackets. The markings indicating the position of the lifejackets were poor and sparse. It is a condition of the boat’s licence, that lifejackets be stowed in a readily accessible location for use in an emergency.
- 4.5 From the position of the incident and time taken to arrive at that position the vessel must have been proceeding at a speed in the region of 18 knots. This speed would be considered excessive for the prevailing weather conditions.

- 4.6 The damage was sustained on the starboard side of the craft and it coincided with the craft coming off a large wave. It was reported that floating logs were seen in the area of the incident. It cannot be determined if the structural damages to the boat were as a result of hitting a floating object or as a result of proceeding at an excessive speed in unsuitable weather conditions. There was no evidence to suggest that there were any structural deficiencies in the vessel prior to the incident.
- 4.7 Prior to departure the Coast Guard were not informed of the number of passengers on board or of a passage plan. It was only after questioning by the passengers, that the Skipper gave the instructions to don the lifejackets. No attempt was made to use the correct procedures after an incident, namely contacting the Coast Guard immediately on the VHF radio. Instead the Skipper opted to contact the owner's representative by mobile phone, who also neglected to contact the emergency services. If the correct actions had been taken and the Coast Guard contacted the nearby rescue helicopter and lifeboats would have been placed on standby and immediately tasked if required.
- 4.8 The weather conditions encountered on the voyage would cause an extremely uncomfortable passage in a boat the size of the "*Flying Horse*" with heavy rolling and pitching.
- 4.9 The life raft of the "*Flying Horse*" was stowed on the top of the wheelhouse and it would not be possible for a single crewmember to launch the life raft, control the boat and muster passengers.

S.I. No. 649 of 2005 details the *Responsibility of the Owner for the safe manning of the passenger boat as follows:*

"The owner of a passenger boat shall have regard to the nature and length of the voyage on which the boat is about to proceed and shall ensure that there are a sufficient number of crewmembers for the voyage".

There were insufficient crewmembers carried for the safe operation of the vessel at the time of the incident.

5. CONCLUSIONS

- 5.1 The “*Flying Horse*” was proceeding at an excessive speed for the prevailing weather conditions.
- 5.2 The “*Flying Horse*” had insufficient crew for the nature of the voyage.
- 5.3 Following the flooding in of water, the Skipper did not follow the appropriate procedures with regard to passenger muster or alerting the emergency services.
- 5.4 The Skipper did not possess the necessary qualifications for manning the “*Flying Horse*”.
- 5.5 There was insufficient lifesaving equipment for all persons on board and no suitable lifejackets for children.
- 5.6 The “*Flying Horse*” carried more passengers than its licence permitted.

6. SAFETY RECOMMENDATIONS

- 6.1 The Board recommends that the Minister continues to enforce the passenger boat regulations in relation to passenger boat operators including the conditions attached to passenger boat licences.

7. LIST OF APPENDICES

	PAGE
7.1 Met Éireann Report	14
7.2 Photograph of life jackets position	20
7.3 Chartlet of area of incident	21
7.4 Photographs of damage sustained	22

Appendix 7.1 Met Éireann Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill,
Dublin 9, Ireland.

Cnoc Ghlas Naíon
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie

Marine Casualty Investigation Board
Leeson Lane
Dublin 2

7/8/2012

Our Ref. WS 3018/2_14695
Your Ref. MCIB/12/220

Re: Estimate of weather conditions in the Skellig Islands sea area, on the 29th June 2012, between 6 and 18 hours

Dear Ms Conway,


Please find enclosed the above report.

Yours sincerely,

Evelyn Murphy B.Sc. M.Sc. Meteorologist
(Research & Applications Div)
Ph 01- 8064290 Fax 01 – 8064247
Email: evelyn.murphy@met.ie



Appendix 7.1 Met Éireann Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill, Cnoc Ghlas Naíon Tel: +353-1-806 4200
Dublin 9, Ireland. Baile Átha Cliath 9, Éire. Fax: +353-1-806 4247
www.met.ie E-mail: met.eireann@met.ie

7/8/2012

Our Ref. WS 3018/2_14695
Your Ref. MCIB/12/220

**Estimate of weather conditions in the Skellig Islands sea area, on the 29th
June 2012, between 6 and 18 hours.**

General Situation
A deep area of Low Pressure centred to the north-west of the Country gave a south-west to westerly airflow over the area

Details
6-12 hours
Winds: Moderate occasionally Fresh, Force 4 occasionally Force 5 and gusting 20 to 25 knots, from a mainly south-west to westerly direction.


Weather: cloudy at times but also good sunshine at times, with a few, mostly light, showers in the area.

Visibility: mostly moderate to good.

Seastate: Moderate, about 2 metres significant wave height, from a mainly south-westerly direction.

Temperatures: air and sea temperatures were close to 14°C throughout

.....continued



Appendix 7.1 Met Éireann Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill,
Dublin 9, Ireland.

Cnoc Ghlas Naíon
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie

.....WS3018/2_14695 continued

12-18 hours

Winds: Moderate to Fresh, Force 4 to Force 5, mainly from a westerly direction

Weather: generally dry, although there were a few showers in the area, and mostly cloudy with occasional sunny spells

Visibility: mostly good, occasionally moderate in any light showers.

Seastate: Moderate, later Rough, from a south-west to west direction.

Temperatures: air and sea temperatures were close to 14°C throughout

Evelyn Murphy B.Sc. M.Sc. Meteorologist
Research & Applications Division
Met Éireann



Appendix 7.1 Met Éireann Report.

M3	time	latitude	longitude	Significant wave Height (metres)	Max wave height (metres)	mean wave direction (degrees from north)	Mean wave period (seconds) corresponding to sig. Ht.	mean wind direction (degrees from north)	wind gust (knots)	mean wind speed (knots)
62092	29-jun-2012 00:00:00	51.2	-10.5	2.5	3.4	219.4	9	287.9	17.7	12.2
62092	29-jun-2012 01:00:00	51.2	-10.5	2.3	3.3	219.4	9	264	17.7	11.4
62092	29-jun-2012 02:00:00	51.2	-10.6	2.3	3.6	216.6	8.8	252.4	18.7	14.9
62092	29-jun-2012 03:00:00	51.2	-10.6	2.3	2.9	220.8	8.7	240.1	19.2	14.1
62092	29-jun-2012 04:00:00	51.2	-10.6	2.3	3.7	222.2	8.9	230.6	18.9	14.5
62092	29-jun-2012 05:00:00	51.2	-10.6	2.3	3.3	220.8	8.8	235.5	17.8	13.7
62092	29-jun-2012 06:00:00	51.2	-10.6	2.5	3.8	222.2	8.7	253.8	19.9	11.7
62092	29-jun-2012 07:00:00	51.2	-10.6	2.5	3.7	226.4	8.8	294.3	15.2	11
62092	29-jun-2012 08:00:00	51.2	-10.6	2.3	3.3	227.8	7.7	280.5	17.7	13.8
62092	29-jun-2012 09:00:00	51.2	-10.6	2.3	3.3	233.4	8.2	283	19.2	15.1
62092	29-jun-2012 10:00:00	51.2	-10.5	2.3	3.3	234.8	8	293.2	19.8	15.1
62092	29-jun-2012 11:00:00	51.2	-10.5	2.2	3.6	232	7.9	274.6	18.4	13.4
62092	29-jun-2012 12:00:00	51.2	-10.5	2	3.2	239.1	7.7	273.9	19.4	15.5
62092	29-jun-2012 13:00:00	51.2	-10.5	2.2	2.9	247.5	7.6	269.3	19.5	14.4
62092	29-jun-2012 14:00:00	51.2	-10.5	2.2	3	255.9	7.5	276.3	20.4	13.2
62092	29-jun-2012 15:00:00	51.2	-10.5	2.5	3.6	274.2	7.9	265.1	21.9	17.4
62092	29-jun-2012 16:00:00	51.2	-10.6	2.7	3.8	265.8	7.9	263	19.5	15.8
62092	29-jun-2012 17:00:00	51.2	-10.6	2.3	3.2	281.3	7.5	265.8	19.2	14.8
62092	29-jun-2012 18:00:00	51.2	-10.6	2.8	4	282.7	8.6	266.5	19.5	15.2
62092	29-jun-2012 19:00:00	51.2	-10.6	3.1	4.9	289.7	8.8	272.5	18.4	14.4
62092	29-jun-2012 20:00:00	51.2	-10.6	3	4.8	284.1	8.4	271.8	18.1	14
62092	29-jun-2012 21:00:00	51.2	-10.6	3	4.4	291.1	8.7	271.4	18.1	13.5
62092	29-jun-2012 22:00:00	51.2	-10.5	3	4.7	300.9	8.6	287.9	20.4	15.7
62092	29-jun-2012 23:00:00	51.2	-10.5	2.7	3.3	300.9	8.2	285.8	20.6	15.4

Appendix 7.1 Met Éireann Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill,
Dublin 9, Ireland.

Cnoc Ghlas Naíon
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie

Beaufort Scale of Wind				
Force	Description	Speed* knots km/hr	Specification -sea	Wave height** (metres)
0	Calm	<1	<1	Sea like mirror
1	Light air	1-3	1-5	Ripples
2	Light breeze	4-6	6-11	Small wavelets
3	Gentle breeze	7-10	12-19	Large wavelets, crests begin to break
4	Moderate breeze	11-16	20-28	Small waves becoming longer, frequent white horses
5	Fresh breeze	17-21	29-38	Moderate waves, many white horses, chance of spray
6	Strong breeze	22-27	39-49	Large waves, white foam crests, probably some spray
7	Near gale	28-33	50-61	Sea heaps up, streaks of white foam
8	Gale	34-40	62-74	Moderately high waves of greater length
9	Strong gale	41-47	75-88	High waves, dense streaks of foam, spray may reduce visibility
10	Storm	48-55	80-102	Very high waves, long overhanging crests, visibility affected
11	Violent storm	56-63	103-117	Exceptionally high waves, long white foam patches cover sea
12	Hurricane	64+	117 & over	Air filled with foam and spray, sea completely white

*Speed a mean speed at a standard height of 10 metres.

**Wave height is only intended as a guide to what may be expected in the open sea. Bracketed figures indicate the probable maximum wave height.

Wave Heights / State of Sea

The wave height is the vertical distance between the crest and the preceding or following trough. The table below gives a description of the wave system associated with a range of significant wave heights. The Significant wave height is defined as the average height of the highest one-third of the waves. (It is very close to the value of wave height given when making visual observations of wave height.)

Sea State (Descriptive)	Significant Wave height in meters
Calm	0 – 0.1
Smooth (Wavelets)	0.1 – 0.5
Slight	0.5 – 1.25
Moderate	1.25 – 2.5
Rough	2.5 – 4
Very rough	4 – 6
High	6 – 9
Very high	9 – 14
Phenomenal	Over 14

Individual waves in the wave train will have heights in excess of the significant height. The highest wave of all will have a height about twice the significant height

Visibility Descriptions of visibility mean the following:

Visibility (Descriptive)	Visibility in nautical miles (kilometres)
Good	More than 5 nm (> 9 km)
Moderate	2 – 5 nm (4 – 9 km)
Poor	0.5 – 2 nm (1 – 4 km)
Fog	Less than 0.5 nm (< 1km)

Appendix 7.1 Met Éireann Report.

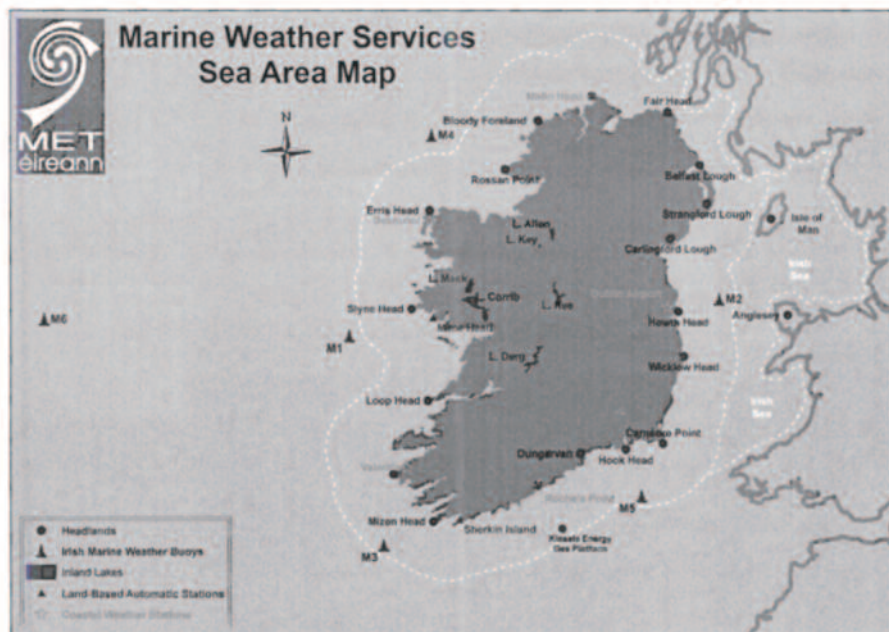


MET ÉIREANN *The Irish Meteorological Service*

Glasnevin Hill,
Dublin 9, Ireland.

Cnoc Ghlas Naíon
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
Fax: +353-1-806 4247
E-mail: met.eireann@met.ie



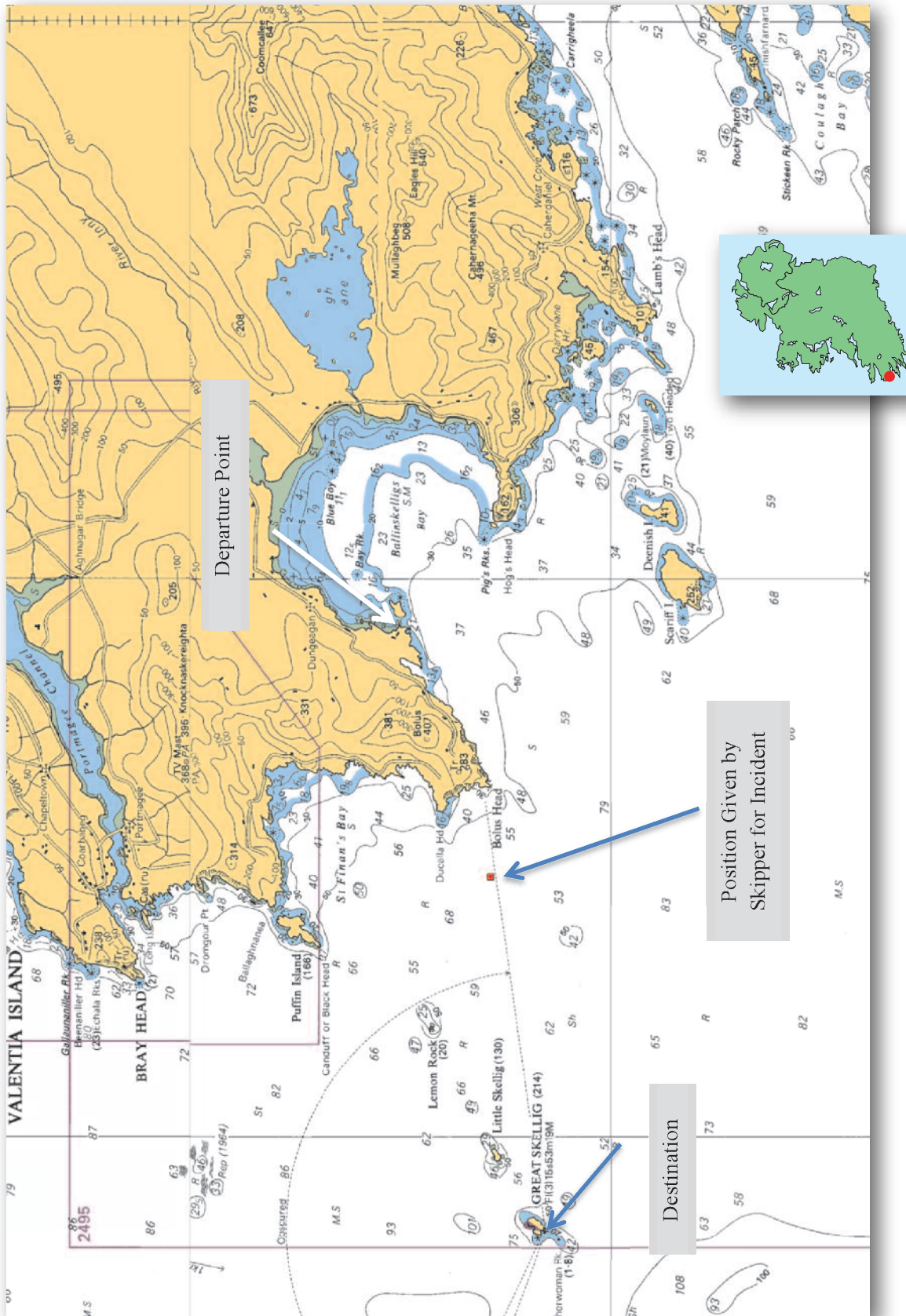
APPENDIX 7.2

Appendix 7.2 Photograph of life jackets position.



Cabin Seating Arrangement & Lifejacket Lockers.

Appendix 7.3 Chartlet of area of incident.



Appendix 7.4 Photographs of damage sustained.



Photo 1: Flying Horse At Ballinskelligs Subsequent to Incident.

Appendix 7.4 Photographs of damage sustained.



Photo 2: General View of Craft.

Appendix 7.4 Photographs of damage sustained.



Photo 3: General Area of Damage.



Photo 4: Close-up of Hull Damage.

Appendix 7.4 Photographs of damage sustained.



Photo 5: Close-up of Hull Damage.

8. CORRESPONDENCE RECEIVED

PAGE

8.1 Barry, Turnbull & Co Solicitors and MCIB Response

27

Correspondence 8.1 Barry, Turnbull & Co Solicitors and MCIB Response.

Barry, Turnbull & Co. Solicitors

33/34 WASHINGTON STREET WEST, CORK.

Our Ref. VT/AM/

Your Ref.

Date 11th October, 2013.



Ms. Cliona Cassidy,
Chairperson,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Dear Ms. Cassidy,

**Re:- Investigation into incident on passenger boat "Flying Horse",
Off the Skellig Islands, Co. Kerry on the 29th June, 2012.**

We confirm your draft Report of the 6th September, 2013, addressed to [REDACTED] has been handed to us for our attention. We confirm also that we have been consulted by [REDACTED] who is also affected by this Report.

Both our clients have significant observations and criticism of the contents of the Report. Our client are not legally in a position to pass any comment at this time. We would also be of the opinion that the Marine Casualty Investigation Board are not in any position to complete or finalise a Report at this time as there are criminal prosecutions pending by the Department of Transport against both [REDACTED] and the skipper. We believe the issuing of any Report by the MCIB could prejudice a fair trial by our clients and could prejudice their hearing and lawful defence in relation to the alleged prosecution against them.

Our clients do not wish to take any action through the Courts preventing the MCIB from finalising/publishing this Report and they will refrain from doing so, if the MCIB confirm that they will not finalise the Report and will await submissions from our clients after the Department of Transport prosecution has been completed.

Correspondence 8.1 Barry, Turnbull & Co Solicitors and MCIB Response.

Continuation sheet.....2
11th October, 2013.

If you wish to verify the extent and nature of the proceedings we confirm you should contact the Department of Transport or alternatively the State Solicitor for Kerry.

We await your confirmation on the above.

Yours faithfully,

BARRY, TURNBULL & CO.

MCIB RESPONSE: The MCIB notes the contents of this correspondence. The MCIB has a statutory obligation to publish a report under Section 34 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. Under Section 36 of the same Act observations submitted to the MCIB 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. The MCIB's function is to establish the causes of a marine casualty with a view to making recommendations for the avoidance of similar marine casualties. It is not the purpose of an investigation to attribute blame or fault. The MCIB is an independent body and is independent of the Minister for Transport, Tourism and Sport in the performance of its functions.