

MCIB

Marine Casualty Investigation Board
Bord Imscrúdú Taisní Muirí



**REPORT OF THE INVESTIGATION
INTO A FATAL INCIDENT**

**ON
LOUGH CORRIB,
CO. GALWAY
ON
26th MAY 2016**

**REPORT NO. MCIB/259
(No.4 OF 2017)**

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

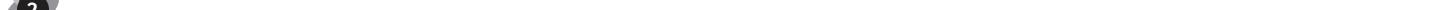
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1. SUMMARY

On the 26th May 2016 a recreational angling boat with two persons on-board set out for an afternoon of rod-fishing from Carrowmoreknock, Co. Galway. While moving towards the final fishing ground the vessel allided with a fixed navigation mark. One person fell overboard and was subsequently recovered and landed ashore to an ambulance. The person passed away in hospital.

All times given in IST.

2. FACTUAL INFORMATION

2.1 Vessel Characteristics

2.1.1 The vessel is a moulded glass reinforced plastic (GRP) clinker style ‘Lough Corrib’ open pleasure craft. The vessel is constructed with timber keel running from the stem to aft of amidships, the aft section is fitted with twin timber keels leading to a transom shaped stern. The vessel is fitted with timber gunwales and three timber thwarts. There is a small covered section above a buoyancy chamber in the forward part and there is one buoyancy chamber on each side of the amidships sections. The vessel was fitted with an 18 horsepower (hp) outboard engine at the time of the incident.

2.1.2 Principal Particulars:

Name:	No name given.
Year:	Between 2001 - 2006.
Length Overall:	5.80 metres (m).
Beam:	1.64 m.
Draft:	0.68 m (Approximately).
Type:	Lough Corrib Open Boat.
CE Plate:	The vessel has no CE plate.
Builder:	Unknown.
Engine Details:	Tohatsu MFS1882 - four stroke - year 2004.
Engine Rating:	18 hp
Fishing Category:	Recreational rod fishing.
Crew:	2 including the Skipper.

2.2 Voyage Particulars

2.2.1 The vessel was crewed by the Owner and one crewmember. The voyage commenced with a departure from Carrowmoreknock, known locally as Collinamuck, at approximately 13.00 hrs on the 26th May 2016 and the families expected them to return to Carrowmoreknock at approximately 18.30 hrs. The vessel was returning towards Carrowmoreknock at approximately 17.00 hrs, when the vessel allided (struck a fixed object) with a Lough Corrib navigation mark (see Appendix 7.1 Excerpt chart from Lough Corrib Chart Book).

2.2.2 The Crewmember, who was not wearing any form of PFD, fell overboard and the Owner found him lying face-up and unconscious in the water. The Owner and two anglers, who came to his assistance, recovered the injured Crewmember and motored back towards Carrowmoreknock. The injured Crewmember had suffered a head injury, and was unconscious and breathing. One of the other anglers raised the alarm by mobile phone and a paramedic was waiting at Carrowmoreknock when the vessel docked and the ambulance arrived a few minutes later.

2.2.3 Met Éireann reported the weather conditions as being good, with only very light breezes across the surface of the Lough. The sky was overcast but it was a bright day with good visibility (see Appendix 7.2 Met Éireann Weather Report).

2.3 Type of Casualty

2.3.1 The Crewmember suffered a head injury and passed away two days later in hospital thus classifying this occurrence as a fatal incident/marine casualty. There was no pollution. The vessel suffered some structural damage in the forepart.

2.4 Emergency Response

2.4.1 The time line of the response is set out below:

26th May 2016

17.00 hrs Approximate time that the vessel allided with a fixed navigation mark and the Crewmember fell overboard.

17.15 hrs Approximate time of mobile phone call from assistant angler to the 999 /112 service.

17.16 hrs Report from National Aeromedical Coordination Centre (NACC) to Malin Head Coast Guard Radio (Call Sign: EJM) regarding an incident on Lough Corrib, one male with head injury.

17.21 hrs NACC advise Irish Coast Guard (IRCG) that the casualty is with the ambulance crew and no assistance is required.

2.4.2 The response time was short and the Crewmember was taken into medical care within approximately 21 minutes of the incident occurring. The emergency services maintained contact with the other angler while the vessel was motoring into Carrowmoreknock/Collinamuck. During this time the injured Crewmember's breathing was monitored and reported to the emergency services via the mobile phone.

3. NARRATIVE

- 3.1 On the 26th May 2016 the Owner of an open recreational angling boat and a friend went fishing on Lough Corrib. Both persons had fished the area for approximately fifty years.
- 3.2 The voyage commenced with a departure from Carrowmoreknock, known locally as Collinamuck, at approximately 13.00 hrs. The families of both the Owner and the Crewmember were aware of the intention to rod-fish for the afternoon and return to Carrowmoreknock at approximately 18.30 hrs.
- 3.3 The Owner was wearing a Wavehopper Inflatable Flyvest Personal Flotation Device (PFD) and carrying a mobile phone. The Crewmember was not wearing any form of PFD and no PFD was available for him within the vessel. Both crewmembers had a cushioned seat secured with velcro tape to their respective thwart. Apart from a fuel tank, fishing rods and fishing equipment there was no other equipment in the vessel. The vessel was fitted with an 18 hp four stroke outboard engine and two oars.
- 3.4 The weather was fine and the wind and waves were light.
- 3.5 The vessel was returning towards Carrowmoreknock at approximately 17.00 hrs, but the friends decided to fish one more time before returning ashore. The Owner was seated beside the outboard engine controls in the aft-starboard part of the vessel while the Crewmember was seated on the forward thwart on the port side of the vessel. The Owner's last sighting of the Crewmember before the allision was seated in the forepart, holding his fishing rod with two hands.
- 3.6 The vessel was motoring in a south easterly direction within a channel when the port bow allided with the last fixed navigation mark in that section of the channel before Collinamuck Bay. The allision caused the vessel to ride up on an underwater portion of the navigation mark structure before slipping back into the channel.
- 3.7 The navigation mark was described as of vertical, cylindrical, cement pipe construction and located approximately half a mile north of Bullaun Point (see Appendix 7.3 Photograph Nos.1 and 2). It is estimated that the position of the incident was 53° 25.6'N 009° 11.3'W at marker No.112. The marker stands approximately 2m above the surface, is approximately 2m wide, is painted white and is fitted with a green coloured topmark which is labelled with an identification Marker No.112. Marker No.112 is the only navigation mark of cement pipe construction in the immediate area. Marker No.112 lies half a mile north of Bullaun Point. A chart for the area can be seen in Appendix 7.1. The construction drawings of the channel marks can be seen in Appendix 7.4.

- 3.8 The Owner then noted the Crewmember lying in the water approximately 20m astern of the vessel. The Crewmember was lying face-up in the water but was unresponsive. The vessel was motored towards the Crewmember and the Owner attempted to recover him and pull him back on-board.
- 3.9 At this time two other anglers arrived in another vessel to assist. One of the assisting anglers transferred into the incident vessel and assisted the Owner with recovering the Crewmember into the vessel.
- 3.10 The Owner was somewhat re-assured that the Crewmember was lying face-up thereby reducing the possibility of drowning but he also was very concerned as to the short time available for recovery due to the Crewmember's wellington boots filling with water and his clothing becoming saturated.
- 3.11 The assistant angler used his mobile phone to call 999/112 and ask for the ambulance service. The phone line was kept open and details of the injured Crewmember's condition were reported and monitored as the Owner motored the vessel towards Carrowmoreknock. A mobile paramedic was the first medical-care person to arrive at the pier in Carrowmoreknock. The paramedic placed the injured Crewmember onto a backboard in preparation for transfer to the ambulance when it arrived a few minutes later.
- 3.12 The injured Crewmember was transferred to hospital where he passed away on the 28th May. The post-mortem states that the cause of death was due to severe head injuries sustained in the incident.
- 3.13 Damage was noted to the forward part of the vessel. The Owner stated that all of this damage was caused by the allision of the 26th May (see Appendix 7.3 Photographs).
- The forward part of the vessel is damaged due to the allision (see Appendix 7.3 Photograph No. 3).
 - The timber stem and port side timber gunwales are scratched (see Appendix 7.3 Photograph No. 4).
 - The joins between the breast hook and the gunwales are opened up (see Appendix 7.3 Photograph No. 5).
 - The timber keel and the GRP garboard strake are scratched over a length of half a metre on the starboard side (see Appendix 7.3 Photograph No. 6).
 - One strake on the port side is lightly scratched at the fore part (see Appendix 7.3 Photograph No. 7).

3.14 There was no evidence on the vessel or on the navigation mark to indicate the location on which the Crewmember struck his head.

3.15 Met Éireann reported the weather conditions as follows:

Wind: Light to moderate Force 2/3, occasionally Force 4 from a mainly easterly or north-easterly direction.

Weather: Overcast and dry until 17.00 hrs, occasional outbreaks of drizzle in the evening.

Visibility: Good, occasionally moderate in drizzle (see Appendix 7.2 Met Éireann Weather Report).

4. ANALYSIS

- 4.1 The Department of Transport, Tourism and Sport provides both legal requirements and best practise for voyages such as that undertaken on this day. The Code of Practice for the Safe Operation of Recreational Craft, (hereafter known as the Code), sets out the statutory requirements in Part A and recommendations and best practice guidelines in Part B of the code. Some of the main mandatory requirements referred to in Part A include The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005), as amended by the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012).
- 4.1.1 The Code states in Section 1.2.8 “that recreational craft of 2.5m and greater and not more than 24m in length, constructed after the 15th June 1998, and sold within the European Union must comply with the requirements of the Recreational Craft Directive 94/25EC, as amended.”
- 4.1.2 The Directive requires all such craft to have a CE mark to demonstrate that the craft is of adequate construction, stability, freeboard and buoyancy in compliance with the regulations. The CE plate must specify the manufacturer’s name, boat design category, maximum persons capacity and the maximum load including the mass of the outboard engine (excluding full fuel and water tanks), in accordance with BS EN ISO 14945. At the time of MCIB inspection the vessel was not fitted with a CE plate, there was no evidence of a CE plate having been removed and there was no information available regarding the vessels compliance with the Directive or otherwise. The boat was purchased in a new condition from a local merchant between 2001 and 2006, a period covered by the Directive. It was not possible to identify any evidence in relation to the construction date of the boat or any more accurate purchase date.
- 4.1.3 In this case the original approved engine power is not available. However, it is most likely the case that an outboard engine with a power rating of 18 hp would be too powerful for this size and type of craft. Such a craft when powered by an 18 hp engine would have the capacity to travel at an unsafe speed and in a semi-planing mode which is outside of the design characteristics of the craft. Whilst operating in this condition there will be an increased trim and a substantial reduction in visibility from the steering position in contravention of the Directive section 2.4 Annex 1.
- 4.1.4 There were difficulties in maintaining a proper look-out while in the stern part of any similar vessel. The weight of the engine and the Helmsman in the aft part of the vessel combined with the vessel having a greater freeboard at the forward part, all contribute towards an increased stern trim and reduced visibility. Any Crewmember seated in the forward part would reduce the trim to some extent but would also require the Helmsman to look left and right of a Crewmember when making way through the water.

- 4.1.5 The Owner stated that he did not see the navigation mark prior to the allision and did not see the Crewmember falling overboard or landing in the water. Section 1.2.1 of the Code incorporates the International Regulations for the Prevention of Collisions at Sea (Colregs) within Irish waters and for recreational craft. All owners, skippers and persons in charge of recreational craft should be fully familiar with the Colregs. The importance of continually maintaining a safe look-out cannot be over-emphasised. Specifically, Rule 5 of the Colregs, which apply on the Corrib, directs how a safe look-out must be maintained at all times so as to make a full appraisal of the situation and the risk of collision. This rule is also referenced in Appendix 1 of the Code.
- 4.1.6 The vessel rode-up and over part of the underwater structure of the navigation mark and then continued back into the channel due to the vessel's momentum. A photograph of the navigation mark can be seen at Appendix 7.3 Photograph No. 1. As shown in Appendix 7.3 Photograph Nos. 4 and 5 the join between the gunwales and the stem in-way-of the breast hook is opened up. There is scarring damage to the keel and strakes on the starboard side indicating the vessels forward motion during the allision. These scars are likely to have been caused by the metal bar in Appendix 7.3 Photograph No. 2. Combining the issues of scarring on the hull with the momentum of the boat and the fact that the vessel was fitted with a four stroke 18 hp engine there is a likelihood that the vessel was not travelling at a safe speed. Rule 6 of the International Regulations for the Prevention of Collisions at Sea states that every vessel shall at all times proceed at a safe speed so as to take proper and effective action to avoid a collision. When determining a safe speed there are a number of factors to be taken into account, the first being the state of visibility.
- 4.2 Marine Notice No. 26 of 2015 provides direction towards the Code of Practice for the Safe Operation of Recreational Craft as a useful source of information relating to requirements and advice on best practice for operators, owners and users of recreational craft. Section 4.2.2 of the Code categorises the recommended list of equipment for Category F Vessels, into which this vessel falls (see Appendix 7.5).
- 4.3 The Crewmember was not wearing a PFD and none was available for him within the vessel's equipment. The Owner's model of PFD is a Wavehopper Inflatable Flyvest. This is a waistcoat style PFD with pockets to facilitate fly-fishing equipment. The PFD has a single gas charge inflating an internal bladder providing 120 newtons of buoyancy. The PFD had no crotch strap fitted. Upon inspection, the Owner's PFD was past its required service date by two and a half years. There is no evidence to suggest that these facts were contributory causes to the incident. The equipment taken for the voyage was not in line with S.I. No. 921 of 2005 or the Code.
- 4.4 The Owner and the Crewmember had informed parties ashore of their intentions for the day and their likely return time.

- 4.5 There are multiple sources of information detailing the legal requirements and further guidance in the operation of recreational pleasure craft. Of primary importance is the legal requirement that every person must wear a PFD when on-board any moving pleasure craft less than 7m in length. This legal requirement is described within S.I. No.921 of 2005 and the Code. Shortened versions of legislative documents are widely promulgated by the Irish Maritime Administration in the form of Marine Notices, namely Marine Notice No. 10 of 2016 for PFD regulations.
- 4.6 Section 1.6.1 of the Code states that the Corrib is managed by the Corrib Navigation Trustees. Section 1.6.2 of the Code states that the navigation system on the Corrib “uses a red and black lateral bouyage system which is the reverse of the Shannon one, i.e. Black to Port going upstream”. Conversely the chart and drawing appendices indicate the use of the International Association of Lighthouse Authorities IALA Region A buoyage system. A northbound direction of buoyage is implemented in this area of Lough Corrib; the green lateral marks must be kept to starboard and the red lateral marks must be kept on the port side as a vessel travels northwards in the channel.
- 4.6.1 Marker No. 112 is a fixed navigation mark of cement structure built upon a rock base. It is not a floating structure anchored by a chain like that of a navigation buoy. Navigation mark No. 112 is referred to as a “Beacon” and more accurately an “Unlit Beacon”. This beacon and many others along this stretch of Lough Corrib have been fitted with topmarks to indicate that they are port and starboard lateral marks of a well-defined channel. As many of the navigation marks on Lough Corrib are beacons, it is not required that they are constructed in the conical or can shape of lateral buoys.

However, as confirmed with the Commissioners of Irish Lights; the IALA Maritime Buoyage System Guide requires the colour of lateral marks to be red or green as appropriate based on Region A. Additionally, as the shape of the beacons are not cone or conical shapes it is required that top marks are fitted to identify the said beacons as lateral marks (Section 2.3.2). Photograph No. 8 of Appendix 7.3 shows beacons Marker No. 111 and 112 photographed from approximately 20m.

- 4.6.2 The view of the topmarks does not represent a clear “can” shape on the port side beacon and “cone” shape on the starboard hand beacon. Other beacons in this section of channel are fitted with the same type of topmarks. The fact that many Lough users are positioned low down in small boats and generally looking upwards towards topmarks that are silhouetted against the background sky make colour more difficult to identify. The topmark shapes are not in accordance with the IALA topmark shapes and are of a relatively small size. The starboard hand topmarks appear to be four-sided rather than a pure “cone” shape. The port hand topmarks appear to be seven sided polygons rather than a “cylinder” or “can” shape. Appendix 7.3 Photograph No. 8 is presented along with an extract of the IALA Guide.

4.6.3 The IALA Guide states that:

“...the protocol for numbering lateral marks, especially in confined waterways, should be even numbers on red ~ odd numbers on green”.

The general direction of buoyage in this area of Lough Corrib runs from south to north as indicated by the chartlet in Appendix 7.1 and the construction diagram in Appendix 7.4. As an example navigation Marker No. 112 is a starboard hand mark and as such under the IALA numbering scheme should have an uneven number whereas it is currently numbered 112, an even number. The same applies to all other marks in the construction diagram and chartlet.

4.7 The Owner noted his gratitude towards the two assisting anglers who promptly came to his aide. The Owner would have been faced with a difficult task in acting alone and without any approved distress signals to attract attention.

5. CONCLUSIONS

- 5.1 The allision occurred because of the lack of a safe look-out just prior to the incident and due to poor visibility in the forward direction from the steering position. The engine of the vessel was too large and heavy for a vessel of this size and contributed to the bow being higher in the water and thus restricting the helmsman's view forward. It was clear that the vessel was travelling at a considerable speed which exacerbated the height of the bow as it raised the boat to semi-planing mode.
- 5.2 The Crewmember fell overboard due to the combination of the impact of the allision and not having an adequate handhold within the vessel. As stated in Section 3.12 of this report the cause of death was a head injury.
- 5.3 The vessel was inadequately equipped; the crew were under-resourced and under-prepared for the planned voyage. There was a lack of knowledge and implementation of the requirements and best practice regarding the safe operation of recreational craft. In particular the Crewmember was not wearing a PFD or any other flotation device.
- 5.4 The successful and prompt recovery of the casualty from the water was assisted due to the proximity of two anglers. The arrival of additional support assisted the Owner, allowing him to concentrate on motoring towards port while the assistant fisherman called for medical assistance and monitored the condition of the casualty and reported to the emergency services.
- 5.5 Guidance provided within the Code of Practice for the Safe Operation of Recreational Craft (revised issue 2008) as available on the Department of Transport, Tourism and Sport website (publication date 8th August 2013) does not accurately reflect the IALA buoyage systems adopted on Lough Corrib or some of the other inland waterways.
- 5.6 There are multiple public websites providing information about navigation on Lough Corrib. Expert marine users have developed some of these sites in a professional manner. However there is some level of diversity in the spectrum of freely available information with regards to the navigation buoyage system on the Lough.
- 5.7 The navigation beacon topmarks are of a relatively small size and the shapes can be misconstrued due to the present topmark fittings not being "conical" or "can" shaped. As the beacons are not coloured or shaped according to the IALA system it is important that the topmarks are an exact representation of the IALA system and of a suitable size so as to be clearly identifiable in shape.

- 5.8 The Lough Corrib navigation mark numbering system is not in line with the IALA numbering protocol.
- 5.9 The boat was not certified under the Recreational Craft Directive.

6. SAFETY RECOMMENDATIONS

- 6.1 The Minister for Transport, Tourism and Sport should issue a Marine Notice on the Recreational Craft Directive. This should address the requirement for recreational craft suppliers and manufacturers to comply with the requirements of the Recreational Craft Directive. The Marine Notice should also advise vessel owners to operate and maintain their craft in compliance with the Recreational Craft Directive including ensuring that any engine fitted is within the scope of the certification.
- 6.2 Owners and operators of recreational craft should comply with the Recreational Craft Code of Practice for the Safe Operation of Recreational Craft.
- 6.3 The Minister for Transport, Tourism and Sport should update the Code of Practice for the Safe Operation of Recreation Craft to clarify and provide more information on the navigation arrangements on Lough Corrib and other inland waterways as necessary. This is part of the Maritime Safety Strategy Action No. 16.
- 6.4 The Corrib Navigation Trustees should upgrade the topmarks fitted to the beacons in accordance with the IALA Region A system.
- 6.5 The Corrib Navigation Trustees should develop a single source of public user information in relation to navigation information on Lough Corrib. This will provide users of varying experience with the reassurance of acquiring the most up to date information available from an approved source.

7. APPENDICES


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APPENDIX 7.1

Appendix 7.1 Excerpt chart from Lough Corrib Chart Book, courtesy of Angling Charts.



Appendix 7.2 Met Éireann Weather Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill, Cnoc Ghlas Naíon Tel: +353-1-806 4200
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Our Ref. WS3018/2_16297
Your Ref. MCIB/12/259

Re: Estimate of weather conditions on Lough Corrib, Co Galway (53°29.00N 009°08.00W) on Thursday 26th May 2016 between 12 noon and 12 midnight.

General Situation: A slack and stable north-easterly airflow covered Ireland due to a large and semi-stationary ridge of high pressure over the Atlantic. A weakening frontal trough embedded in the flow extended westwards from the Irish Sea during the period.

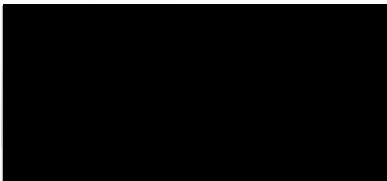
Details:

Wind: Mainly light occasionally moderate (Force 2 or 3 occasionally force 4) from an easterly or northeasterly direction

Weather: Overcast. Dry between 12noon and 5pm then occasional outbreaks of light rain or drizzle; turning to occasional outbreaks of moderate rain between 8pm and midnight.

Visibility: Mostly good but occasionally moderate in rain or drizzle.

Temperature: Highest air temperature 14 degrees Celsius. Lowest air temperature 10 degrees Celsius.



Meteorologist
 Climatology & Observations Division
 Met Éireann
 16 June 2016

Appendix 7.3 Photographs.



Photograph No. 1: Lough Corrib Navigation Marker No.112.



Photograph No. 2: Marker No. 112 showing a partially underwater metal bar from a previous navigation marking.

Appendix 7.3 Photographs.



Photograph No. 3: Damaged vessel, note damage to gunwales and stem.



Photograph No. 4: Close-up view of damage to stem, port side gunwales and opening of join to breast hook/weather deck.

Appendix 7.3 Photographs.



Photograph No. 5: Opening up of breast hook/weather deck on starboard side.



Photograph No.6: Damage to starboard side forward part of keel and garboard strake.

Appendix 7.3 Photographs.



Photograph No. 7: Scratches to port side gunwales and strake.

Appendix 7.3 Photographs.

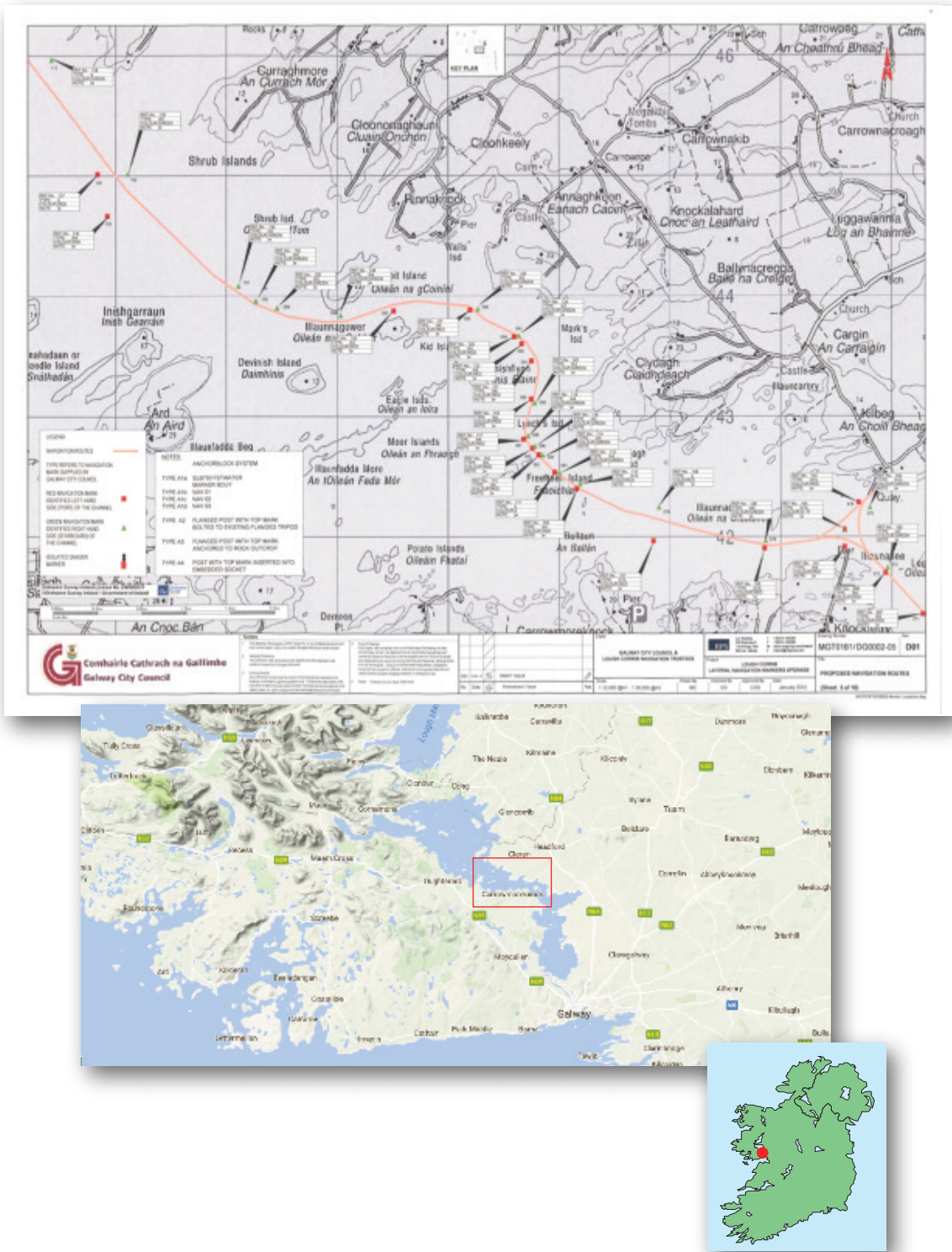


Photograph No. 8: Navigation Marks 112 and 111 with topmarks silhouetted against the sky compared to IALA system topmarks below.

2.4 Description of Lateral Marks used in Region A

	2.4.1 Port hand Marks	2.4.2 Starboard hand Marks
Colour	Red	Green
Shape of buoy	Cylindrical (can), pillar or spar	Conical, pillar or spar
Topmark (if any)	Single red cylinder (can)	Single green cone, point upward
Light (when fitted)		
Colour	Red	Green
Rhythm	Any, other than that described in section 2.4.3.	Any, other than that described in section 2.4.3.

Appendix 7.4 Construction drawings of channel section supplied by the Corrib Navigation Trustees.



Appendix 7.5 Code of Practice section 4.2.2.

Code of Practice section 4.2.2.

The Code in Section 4.2.2 categorises an open vessel, without shelter for occupants and less than 7m in length, operating on rivers and sheltered sections of lakes as a Category F craft. The minimum recommended list of equipment for such craft is as follows:

- I. An approved PFD of at least 100 Newtons for every person
- II. Appropriate clothing
- III. Boat hook
- IV. Two orange smoke signal canisters
- V. Aerosol or powered foghorn
- VI. Navigation lights as required by vessel length
- VII. Manual or electric bilge pump
- VIII. Folding anchor including suitable cleat(s)
- IX. Adequate warps/fenders
- X. Waterproof torch
- XI. Tool kit and appropriate spare parts for the engine
- XII. Appropriate first aid kit
- XIII. Suitable oars/oarlocks
- XIV. Suitable knife

The vessel was not equipped or operated according to the Code in that with the exception of oars and a fuel tank no other

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**PAGE**

Correspondence from Lough Corrib Navigation Trustees and MCIB response. 29

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

Correspondence 8.1 Lough Corrib Navigation Trustees and MCIB response.

Fiontaobhailthe Bealach Uisce Loch Coirib

Lough Corrib Navigation Trustees

Monica Quinn,
Marine Casualty Investigations Board,
Leeson Lane,
Dublin 2.

13th of March, 2017

Private and Confidential

Re: Fatal Incident on Lough Corrib, Co. Galway 26th of May 2016

A Chara,

I acknowledge receipt of your correspondence in relation to the above and I have reviewed same. Please note the following;

Section 5.5 – Code of Practise for Safe Operation of Recreational Craft
Upgrade works to the Navigation System on Lough Corrib were completed in 2014. We will write to the Department of Transport, Tourism and Sport to inform them of the Upgrade works to IALA Standards.

Section 5.7 – IALA Standards
All navigation markers (top markers) have been supplied by JFC Marine and are IALA approved and hence are the correct colour and shape.

Section 5.8 – Lough Corrib Numbering System
We acknowledge that the numbering system on the navigation markers is not in accordance the IALA numbering protocol and will endeavour through our annual work programme to amend this.

The Lough Corrib Navigation Trustees are continuously examining upgrades to the navigation system on Lough Corrib with limited resources. We endeavour to maintain the navigation system to the IALA Standards and to promote water safety for all users of Lough Corrib.



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

MCIB RESPONSE:
The MCIB believes that this conclusion is still merited and an amendment has been made at 4.6.1. The MCIB understands that there is no IALA approval or certification system.

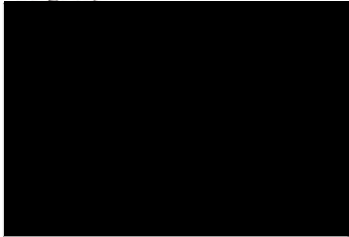
MCIB RESPONSE:
The MCIB notes the contents of this observation.

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

Correspondence 8.1 Lough Corrib Navigation Trustees and MCIB response.

If you have any other queries or require any further information, please do not hesitate in contacting me at 536556.

Regards,





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