

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

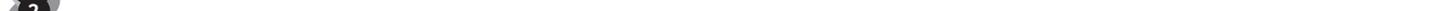
**REPORT OF
INVESTIGATION INTO
THE CAPSIZE OF THE
“BARBARA MARY”
AT KILKEE BAY, CO. CLARE
ON
18th SEPTEMBER 2008**

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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REPORT No. MCIB/163

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3rd December 2009



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1. SYNOPSIS

- 1.1 At around 15.15 hrs on 18th September 2008 a five metre glass fibre angling boat left the slip at Kilkee, Co. Clare. Fifteen minutes later the vessel capsized when beam on to a large wave. Mr. Edward McSweeney, a retired fisherman from Kilkee, was thrown into the water and drowned. Mr. Philip Brown, the owner of the boat, was trapped under the hull and rescued by the Kilkee Rescue Service a short time later.
- 1.2 Mr. McSweeney's body was recovered on the 21st September 2008 by local divers carrying out a search in conjunction with Garda and Naval Service divers.

2. FACTUAL INFORMATION

2.1 Technical specifications

Builders: Warrior Boats,
Centurion Court,
Leyland,
Lancashire,
PR25 3UQ, UK.

2.2 Construction: Glass fibre with under deck buoyancy chamber and cockpit

Length: 5.05 metres

Breadth: 2.15 metres

Draft: 0.256 metres

Freeboard: 0.810 metres

CE Cat.C

Max Persons 4

Max load 460Kg

Engine: 75 Hp Honda (max Hp 80)

2.3 Crew: Mr. Philip Brown Mr. Edward McSweeney

2.4 Timeline: 18th September 2008

15.00 hrs Mr. Brown and Mr. McSweeney arrived at the slip. Launch of boat delayed due to insufficient water.

15.15 hrs Boat launched.

15.25 hrs Vessel capsized by wave.
(*estimated*)

15.28 hrs Member of the public reported the capsized to a passer-by on the cliff top who then phoned the rescue services.

15.37 hrs PAN message broadcast by Irish Coast Guard.

15.38 hrs Kilkee Rescue responded that casualty was a wind surfer and was now recovered.

15.48 hrs A member of the public insisted they could see the upturned boat.

- 15.48 hrs Kilkee Rescue advised capsized boat still in same position.
- 15.52 hrs CHC Shannon advised and CG Helicopter R115 tasked to area.
- 16.00 hrs Kilkee Rescue launched RIB to investigate.
- 16.10 hrs Kilkee Rescue on scene.
- 16.15 hrs R115 on scene.
- 16.26 hrs R115 enquire of Kilkee Rescue “Have you looked under hull?”
Kilkee Rescue reply: “Divers on way”.
- 16.37 hrs Survivor located under upturned hull.
- 16.45 hrs Survivor identified as Mr. Philip Brown recovered from water.
- 16.52 hrs Mr. Brown transferred to R115 and onwards to Kerry General Hospital, Tralee.
- 20.18 hrs Search for second missing man concluded for the day.

2.5 Timeline: 19th September 2008

No search due to bad weather.

2.6 Timeline: 20th September 2008

Search resumed. Some debris from the boat recovered by Kilkee Diving Club.

2.7 Timeline: 21st September 2008

12.53 hrs Body of Mr. Edward McSweeney recovered from the water.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 Mr. Philip Brown had contacted Mr. Edward McSweeney and made arrangements to meet him on the pier at Kilkee at 14.30 hrs on 18th September 2008.

Mr. Brown was the owner of a new Warrior Stealth inshore angling vessel and Mr. McSweeney frequently crewed the boat with him.

The boat was mainly used for angling but Mr. Brown had three lobster pots, which he regularly placed in the area close to the Pinnacles, a group of rocks located in the South West corner of the bay.

- 3.2 Winds from the South to South West, Force 4 to 5, were predicted but Kilkee Harbour area is sheltered from this direction. At *circa*. 15.00 hrs the boat was launched off its trailer and proceeded on passage to the Western side of the harbour.

Mr. Brown wore a personal flotation device (PFD) but Mr. McSweeney did not. Mr. Brown stated that Mr. McSweeney was not amenable to wearing a PFD.

- 3.3 There was a lively but not excessive sea state as they traversed the harbour which combined a Northwesterly swell with a Southwesterly wave direction.

- 3.4 The Warrior Stealth has a CE Cat.C rating. Category C vessels are rated for inshore service. Boats in this category would generally be expected to be in excess of 5m in length and operate within 10 miles of land, and always about four hours from a safe harbour that can be accessed at all times and under all tidal conditions.

They are considered to be capable of operating in seas up to 2 metres and winds up to Beaufort 6.

4. THE INCIDENT

- 4.1 As the vessel passed to the north of the Pinnacles she encountered a sudden large increase in swell height on her beam and capsized.

Mariners familiar with the area are aware of this sudden increase in swell height, which is in the vicinity of a sea mount just offshore to the north of the Pinnacles.

Photograph 3 shows some indication of larger waves still forming and photograph 4 shows a reduction in wave energy.

- 4.2 Mr. Brown was trapped inside the hull of the vessel when his PFD inflated while Mr. McSweeney was either flung clear or dragged to the bottom.

Mr. Brown had equipped his boat with an EPIRB and a GMDSS VHF. He had no time to press the emergency button on the VHF and the EPIRB did not deploy.

He had a total of four PFD's in the boat of the inflatable type none of which were fitted with a crotch strap. His own PFD rose up around his head and came off his shoulders.

- 4.3 The capsize was observed by an onlooker who took the photographs of the incident shown in Appendix 8.1 and who brought it to the attention of another member of the public who immediately phoned the emergency services at 15.28 hrs.

It was at first assumed by the local volunteer rescue service that the call referred to a wind surfer who had been observed safe and returned to the quay.

Nevertheless, members of the rescue service drove to a vantage point overlooking the bay to get a visual confirmation of the situation.

The witness was adamant that a boat had capsized and the Irish Coast Guard directed the Kilkee Rescue Service accordingly.

A volunteer made contact with the member of the public at 15.48 hrs and initiated launch procedures for the rescue boat. Coastguard helicopter R115 was tasked at 15.52 hrs.

Kilkee Rescue Boat was launched at 16.00 hrs and the CG helicopter R115 took off at 16.05 hrs.

- 4.4 At 16.10 hrs the first of the Kilkee Rescue boats were on scene and shortly thereafter was joined by R115. A second boat arrived on scene with divers and at 16.37 hrs Mr. Brown was located under the boat by two divers from the Kilkee Rescue centre.

- 4.5 Mr. Brown was described as confused and unwilling to leave the bow area of the boat. The divers reported the atmosphere in the bow area was difficult to breathe and after a brief consultation they decided to pull Mr. Brown under the water to get him clear of the boat.

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 It was decided to transfer Mr. Brown to shore in the Kilkee Rescue RIB and from there he was transferred to R115 and flown to Kerry General Hospital in Tralee where he subsequently made a full recovery.
- 5.2 Mr. Brown's boat was recovered from the water sustaining only minor damage to protruding aerials as it was hauled onto the slip at Kilkee.
- 5.3 The search for Mr. McSweeney continued until 20.18 hrs at which time it was called off for the night.
- 5.4 Bad weather on the 19th September 2008 prevented further searches for Mr. McSweeney's body.
- 5.5 On the 20th September the search was continued by Naval Service and Garda divers, and members of the local diving club.
- 5.6 At 12.53 hrs on the 21st September Mr. McSweeney's body was located and recovered from the water.

6. CONCLUSIONS

- 6.1 There was a period of delay between the alarm being raised initially and the launching of rescue boats and R115, as a consequence of which, assumptions were made by the first responders.

While Mr. Brown had notified his wife of the time of departure and return he did not notify the Irish Coast Guard who would subsequently have been in a better position to react to the first alarm call.

- 6.2 The sea and weather conditions within the area where the vessel intended to operate were within the safety parameters of a Class C pleasure boat.
- 6.3 The EPIRB was located inside the wheelhouse and could not be deployed by means of a hydrostatic release mechanism.
- 6.4 Mr. Brown's personal flotation device was not fitted with a crotch strap. (see Appendix 8.2).
- 6.5 Mr. Brown had no formal training in the operation of a pleasure boat. Such training would be expected to highlight the above deficiencies.
- 6.6 Mr. McSweeney was not wearing a personal flotation device.
- 6.7 The vessel was well equipped with safety equipment.

7. RECOMMENDATIONS AND OBSERVATIONS

- 7.1 It is recommended that individuals taking a boat out on to open water receive training, which should include instruction in seamanship, navigation and survival at sea.
- 7.2 Any boat owner who includes an EPIRB in his safety equipment should ensure that, when at sea, the device is located such that it will float free in the event that the vessel capsizes or is rapidly overwhelmed by some event.
- 7.3 All personnel on vessels of 7 metres and less in length are required to wear a PFD when on board with specific exceptions. The owner and skipper of the boat are required to ensure that PFD's are available for all personnel (ref. Pleasure Craft (Personal Flotation Devices and Operation)(Safety) Regulations S.I. 921 of 2005).
- 7.4 Where a person intending to travel on a pleasure boat refuses to wear a PFD, the skipper should refuse to take that individual on his vessel.

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Appendix 8.1 Photographs.

Fig. 1 - Vessel moments before it capsized



Fig. 2 - Upturned hull of vessel



Figure 3 Swell and breaking waves

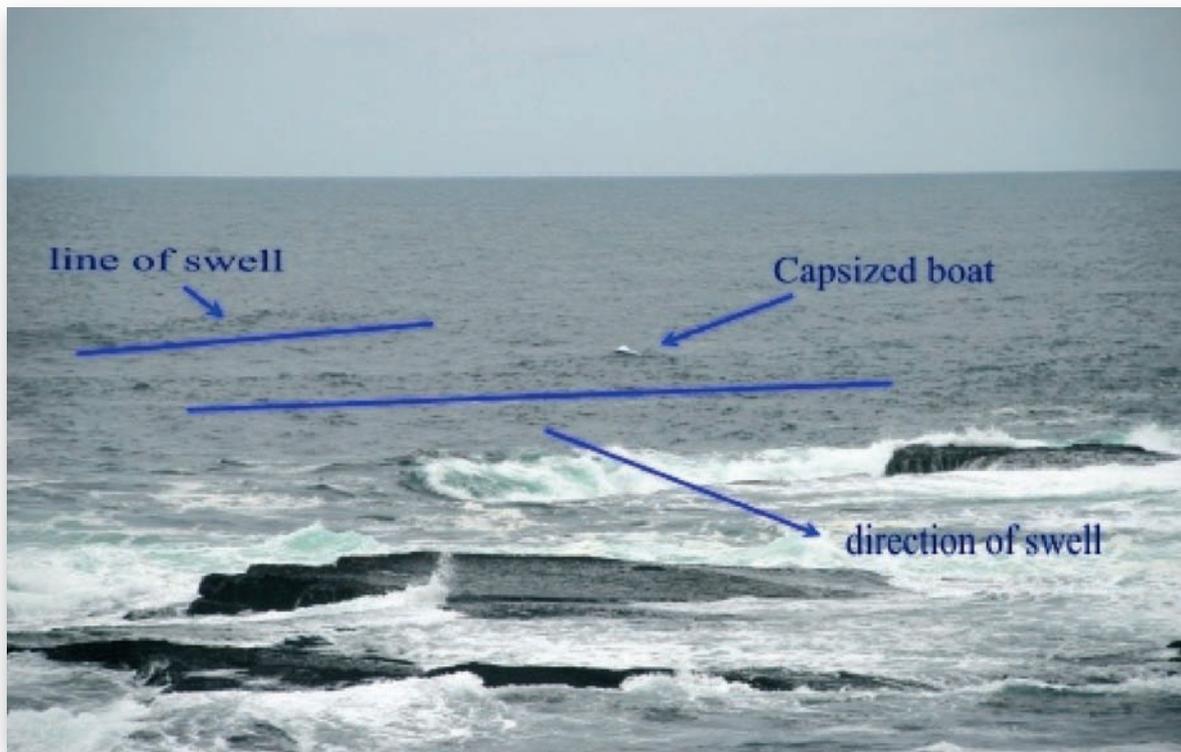


Figure 4 Swell diminishing



Appendix 8.2 Marine Notice No. 18 of 2006.

Notice to all Ship Owners / Operators, Shipmasters, Skippers, Navigating Officers, Fishing Vessel Skippers, Yacht masters and Pleasure Craft Users

Provision of Crotch Straps on Inflatable Personal Flotation Devices

Following a marine incident a person drowned despite the effective functioning of an inflatable personal flotation device.

The PFD failed to save the crewman from drowning despite remaining attached to his torso because it was apparently forced up over his head in turbulent water. This would have been prevented if a crotch strap had been provided on the PFD and properly attached. Some inflatable PFD's come provided with crotch straps and others are sold with the crotch strap as an optional extra. To maximise the lifesaving potential of inflatable PFDs it is recommended that a crotch strap (or leg straps) should always be worn.

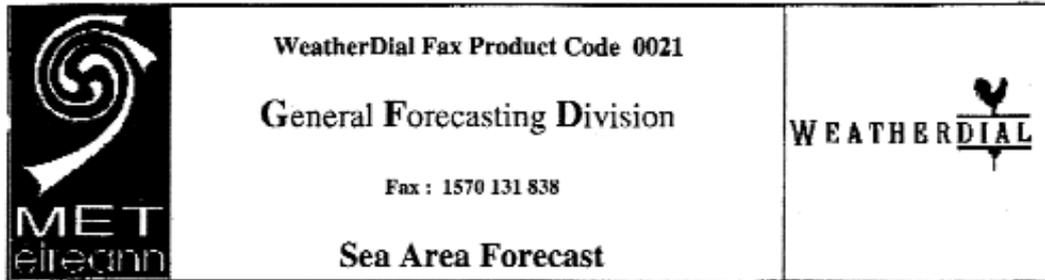
Further information on PFDs may be obtained from Marine Notice No.7 of 2002 and the Code of Practice for the Safe Operation of Recreational Craft. There are statutory regulations for the wearing of PFDs on fishing vessels and recreational craft.

Director General
Maritime Safety Directorate
Department of Transport,
Leeson Lane,
Dublin 2.

21st July 2006

For any technical assistance in relation to this Marine Notice please contact
The Marine Surveyors' Office, Leeson Lane, Dublin 2 +353 1 678 3400
For information in relation to technical specification/type approval of radio
equipment contact the Radio Surveyors +353 1 678 2363/2364/2365/2367.
For general enquiries please contact the Maritime Safety Division at +353-1-678
3418
Any enquiries concerning Marine Notices should be addressed to:
Maritime Safety Directorate, Department of Transport, Leeson Lane, Dublin 2
Email: marinenotices@transport.ie
Or visit us at: www.transport.ie

Appendix 8.3 Met Éireann weather report.



**Weather and Sea Condition Report
for the area off Kilkee Bay, Co. Clare
for the period 0000 to 2400 hours on 18 Sep 2008**

General Meteorological Situation: A ridge of high pressure with a slack airflow was replaced by a southwesterly airflow as a series of fronts moved south-eastwards across the country.

From 0000 to 0600 hours 18 Sep 2008:

Winds: Variable Force 2 or 3 becoming South to Southwest Force 3 or 4

Weather: Fair

Visibility: Good

Sea State: Slight to Moderate

From 0600 to 1200 hours 18 Sep 2008:

Winds: South to Southwest Force 3 or 4

Weather: Fair

Visibility: Good

Sea State: Slight to Moderate

From 1200 to 1800 hours 18 Sep 2008:

Winds: South to Southwest Force 4 or 5

Weather: Fair with rain developing early in the period.

Visibility: Good becoming Moderate in rain

Sea State: Slight to Moderate

From 1800 to 2400 hours 18 Sep 2008:

Winds: South to Southeast Force 4 or 5

Weather: Continuous light to moderate rainfall

Visibility: Moderate

Sea State: Moderate

James Hamilton

Meteorologist, Met Éireann

Phone: 01 8064239

Email: marine@met.ie

(Please note: All times are given in UTC)

9. LIST OF CORRESPONDENCE RECEIVED

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21st September, 2009

Ms. Eve Reddin
Secretariat
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

Dear Ms. Reddin,

Thank you for the draft copy of investigation into the capsizing of "Barbara Mary" in the vicinity of The Pinnacles, Kilkee Bay, Co. Clare on 18th September 2008, in which we lost our father, Eddie McSweeney. Thanks also for the extension of time our family were granted in which to reply to same.

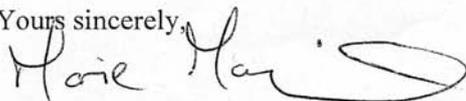
I, Marie Maguire, daughter of Eddie McSweeney, will be acting for and commenting for the family and would appreciate if you would send any further correspondence to myself at the above address rather than sending it to my mother, Kathleen McSweeney as it is too upsetting for her.

We appreciate the efforts of the Marine Investigation Board and thank you for hard work. The only observation we have to make on your draft report is the comment made in: **3. EVENTS PRIOR TO THE INCIDENT Section 3.2** where it seems there is an assumption made that: "it is likely Mr. Brown would have been advised (considering local weather conditions) in this regard by Mr. McSweeney who, as a retired fisherman from the area, would have been familiar with local weather."

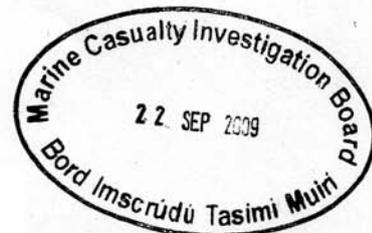
As it does not seem to be a direct statement from Mr. Brown that he was directly advised by our father re weather conditions – we would like to know why or by whom this assumption was made and if no-one stated directly to the Marine Investigation Board that Eddie McSweeney definitely commented on the weather conditions we would appreciate if this paragraph was omitted from the final report.

Please do not hesitate to contact me if you have any questions/comments.

Yours sincerely,



Marie Maguire (on behalf of McSweeney family)



MCIB RESPONSE

The MCIB notes the contents of this letter and amendments have been made as necessary.

An Garda Síochána

Oifig Chúntóir Pearsanta
an Choimisinéara,
An Garda Síochána,
Páirc na hIonnuisce,
Baile Átha Cliath 8.

Tel/Teileafón: (01) 66 62015 / 16 / 18

Fax/Facs: (01) 66 62013



Office of the Commissioner's
Personal Assistant
Garda Headquarters,
Phoenix Park,
Dublin 8

Láithreán Gréasáin / Website:
www.garda.ie

Ríomhpost / E-mail:
commissioner@garda.ie

Luaigh an uimhir tharaghta seo a leanas le
do thoil:
Please quote the following ref. number:

P.A. 2.1Z

Mr John G O'Donnell B.L.
Chairman
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

Re: Draft Report of the Investigation into the capsizing of "Barbara Mary" in the vicinity of The Pinnacles, Kilkee Bay, Co. Clare on 18 September 2008

Dear Mr. O'Donnell

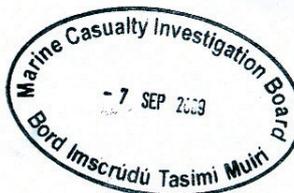
I am directed by the Commissioner to refer to your correspondence dated 13 August 2009, in the above, and to advise you that it is considered that the report is an accurate account of the events that occurred at Kilkee Bay on 18/21 September 2008.

Yours sincerely

Handwritten signature of B. Corcoran in blue ink.

**B CORCORAN
CHIEF SUPERINTENDENT
PERSONAL ASSISTANT
TO COMMISSIONER**

September 2009



Ráiteas Misin / Mission Statement:

An leibhéal insroichte is airde a bhaint amach maidir le Cosaint Phearsanta, Tiomantas don Phobal agus Slándáil Stáit.
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

MCIB RESPONSE

The MCIB notes the contents of this letter.

21 The Fairways,
Ballycarnane Woods,
Tramore,
Co. Waterford.
17th August 2009.
deemurray1@gmail.com

Ms. Eve Reddin,
Secretariat,
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

RE: INVESTIGATION OF THE CAPSIZE OF THE "BARBARA MARY" 18TH SEPT 2008.

Dear Eve,

Regarding the copy of the draft report which I received on Friday 14th August 2009 by registered post. All the finding in the report are correct to what happened on the day.

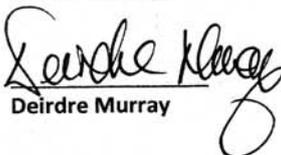
The only part that I am personally unhappy with is that from 15.28hrs the time I made the 999 call to the emergency services to the report the capsizing of the said named boat and between the emergency services and the Irish Coast Guard contacting me it was like they didn't believe me even though I had given them information about myself as proof I was not a hoax call. I did explain several times that I was not on the beach looking at a windsurfer but out at the edge of the cliff looking at a capsized boat bobbing up and down in the swell. I think between the times of 15.28hrs and 16.19hrs there was as awful lot of time wasted, and don't get me wrong I have great admiration for the Emergency Services and the Irish Coast Guard, but I hope you can see it from my point of view, on the day it was very frustrating. Even when one of the rescuers had to come to where I was standing and I had to show him where the boat was capsized, more time wasting.

I am very aware and understand that they had to be completely sure that there was a boat capsized, but thinking maybe there could have been a different outcome to this very tragic accident that Mr. Brown and Mr. McSweeney (RIP) were involved in.

I just felt that as I was sent a copy of the report it is my duty as it was on the 18th September 2008 to make that 999 call to give my opinion on the matter as I saw it. I hope you understand and don't think any less of me as to why I have written this letter as this is the first time I have been asked to comment really on the events of the day and I wanted to have my say.

I hope Mr. Brown and his family are doing well and that Mr. McSweeney's family are coping as well as they can be after his untimely death, I am just happy that at the end of all this I was in the right place at the right time.

Yours sincerely,


Deirdre Murray



MCIB RESPONSE

The MCIB notes the contents of this letter.