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**REPORT OF INVESTIGATION
INTO DUAL FATALITY OFF
GLENGAD, MALIN HEAD,
CO. DONEGAL
ON 1st NOVEMBER 2010**

**REPORT No. MCIB/194
(No.9 of 2011)**



Report MCIB/194 published by The Marine Casualty Investigation Board.
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1. SYNOPSIS

- 1.1 On the 1st November 2010 Mr. Edward Doherty and Mr. Robert McLaughlin left their homes at Ross Head, Glengad, Co. Donegal, Ireland at approximately 07.00 hrs. and travelled by road to the F/V “*Jennifer*” at Portmore Pier, Malin Head to move crab pots from their location at sea to Glengad.
- 1.2 The vessel sank shortly afterwards and the bodies of Mr. Doherty and Mr. McLaughlin were subsequently recovered.

2. FACTUAL INFORMATION

2.1 Particulars of the Vessel:

Name of Vessel:	<i>“Jennifer”</i>
Builder:	Unknown
Year of Build:	2000
Overall Length:	7.23 metres
Breadth:	2.92 metres
Depth:	1.1 metres
Engine:	Ford D6, 104.44 KW Capacity.
Name & Address of Owner:	Mr. Edward Doherty Glengad, Co. Donegal.
General Description of Craft:	Traditionally built craft of fibre reinforced plastic, of clinker form, with a raked stem and transom stern. Craft is of well deck design (raised foredeck, open aft deck with no freeing ports). Wheelhouse fitted at the forward end of the vessel, biased towards the port side with access through an inward opening door. Fitted on starboard aft end of wheelhouse superstructure, Spencer Carter Pot Hauler. A Rule 2000 electric bilge pump provided bilge pumping, and a hand operated bilge pump, which was fitted on the aft port side of the wheelhouse.



General View of Boat.



View of Wheelhouse & Pot Hauler.

- 2.2. Code of Practice Declaration of Compliance for the “*Jennifer*” was carried out on the 8th October 2009 and was valid until 8th October 2013.
- 2.3 The crew on 1st November 2010 comprised:
Edward Doherty aged 65 years
Robert McLaughlin aged 41 years
- 2.4 Met Éireann estimate of weather conditions for North Donegal sea area and weather forecasts on the 1st November 2010 are included as an appendix to this report.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 On 1st November 2010 Mr. Edward Doherty and Mr. Robert McLaughlin left their homes at Ross Head, Glengad, Co. Donegal, Ireland at approximately 07.00 hrs. and proceeded by road to the FV “*Jennifer*” at Portmore Pier, Malin Head.
- 3.2 They then proceeded to sea to move crab pots from their location at sea to Glengad Pier. The exact time they departed Portmore Pier is unknown.
- 3.3 The F/V “*Brothers*” skippered by Mr. David McDaid, was crab fishing in the vicinity of Carrickaveol and at approximately 10.00 hrs., 1st November 2010 or shortly before it, he observed the “*Jennifer*” going up the coast in an easterly direction between the “*Brothers*” and the land. This is the last known sighting of the “*Jennifer*”.

4. THE INCIDENT

- 4.1 Little is known of the operations of the “*Jennifer*” and the actions of Messrs. Doherty and McLaughlin in the moments immediately prior to the incident.
- 4.2 The crew of the “*Brothers*” last saw the “*Jennifer*” at approximately 10.00 hrs., whilst the “*Brothers*” was engaged in fishing operations in the vicinity of Carrickaveol.
- 4.3 On completion of fishing operations the “*Brothers*” commenced proceeding to its homeport of Glengad approximately 30 minutes after their last sighting of the “*Jennifer*”.
- 4.4 Whilst on passage a crewmember of the “*Brothers*”, Mr. Sean McDaid, spotted a body in the water. The boat was brought around and the body was identified as Mr. Eddie Doherty.

EVENTS FOLLOWING THE INCIDENT

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 Messrs. David and Sean McDaid managed to get the body onboard the “*Brothers*” with some difficulty. An attempt was made to contact Malin Head Coast Guard on VHF radio without success. Mr. David McDaid then managed to make a garbled contact with his son P.J. McDaid who was fishing the FV “*Crua*” approximately four miles away.
- 5.2 The “*Crua*” raised the alarm with Malin Head Coast Guard, time logged at 10.44 hrs.
- 5.3 Malin Head Coast Guard tasked the following emergency services:
 - i. 10.44 hrs. Helicopter R118.
 - ii. 10.44 hrs. Loughswilly Lifeboat.
 - iii. 10.48 hrs. Mayday Relay Broadcast with DSC Alarm.
 - iv. 10.50 hrs. Greencastle Coast Guard.
- 5.4 At 10.57 hrs. Malin Head Coast Guard advised by “*Crua*” that a body had been recovered from sea.
- 5.5 The body of Mr. Edward Doherty was transferred from the “*Brothers*” to the “*Lady Nuala*”, skippered by Mr. Michael Farren and brought ashore to Glengad Pier.
- 5.6 At 11.47 hrs., the body of Mr. Doherty was transferred to an ambulance at Glengad Pier. A doctor was also in attendance.
- 5.7 Local boats continued searching the area for Mr. Robert McLaughlin.
- 5.8 PM 1st November 2010 the casualty vessel “*Jennifer*” located in 12m. of water by fisheries vessel “*Lough Brandon*”.
- 5.9 Local divers searched the vessel but did not locate Mr. McLaughlin’s body.
- 5.10 Local divers found a clump of crab pots and rope approximately 10-20m. west of the location of the “*Jennifer*”.
- 5.11 At 16.48 hrs. on 1st November 2010, local divers attached a towrope to “*Jennifer*” and towed the vessel to Glengad Pier, which was brought alongside Glengad Pier at 17.28 hrs. 1st November 2010. The vessel was subsequently removed from water, transported from the pier and stored locally. When salvaging the boat, the controls were found to be in the ahead position.

- 5.12 Extensive searches were carried out over a period of days for Mr. McLaughlin's body without success.
- 5.13 Divers searched the surrounding area in which the vessel sank and the clump of pots for the body of Mr. McLaughlin. The clump of pots was separated during the search, and two strings of pots were found with an estimated total number of pots of between 50 and 60 with their associated ropes.
- 5.14 The body of Mr. McLaughlin was subsequently recovered on the 24th November 2010 at Ketter Beach, Ballyhillion, Malin Head, Co. Donegal.
- 5.15 When Mr. Doherty's body was recovered it is understood that he was wearing a floatation suit.
- 5.16 When Mr. McLaughlin's body was recovered it is understood that he was wearing oilskins but no buoyancy aid.
- 5.17 Examination of the vessel after salvage found the following:
 - a. There were no obvious structural defects or damages that could be considered contributory to the incident.
 - b. EIRPB was of the manual release type situated in the wheelhouse. The EPIRB had not been activated and was still in its holster.
 - c. Two SOLAS lifejackets were found in the wheelhouse still in their original packaging.
 - d. A 50 Newton Guy Cotton Buoyancy Aid found in wheelhouse.

6. CONCLUSIONS

- 6.1 Whatever caused the “*Jennifer*” to encounter the difficulties that resulted in the sinking of the vessel and the drowning of Mr. Doherty and Mr. McLaughlin must have occurred suddenly and without warning.
- 6.2 Structural failure seems unlikely, as there was no damage found to the vessel when salvaged.
- 6.3 A test weighing of a pot retrieved from the “*Jennifer*” had a weight of 15.5 Kgs. Similar pots were weighed and found to have weights between 15 and 16 Kgs. The usual procedure in the Glengad area was for approximately 10 fathom of rope to be left between each pot, plus the end ropes to buoys. Rope of a type similar to what was stated to have been used on the “*Jennifer*” was weighed and found when wet to weigh 260 grammes per fathom. Therefore, the total estimated weight of pots and ropes onboard the “*Jennifer*” at the time of the incident can be considered to be in the region of between 915 Kgs. and 1,096 Kgs. The equivalent of carrying between 12 and 14 extra persons aboard the “*Jennifer*”.
- 6.4 A tightly stowed stack of 60 pots without ropes was measured and found to require a minimum volume of 11.78 cu/mts. Which would require pots to be stacked at least 3 & 4 high on parts of the deck of the “*Jennifer*”, effectively reducing the vessels GM (Metacentric Height) and righting lever.
- 6.5 The carrying of 50-60 pots on a boat the size of the “*Jennifer*” would have a significant adverse effect on the stability of the boat.
- 6.6 At the time of incident southerly winds Force 6 to gale Force 8 were reported, which would be an offshore wind giving a lee for a boat working close inshore. However, in the area that the “*Jennifer*” sank eddies (a swirling of the sea running back in the opposite direction of the main flow of water) are known to be prevalent.
- 6.7 It is thought probable that the “*Jennifer*” encountered wind or wave action or a combination of both which caused the vessel to heel to an angle beyond which it was able to recover from its loaded condition resulting in capsizing and sinking.

7. RECOMMENDATIONS

- 7.1 It is recommended that the Minister for Transport review the requirements of the Code of Practice for Fishing Vessels under 15m, with a view to establishing revised appropriate stability criteria, imposing an obligation to carry an appropriate liferaft at all times, and the installation of a float free, self - activating EPIRB.

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Appendix 8.1 Photographs of EPIRB and Lifejackets.



a) EPIRB front on.



a) EPIRB side on.

Appendix 8.1 Photographs of EPIRB and Lifejackets.



c) EPIRB as found when boat was salvaged.



d) EPIRB Safety Seal still intact.

Appendix 8.1 Photographs of EPRIB and Lifejackets.



e) Two SOLAS Lifejackets still in original bag.



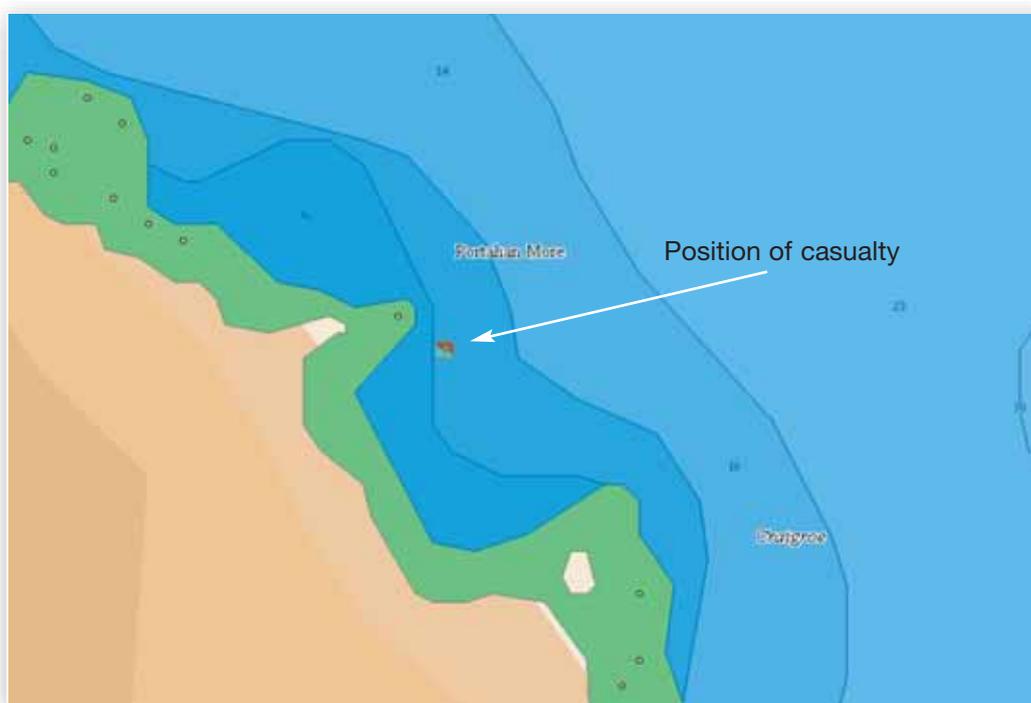
f) 50 Newton Guy Cotton Buoyancy Aid.

APPENDIX 8.2

Appendix 8.2 Chartlets of location of incident.



Position of casualty

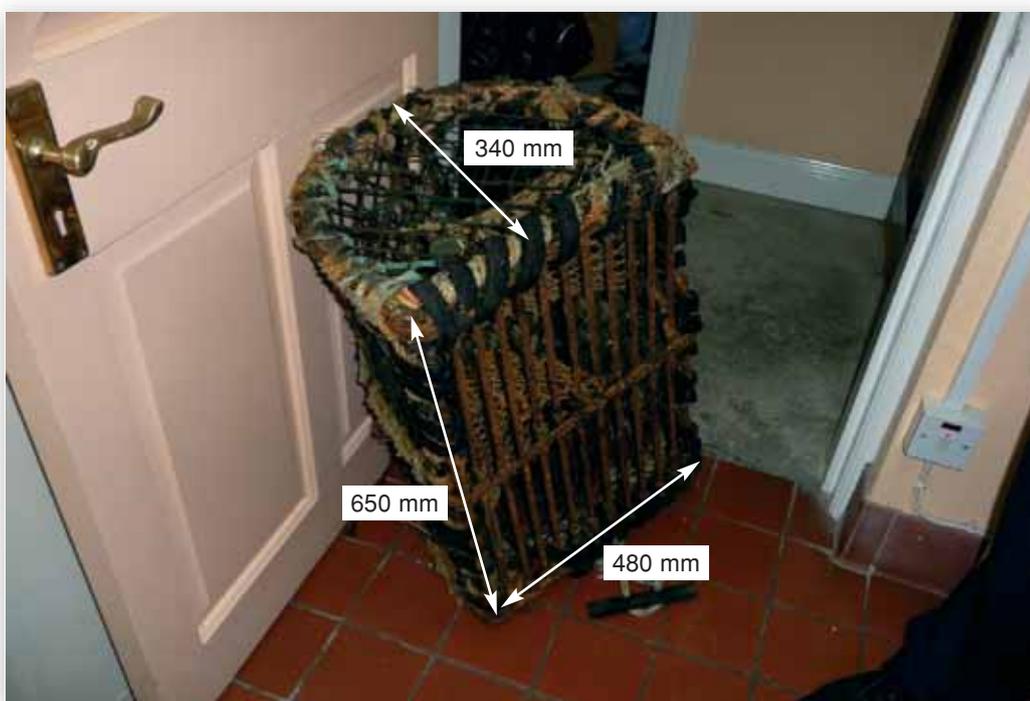


Position of casualty

Appendix 8.3 Photographs of Pots recovered from seabed.



a) Photograph of Pot recovered from seabed.



b) Pot with dimensions

Appendix 8.3 Photographs of Pots recovered from seabed.



c) Pot rope 13.71mm Diameter.



d) Lay on pot rope.

Appendix 8.4 Photograph of stack of 60 pots with dimensions.



APPENDIX 8.5

Appendix 8.5 Photographs after salvage.



a) Photographs of Wheelhouse internally after salvage.



b) Deck of boat with engine cover removed

Appendix 8.5 Photographs after salvage.



c) General view of boat.



d) Engine cover.

Appendix 8.6 Met Éireann Weather Information.



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The Irish Meteorological Service

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4/11/2010

Our Ref: WS3018/2C_13866
Your Ref: MCIB/194

Estimate of weather conditions in the north Donegal sea area, on the 1st November 2010, between 00 and 12 hours.

General Situation

A ridge of High Pressure over the area, moved away eastwards as frontal troughs associated with a mid-Atlantic deep depression moved over the area.

00 to 06 hours

Winds: East of Malin Head and close to the coast the winds were quite slack until about 3 hours, Force 1 to Force 3, thereafter the winds quickly increased to Force 3 to 6, from a southerly direction.

Weather: cloud increased as rain approached from the west.

Visibility: generally good, greater than 10 km

Waves: moderate to rough (significant wave heights of 1 to 3 metres), lowest close to shore, and mainly composed of Atlantic swell waves

06 to 12 hours

Winds: southerly Force 6 to gale Force 8

Weather: cloudy, outbreaks of rain, some heavy

Visibility: moderate to poor in rain, otherwise good

Waves: moderate to rough (significant wave heights of 1 to 3 metres), lowest close to shore and consisting of shorter period local sea waves and Atlantic swell.

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



Appendix 8.6 Met Éireann Weather Information.



MET ÉIREANN
The Irish Meteorological Service

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M4 Buoy (55N 10W) reports

M4	year	month	day	hour	Wind Direction (degrees from north)	Wind Speed (knots)	Highest gust (knots)	Air temperature (°C)	Sea Temperature (°C)
62093	2010	11	1	0	200	13	20	11.7	12.5
62093	2010	11	1	1	210	14	21	11.8	12.5
62093	2010	11	1	2	200	17	24	11.8	12.5
62093	2010	11	1	3	200	18	26	12.0	12.5
62093	2010	11	1	4	190	20	31	12.2	12.6
62093	2010	11	1	5	200	21	33	10.8	12.6
62093	2010	11	1	6	190	24	34	11.1	12.6
62093	2010	11	1	7	180	25	36	10.7	12.6
62093	2010	11	1	8	180	27	38	10.7	12.7
62093	2010	11	1	9	180	27	41	11.1	12.7
62093	2010	11	1	10	190	27	38	12.3	12.7
62093	2010	11	1	11	200	25	35	13.1	12.8
62093	2010	11	1	12	210	23	33	13.3	12.8

Appendix 8.6 Met Éireann Weather Information.



Sea Area Forecast until 2400 Monday 01 November 2010
Issued at 2400 Sunday 31 October 2010

- 1. Gale warning: in operation**
Small craft warning: in operation

2. Meteorological situation at 2100: A weak ridge of high pressure is building over Ireland tonight. Atlantic frontal troughs are approaching the west coast and will cross Ireland on Monday in a strengthening south to southwest flow.

3. Forecast for coasts from: Fair Head to Carnsore Point to Mizen Head and the Irish Sea

Wind: North to northwest force 3 to 5, backing west to southwest force 3 or less by morning. Increasing south to southwest force 6 or 7 by afternoon. Further increasing occasionally gale force 8 by evening between Fair Head and Wicklow Head and in the Irish Sea.

Weather: Mostly fair at first, rain later.

Visibility: Good to moderate, becoming moderate to poor in rain.

Forecast for coasts from: Mizen Head to Erris Head to Fair Head

Wind: Southwesterly force 3 or less. Veering southerly force 6 to 7 by morning. Increasing occasionally gale force 8 between Slyne Head and Fair Head before noon. Veering west to southwest force 6 or 7 by evening. Increasing occasionally gale force 8 overnight.

Weather: Fair for a time, but rain and patches of fog will spread from the Atlantic during morning. Rain clearing to showers later.

Visibility: Poor to moderate in rain or fog, good otherwise.

3a. Warning of heavy swell: Nil

4. Outlook for a further 24 hours until 2400 Tuesday 02 November 2010: Fresh to strong and gusty west to southwest winds with gales at times. Further rain or showers.

Appendix 8.6 Met Éireann Weather Information.

Warning of heavy Atlantic swell: NIL

Text of Gale Warning

1. Southerly winds will reach occasionally gale force 8 on coasts from Slyne Head to Rossan Point to Fair Head on Monday morning and
2. from Fair Head to Carlingford Lough to Wicklow Head and the Irish Sea on Monday evening.

Text of Small Craft Warning

Southerly winds will reach force 6 or higher on western coastal waters on Monday morning and on all coasts by Monday afternoon.

Coastal Reports	at 11 PM Sunday 31 October 2010
Malin Head Automatic	Southwest, 6 Knots, Fair, 10 Miles, 1012, Rising slowly
Buoy M5	North, 12 Knots, The visibility at Tuskar Lighthouse is Greater than 10 Miles, 1012, Rising
Roche's Pt (Automatic)	Northwest, 12 Knots, Fair, Greater than 10 Miles, 1013, Rising
Valentia	East-Northeast, 2 Knots, Fine, 18 Miles, 1015, Rising slowly
Belmullet	East, 1 Knot, Fair, 16 Miles, 1013, Rising slowly
Dublin Airport	West-Northwest, 7 Knots, Mist, 3 Miles, 1012, Rising slowly
Buoy M1 53° 8'N, 11° 12'W	NOT AVAILABLE,
Buoy M2 53° 29'N, 5° 26'W	North-Northwest, 10 Knots, WAVE HT 0.9 m, 1012, Rising slowly
Buoy M3 51° 13'N, 10° 33'W	Northwest, 7 Knots, WAVE HT 3.8 m, 1015, Rising slowly
Buoy M4 55° 0'N 10° 0'W	South-Southwest, 11 Knots, WAVE HT NOT AVAILABLE m, 1012, Steady
Buoy M5 51° 41'N 6° 42'W	North, 12 Knots, WAVE HT 2.5 m, 1012, Rising
Buoy M6 53° 4'N 15° 56'W	South-Southwest, NOT AVAILABLE Knots, WAVE HT 4.2 m, 1008, Falling

Disclaimer: buoy locations are approximate and are not for navigational purposes

Sea Crossings	State of sea until 2400 Tuesday 02 November 2010
Dublin - Holyhead	Slight to moderate, later rough
Rosslare - South Wales	Slight to moderate, later rough
Cork - South Wales	Moderate, later rough
Rosslare - France	Moderate to rough, later very rough
Cork - France	Moderate to rough, later very rough

Next update before 0700 Monday 01 November 2010

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.

Calls cost € 0.95 per minute (Incl. VAT).

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Appendix 8.6 Met Éireann Weather Information.

Appendix

Beaufort Scale of Wind					
Force	Description	Speed*		Specification	Wave height**
		knots	km/hr	-sea	(metres)
0	Calm	<1	<1	Sea like mirror	
1	Light air	1-3	1-5	Ripples	0.1 (0.1)
2	Light breeze	4-6	6-11	Small wavelets	0.2 (0.3)
3	Gentle breeze	7-10	12-19	Large wavelets, crests begin to break	0.6 (1)
4	Moderate breeze	11-16	20-28	Small waves becoming longer, frequent white horses	1 (1.5)
5	Fresh breeze	17-21	29-38	Moderate waves, many white horses, chance of spray	2 (2.5)
6	Strong breeze	22-27	39-49	Large waves, white foam crests, probably some spray	3 (4)
7	Near gale	28-33	50-61	Sea heaps up, streaks of white foam	4 (5.5)
8	Gale	34-40	62-74	Moderately high waves of greater length	5.5 (7.5)
9	Strong gale	41-47	75-88	High waves, dense streaks of foam, spray may reduce visibility	7 (10)
10	Storm	48-55	89-102	Very high waves, long overhanging crests, visibility affected	9 (12.5)
11	Violent storm	56-63	103-117	Exceptionally high waves, long white foam patches cover sea	11.5 (16)
12	Hurricane	64+	117 & over	Air filled with foam and spray, sea completely white	14 (-)

*Speed = 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.

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 8.6 Met Éireann Weather Information.



9. CORRESPONDENCE RECEIVED

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9.3 Mrs. Marian Doherty MCIB Response	33 35

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



Royal National Lifeboat Institution

Admiral the Lord Boyce CCB OBE DL
Trustee: John Coyle MBE
Chief Executive: Paul Bolster

RNLi (England) Ltd 01073377, RNLi (Wales) Ltd 2202040 and RNLi (Scotland) Ltd 1184000
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From:
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Telephone: (01) 8900460
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Inspector of Lifeboats : Martyn Smith

Mr. John G O'Donnell B.L.
Chairman
Marine Casualty Investigation Board
Leeson Lane
Dublin2

11th May 2011

Sir,

**DRAFT REPORT INTO DUAL FATALITY OFF GLENGAD, MALIN HEAD,
CO.DONEGAL 1ST NOVEMBER 2010**

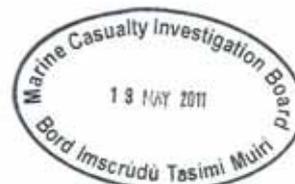
Reference: Yr letter MCIB/194 dated 15TH APRIL 2011

Thank you for affording the RNLi the opportunity to view the draft report into the loss of *FN "Jennifer"* which resulted in the tragic loss of two lives.

The RNLi has no comment to make in relation to the incident except to offer our sincere condolences to the family and friends of Mr. Edward Doherty and Mr. Robert McLaughlin.

Yours faithfully

Martyn Smith
**RNLi Divisional Inspector of Lifeboats
Ireland**



The RNLi is the charity that saves lives at sea

Charity number 017 2678 in the Republic of Ireland and registered in England and Wales (209603) and Scotland (SC217793)

MCIB RESPONSE

The Board notes the contents of this correspondence.



10th May 2011.

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

Dear Eve,

Re: Draft report of the Investigation into Dual Fatality off Glengad, Malin Head,
Co. Donegal on 1st November 2010.

The Irish Coast Guard is in agreement with the recommendation made in this report.

We would also like to point out the value of having AIS fitted to all craft and that it is essential to have epirbs onboard.

Finally the Director and staff of the Irish Coast Guard would like to extend their sympathy to the families of the men involved.

Yours sincerely

Elizabeth Smith
Irish Coast Guard

*Administration Office, Irish Coast Guard, Department of Transport, Leeson Lane, Dublin 2, Ireland.
Oifig Riaracháin, Garda Còsta na hÉireann, An Roinn Iompair, Lána Chill Mochargán, Baile Átha Cliath 2, Éire.
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1

MCIB RESPONSE

The Board notes the contents of this correspondence.

06-05-2011

Dear Ms Reddin

I am writing to you in response to the draft report of the investigation into the fatality of my husband Eddie Doherty and his nephew Robert Mc Laughlin on November 1st 2010. Ref MCIB/ 194

After having read and considered the report we would like to draw your attention to the following points

- Eddie and Robert had been fishing all their lives. Safety in the sea was always a priority. All equipment on board Eddie's boat was of the highest quality and was the most up to date available. Problems with any piece of equipment would result in Eddie either having it repaired or replaced immediately. He would definitely have considered himself well prepared for any situation which would arise while at sea.

- We totally disagree with parts of section six. In particular we have serious issues with Section 6.4 and 6.5.

These two points combined give the impression that the boat was carrying too many pots. With Eddie's experience and his regard for safety the load would have been spread evenly, i.e pots and rope, over the deck of the boat and therefore this would not have had an adverse affect on the stability of the boat.

Appendix 8.5 shows two pallets of pots with 30 pots on each pallet. The pots are stacked 3.2m high which would not have been the way they would have been stacked.

If you take into considerations the dimensions of the boat (Factual Information page 4) and the dimensions of the pots (appendix 8.4 & 8.4A) the pots would not have been stacked any more than 3 high because of the carrying capacity on the deck.

- Paragraph 6.6

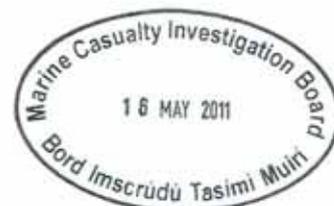
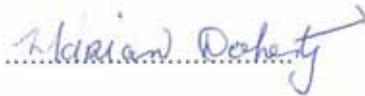
Appendix 8.7, the Met Eireann weather forecast for 06:00 to 12:00 hours forecast Southerly winds force 6 to Gale force 8. This was only a forecast

and the actual weather conditions were good with just a Southerly force 3 to 4. Sea conditions in the area at the time of the incident were quite good with a wind blowing from the land. In statements by local fishermen at the inquest it was stated that weather conditions were fine at the time of the incident. It was a short time after the accident happened that weather conditions deteriorated to force 6 or 7 from a Southerly direction.

- Regarding paragraph 6.7 - We know the boat capsized and sank. We question the finding of the report in Paragraph 6.7 which implies the boat encountered wind or wave action.
- Finally with regard to Appendix 8.2 and 8.3. 8.2 shows the correct approximate position, however Appendix 8.3 shows a totally different position and therefore is totally irrelevant to the report.

Eddie had a depth of knowledge of fishing . His number one priority would have been safety at sea.

Marian Doherty



**MCIB RESPONSE TO LETTER RECEIVED FROM MRS. DOHERTY ON
13th MAY 2011.**

Firstly the MCIB wishes to express its condolences to Mrs. Doherty on the tragic and sad loss of her husband and nephew.

- (a) in reply to Mrs. Doherty's response the MCIB wishes to point out that it is factual information that the "*Jennifer*" was carrying 50-60 pots. The report does not state how the pots were stacked. No matter how the pots were stored on the "*Jennifer*" the same minimum area would have been required.
- (b) The weather conditions are as detailed by Met Éireann and the Coast Guard. The report does point out that a boat working close inshore would have a lee. It is also known that around the time of the casualty the weather conditions were deteriorating rapidly.
- (c) It is fact that the boat capsized. No deficiencies were found in the boat which would give rise to a capsize. For the "*Jennifer*" to have capsized through broaching or excessive heeling is unlikely as both Mr. Doherty and Mr. McLaughlin were experienced boatmen and consequently it is unlikely that they carried out an incorrect manoeuvring of the vessel. Thus the most probable course of the capsize has to be wind or wave action.
- (d) Regarding the photograph (appendix 8.3) this was pointed out by a relative of Mr. McLaughlin as the approximate location of the casualty. To avoid all doubt the Board will remove appendix 8.3.

The Board accepts that Mr. Doherty and Mr. McLaughlin were very capable seamen and the condition of the "*Jennifer*" demonstrates it was well maintained.

