

**REPORT OF THE  
INVESTIGATION INTO AN  
INCIDENT INVOLVING  
THE DROWNING OF ONE  
PERSON  
IN LOUGH LENE,  
CO. WESTMEATH,  
ON 27th JANUARY 2007**

The Marine Casualty Investigation Board was established on the 25<sup>th</sup> 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.

Published by The Marine Casualty Investigation Board  
11th December 2007



	PAGE
1. SYNOPSIS.	4
2. FACTUAL INFORMATION.	5
3. EVENTS PRIOR TO THE INCIDENT.	6
4. THE INCIDENT.	7
5. EVENTS FOLLOWING THE INCIDENT.	8
6. CONCLUSIONS.	9
7. RECOMMENDATIONS.	10
8. LIST OF APPENDICES	11
9. LIST OF CORRESPONDENCE RECEIVED	27

## 1. SYNOPSIS

- 1.1 On 27th January 2007, three people departed in a boat, at about 15.30 hours from near Fore, Co. Westmeath. While returning on the boat to their departure point, the boat took on water and capsized. All three persons in the boat were thrown into the water. The three survived initially and used the upturned boat to support themselves. Hypothermia was affecting all three persons but one seemingly worse than the other two. He slipped off the boat unnoticed and when his absence was discovered, he could not be found. The surviving two persons decided to swim the remaining distance to shore and raised the alarm. Units of Coast Guard, the Gardai, the Civil Defence and the Fire Brigade commenced a search.
- 1.2. Members of the Civil Defence recovered his body early on the following day at about 02.30 hours. Personal flotation devices or lifejackets were not being worn by any members of the party on the trip.

All times given are local.

## 2. FACTUAL INFORMATION

### 2.1. Particulars of the boat:

Maker:	Quintrex.
Length:	2.52m.
Owner:	Mr. Andrew Mitchell, Monilea, Mullingar, Co. Westmeath.
Purchased:	New in approximately 2005.
Engine:	Yamaha outboard - petrol, 1.8 Kw.
Description of boat:	Aluminum construction with built in buoyancy in seats. The boat could carry up to three adults. Photographs of the boat are given in Appendix 8.1.

### 2.2. The occupants of the boat at the time of the incident were:

1. Mr. Andrew Mitchell
2. Mr. Christopher Scally
3. Mr. Martin Griffith

All three were from Co. Westmeath.

### 3. EVENTS PRIOR TO THE INCIDENT

- 3.1. On Saturday 27th January 2007, Mr. Andrew Mitchell, Mr. Christopher Scally and Mr. Martin Griffith met and travelled in Mr. Mitchell's van to the North West shore of Lough Lene, Co. Westmeath, to a point near Fore, Co. Westmeath. The boat and engine were transported in the van.
- 3.2. On arrival at their launching site (marked by arrow on map Appendix 8.2), the boat was put into the water, the engine attached and the guns and ammunition for the shooting expedition loaded. The weather was fine, dry with light winds. They set off at about 15.30 hours towards the opposite shore of the lake. This arm of the lake is narrow at this point (circa 500 m. from point of departure to the point of landing) near Winter's Point. They travelled across with Mr. Scally and Mr. Griffith sitting left and right respectively on the centre seat with Mr. Mitchell sitting astride the aft seat controlling the engine. This journey across the lake was completed in about 15 to 20 minutes without incident.
- 3.3. On arrival at Winter's Point, they unloaded the boat and spent about two hours shooting vermin in the area around the point. At about 18.00 hours they returned to the boat. It was now getting dark. The boat was reloaded with shooting gear. All three assumed the same positions they had occupied in the boat on the way across. They then pushed off from shore and commenced their journey back to the point of original departure.

#### 4. THE INCIDENT

- 4.1. Mr. Mitchell headed the boat back towards their original point of departure near where his van was parked. The survivors maintain that after about five minutes, when they had gone about 100 m. from the shore, the bow seemed to dip and water started to flow over it into the boat. The boat filled with water and capsized very quickly probably within only a few seconds.
- 4.2. After the capsize, the upturned boat came quickly to the surface. All three men surfaced and clung to the boat. It was decided not to try to right the boat because Mr. Griffith could not swim and it was felt that he might not be able to stay afloat while the righting was done. Mr. Mitchell and Mr. Scally managed to move round and position themselves at the stern and bow respectively and managed to get their heavy wellington waders off while still maintaining a hold on the boat.
- 4.3. Using the boat for support, all three men then started to paddle back towards the nearest point of shore namely Winter's point. Moving the boat through the water while upturned proved very difficult and progress was very slow. The low temperature of the water was affecting all three but it became apparent that Mr. Griffith was most incapacitated by the cold water. At one stage, he lost his grip on the boat, but on seeing this, Mr. Mitchell was able to support him and help him back to the boat. When back holding on to the boat, Mr. Griffith said he was all right so the paddling back to shore continued
- 4.4. After being in the water for about two hours by which time it was dark, Mr. Griffith was noticed missing. Despite looking round the boat and calling to him, he could not be located. At this point the boat was close to the reeds growing some way out from the shore. Mr. Scally tested the depth of water with an oar recovered from under the boat. Due to the difficulty found moving the boat on through the reeds to shore, it was decided to abandon the boat when they could feel the bottom with their feet. Both Mr. Mitchell and Mr. Scally made it to shore.

### 5. EVENTS FOLLOWING THE INCIDENT

- 5.1. On reaching the shore, both Mr. Mitchell and Mr. Scally were very weak and adversely affected by the cold. Mr. Scally could not walk properly so it was decided that Mr. Mitchell would go on ahead to find someone and raise the alarm. As the terrain was very difficult along this section of the shore at the inner end of the point, it took some time for Mr. Mitchell to get back to the road on which his van was parked. He had to try a couple of houses before the alarm was raised at 21.08 hours in a 999 call routed to the Marine Rescue Co-ordination Centre (MRCC) in Dublin.
- 5.2. Shortly after raising the alarm, Mr. Mitchell met Mr. Scally's brother on the road near where the van was parked. Mr. Scally's family had become concerned when he did not return home at the expected time. Mr. Scally's brother had come to find out why he was late. Both Mr. Mitchell and Mr. Scally's brother then went to help Mr. Scally back to the road.
- 5.3. MRCC Dublin subsequently notified the Granard Gardai and Ambulance Control. A search was commenced involving members of the Gardai, Fire Service and the Coast Guard helicopter R116 from Dublin. The helicopter remained at the scene until 00.18 hours when it had reached its fuel limits. The Civil Defence then arrived with boats to continue the search.
- 5.4. At approximately 02.05 hours on Sunday 28th January, the body of Mr. Griffith was found on the lake bottom in about 10 - 15 feet depth of water and recovered from the lake by a Civil Defence boat party.

## 6. CONCLUSIONS

- 6.1. The occupants of the boat were not wearing any personal flotation devices during the trip. S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 requires all occupants of a pleasure craft of less than 7.0 metres length overall to wear suitable personal flotation devices or lifejackets while on board an open craft when not made fast to the shore or at anchor. S.I. No. 921 of 2005 is given in Appendix 8.3.
- 6.2. Weather and water surface conditions on the lake on the night of the incident were good so this cannot be considered a factor in the sinking.
- 6.3. At the time of the capsizing, it was dark. It would have been difficult for the driver of the boat to see any obstacles in the water or any changes in the sailing condition of the boat.
- 6.4. The boat was in good condition and operated within the manufacturer's recommended loading and engine size - maximum three persons and engine size 1.8 Kw. These recommendations are advisory only and reflect ideal or near ideal conditions of operation and hence allowances should be made when applying maximum recommended loadings from manufacturers.
- 6.5. The party completed one traverse of the lake safely with similar loading and weather conditions to that pertaining at the time of the sinking. It is likely that since the boat was small and light and carried the designed maximum number of people, small changes to its loaded condition, such as one or more of the occupants being seated slightly to one side or their personal kit being stowed in a different position, may have been enough to give rise to the loss of freeboard condition and subsequent swamping.

## 7. RECOMMENDATIONS

- 7.1. A suitable PFD/Lifejacket must always be worn by occupants on this type of craft.
- 7.2. The requirements by law to wear a lifejacket on any recreational craft less than 7.0 metres has been in place for some years. However, it is apparent that many people are unaware of its existence. The MCIB strongly recommends a public awareness campaign should be put in place to highlight the law, and advise the boating public of their obligations.
- 7.3. It is strongly recommended that the Department of Transport make freely available to all recreational bodies and groups a copy of the recently published Code of Practice for the Safe Operation of Recreational Craft.
- 7.4. Owners of small craft are advised to be aware of the safe loading of their craft and to be aware of the dangers of operating small craft at night.

**8. LIST OF APPENDICES**

**Page No**

8.1.	Photographs of the boat.	12-13
8.2.	Map extract showing Lough Lene.	14
8.3.	S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.	15-26

## APPENDIX 8.1

### Appendix 8.1 Photographs of the boat.



Fig 1 Manufacturer's promotional photo of boat



Fig 2 Boat and engine recovered from lake

Appendix 8.1 Photographs of the boat.

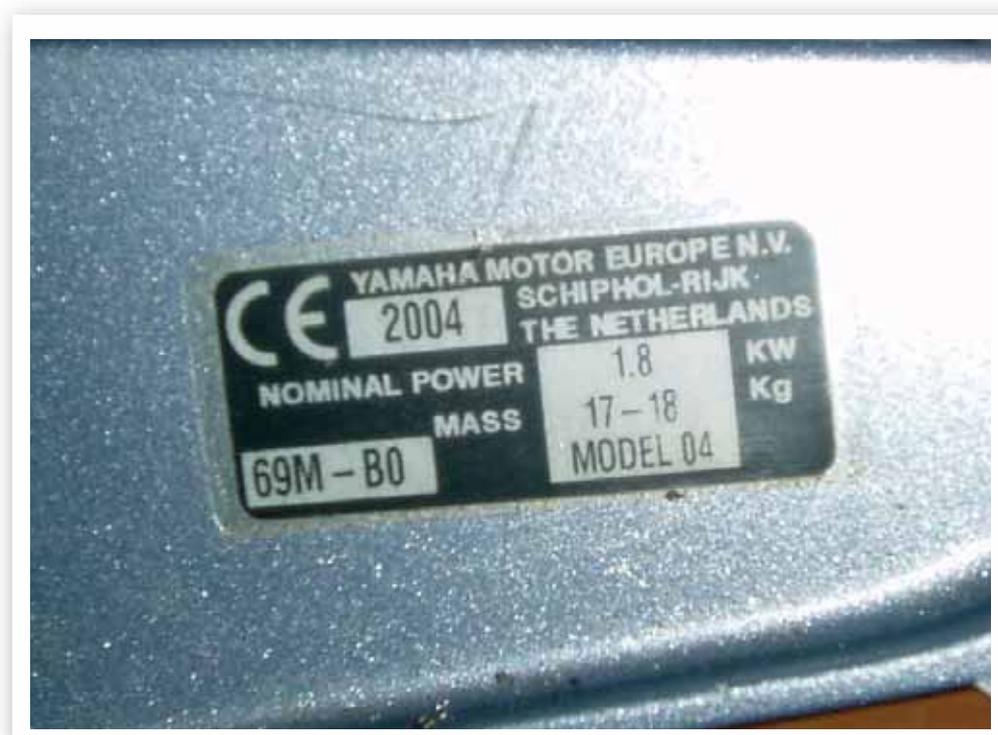
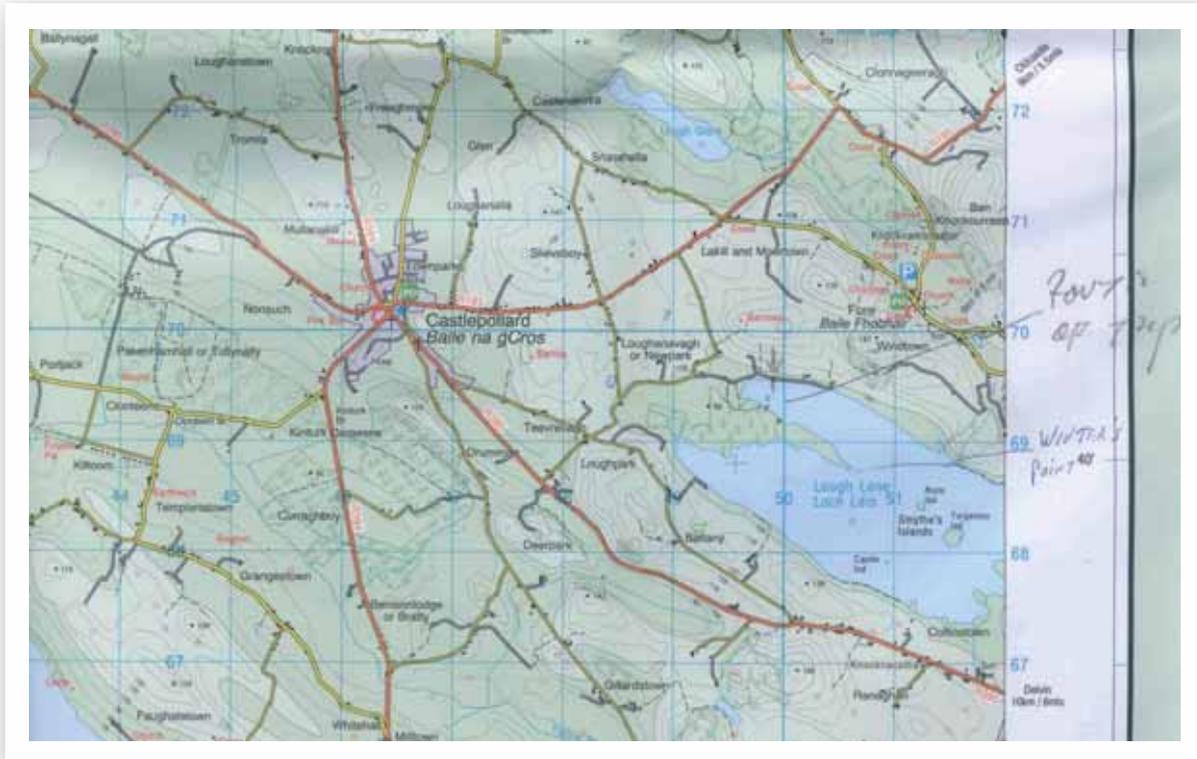


Fig 3 Side view of boat with engine details

## APPENDIX 8.2

Appendix 8.2 Map extract showing Lough Lene.



Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

STATUTORY INSTRUMENTS

S.I. No. 921 of 2005

Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005

DUBLIN: PUBLISHED BY THE STATIONERY OFFICE

To be purchased directly from the GOVERNMENT PUBLICATIONS OFFICE, SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2 or by mail order from GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION, 51 ST. STEPHEN'S GREEN, DUBLIN 2. (Telephone 01-6476834/35/36/37; Fax 01-6476843) or through any bookseller.

(PRN. A5/2359 )

Price: €2.54

### Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

#### S.I. No. 921 of 2005

#### Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005

I, Pat the Cope Gallagher, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by sections 20 (as amended by section 47(1) of the Maritime Safety Act 2005 (No. 11 of 2005)) and 27 (as amended by section 47(2) of that Act) of the Merchant Shipping Act 1992 (No. 2 of 1992), the Marine (Delegation of Ministerial Functions) (No. 2) Order 2004 (S.I. No. 703 of 2004) and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2005 (S.I. 346 of 2005), hereby make the following regulations:

#### *Citation*

1. These Regulations may be cited as the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

#### *Definitions*

2. In these Regulations -

“fast power craft” means a pleasure craft, other than a personal watercraft, the principal means of propulsion of which is derived from a mechanical power source and which attains or can attain a speed through or over water equal to or exceeding 17 knots;

“decked craft” means a pleasure craft which is not an open craft;

“length overall” means the overall length of a craft, extending from the most extreme point aft to a similar point at the forward end, incorporating any overhang of stern, or rake of stem;

Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

“open craft” means a pleasure craft which does not have a cabin or below deck facilities for the use of persons and where seating, or any place on the craft used for seating, is exposed or partially exposed to the elements;

“pleasure craft” includes personal watercraft and fast power craft;

“suitable personal flotation device” means a personal flotation device—

(a) which has on it the CE conformity marking consisting of the initials “CE” taking the form of the specimen set out in Annex IV to Council Directive 89/686/EEC of 21 December 1989<sup>1</sup> (as amended by Council Directive 93/68/EEC of 22 July 1993<sup>2</sup> and Council Directive 96/58/EC of the European Parliament and the Council of 3 September 1996<sup>3</sup>).

(i) which is sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered where the vessel on which it is required to be used or to be available for use is reasonably likely to be,

(ii) which is appropriate to the body weight of the person who is to wear it,

and/or

<sup>1</sup> OJ. No. L399, 30.12.89, p. 18

<sup>2</sup> OJ. No. L220, 30.8.93, p. 1

<sup>3</sup> OJ. No. L236, 18.9.96, p. 44

### Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

(b) which has on it the mark of conformity which must take the form of the specimen set out in Annex D to Council Directive 96/98/EC of 20 December 1996<sup>4</sup> (as amended by Commission Directive 98/85/EC of 11 November 1998<sup>5</sup>, Commission Directive 2001/53/EC of 10 July 2001<sup>6</sup>, Commission Directive 2002/75/EC of 2 September 2002<sup>7</sup>, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002<sup>8</sup> corrected by Corrigendum of 10 September 1997<sup>9</sup> and Corrigendum of 29 August 1998<sup>10</sup>).

#### *Application*

3. (1) These Regulations apply to pleasure craft being operated in Irish waters and to –
- (a) any person on board such craft, and
  - (b) any person being towed by such craft or on board a vessel or object of any kind, being towed by such craft.
- (2) These Regulations (other than Regulations 8 and 9) do not apply to a pleasure craft being used for rescue or other emergency purposes or for law enforcement purposes.
- (3) These Regulations (other than Regulations 8 and 9) do not apply to rowers in boats which are –
- (a) designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union,

<sup>4</sup> OJ. No. L 46, 17.2.1997, p. 25

<sup>5</sup> OJ. No. L 315, 25.11.98, p. 14

<sup>6</sup> OJ. No. L 204, 28.7.2001, p. 1

<sup>7</sup> OJ. No. L 254, 23.9.2002, p. 1

<sup>8</sup> OJ. No. L 324, 29.11.2002, p. 53

<sup>9</sup> OJ. No. L 246, 10.9.1997, p. 7

<sup>10</sup> OJ. No. L 241, 29.8.1998, p. 27

Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

and

(b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.

*Age restrictions on operation or control of pleasure craft*

4. (1) The master or owner of a personal watercraft or a fast power craft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years does not operate or control the craft.

(2) The master or owner of a pleasure craft powered by an engine with a rating of more than 5 horse power or 3.7 kilowatts shall take all reasonable steps to ensure that a person who has not attained the age of 12 years does not operate or control the craft.

*Carriage of personal flotation devices on pleasure craft (other than personal watercraft)*

5. The master or owner of a pleasure craft (other than a personal watercraft) shall ensure, that there are, at all times, on board the craft, sufficient suitable personal flotation devices for each person on board.

*Wearing of personal flotation devices on pleasure craft (other than personal watercraft)*

6. (1) A person on a pleasure craft (other than a personal watercraft) of less than 7 metres length overall shall wear a suitable personal flotation device while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor.

### Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

(2) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.

(3) The master or owner of a pleasure craft (other than a personal watercraft), which is not a craft referred to in paragraph (1) of this Regulation, shall take all reasonable steps to ensure that a person who has not attained the age of 16 years wears a suitable personal flotation device while on board an open craft or while on the deck of a decked craft, other than when it is made fast to the shore or at anchor.

(4) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person wears a suitable personal flotation device, at all times while –

- (a) being towed by the craft, or
- (b) on board a vessel or object of any kind which is being towed by the craft.

(5) This Regulation does not apply to a person on board a pleasure craft (other than a personal watercraft), which is not under way, when the person-

- (a) is wearing, putting on, or taking off, scuba diving equipment,
- or
- (b) is about to engage in, or has just completed swimming (including snorkelling) from the craft.

#### *Wearing of personal flotation devices on personal watercraft*

7. (1) Every person on a personal watercraft shall wear a personal flotation device at all times while on board, or being towed in any manner by a personal watercraft.

Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

(2) The master or owner of a personal watercraft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.

*Prohibition on operating pleasure craft while under influence of alcohol or drugs*

8. The master or owner of a pleasure craft, shall not, or shall not allow another to, operate or control or attempt to operate or control the craft while he or she or the other is under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol to such an extent as to be incapable of having proper control of the craft.

*Control of consumption of alcohol or drugs on board pleasure craft*

9. (1) A person on a pleasure craft shall not consume alcohol or drugs or any combination of drugs or of drugs and alcohol while on board the craft in circumstances which could affect the safety of persons or create a disturbance on board the craft or affect the safety of other persons using Irish waters or constitute a nuisance to such persons.

(2) A person being towed or on board a vessel or object of any kind which is being towed by a pleasure craft shall not consume alcohol or drugs or any combination of drugs or drugs and alcohol.

(3) The master or owner of a pleasure craft shall take all reasonable steps to ensure that all persons comply with paragraphs (1) and (2) of this Regulation.

*Application of section 27 of Merchant Shipping Act 1992*

10. (1) Section 27 (as amended by section 47(2) of the Maritime Safety Act 2005 (No. 11 of 2005)) of the Merchant Shipping Act 1992 (No. 2 of 1992) applies to these Regulations.

### Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

- (2) The form set out in the Schedule to these Regulations is prescribed as the form of the notice to be served on a person in relation to an alleged offence under section 20 of the Merchant Shipping Act 1992 for contravening these Regulations.

#### *Revocation*

11. The Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004 (S.I. No. 259 of 2004) are revoked.

**Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.**

Schedule Regulation 10(2)

**FIXED PAYMENT NOTICE IN RELATION TO AN ALLEGED OFFENCE UNDER SECTION 20 OF THE MERCHANT SHIPPING ACT 1992.**

---

To: .....

Address: .....

.....

.....

It is alleged that you have committed an offence under section 20 of the Merchant Shipping Act 1992 Act at .....

on.....

A description of the alleged offence is given at reference number ..... overleaf

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice, and if during that period you pay to: .....

.....

.....<sup>1</sup>

the sum of €150<sup>2</sup> accompanied by this notice, a prosecution in respect of the alleged offence will not be instituted.

**SIGNED:** .....

*Authorised Officer*

**DATE:** .....

---

<sup>1</sup> Insert name of statutory authority to be paid and address where payment is to be made.

<sup>2</sup> Insert other amount if different amount is prescribed

## Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

### Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations

(S.I. No. 921 of 2005)

Regulation	Description of Alleged Offence	Ref. No.
4(1)	Permitting a person who has not attained the age of 16 years to operate or be in control of a personal watercraft or a fast power craft.	1
4(2)	Permitting a person who has not attained the age of 12 years to operate or be in control of a pleasure craft powered by an engine with a rating of greater than 5 horse power or 3.7 kilowatts.	2
5	Operating a pleasure craft (other than a personal watercraft) without sufficient suitable personal flotation devices for each person on board.	3
6(1)	Failing to wear a suitable personal flotation device while on board an open craft or on the deck of a decked craft (other than personal watercraft) of less than 7 metres in length overall which is not made fast to the shore or at anchor.	4
6(2)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board an open craft or whilst on the deck of a decked craft (other than a personal watercraft) of less than 7 metres in length overall which is not made fast to the shore or at anchor.	5
6(3)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board an open craft or while on the deck of a decked craft (other than a personal watercraft) which is not made fast to the shore or at anchor.	6
6(4)(a)	Permitting a person not to wear a personal flotation device while being towed by a pleasure craft (other than a personal watercraft).	7
6(4)(b)	Permitting a person not to wear a suitable personal flotation device while on board a vessel or object of any kind which is being towed by a pleasure craft (other than a personal watercraft).	8
7(1)	Failing to wear a suitable personal flotation device while on board, or being towed in any manner by, a personal watercraft.	9
7(2)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board, or being towed in any manner by, a personal watercraft.	10
8	Operating or controlling or attempting to operate or control a pleasure craft or permitting a person to operate or control or attempt to operate or control a pleasure craft while under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the craft.	11
9(1)	Consuming alcohol or taking of drugs on a pleasure craft in circumstances which could affect the safety of persons, or create a disturbance, on board the craft, or could affect the safety of others using Irish waters or constitute a nuisance to such others.	12
9(2)	Consuming alcohol or taking drugs while being towed by, or on board a vessel specifically designed to be towed or on an object of any kind which is being towed by, a pleasure craft.	13
9(3)	Permitting a person to consume alcohol or take drugs on a pleasure craft in circumstances which could affect the safety of persons, or create a disturbance, on board the craft, or could affect the safety of others using Irish waters or constitute a nuisance to such others or permitting a person to consume alcohol or take drugs while being towed by, or on board a vessel specifically designed to be towed or on an object of any kind which is being towed by, a pleasure craft.	14

Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

GIVEN, under my hand,

22 December 2005

Pat the Cope Gallagher,

Minister of State at the Department of  
Communications, Marine and Natural Resources.

### Appendix 8.3 S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

#### Explanatory Note

(This Note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations replace the Merchant Shipping (Pleasure Craft) (Lifejacket and Operation) (Safety) Regulations, 2004 (S.I. No. 259 of 2004), so as to provide for an increase (from €127 to €150) in the fixed payment in lieu of prosecution, if appropriate, in relation to an alleged contravention of the Regulations. IMO SOLAS/EU Marine Equipment Directive (MED) marked personal flotation devices are included under the definition of a "suitable personal flotation device" in these Regulations.

Otherwise, the new Regulations continue in force the existing national provisions governing the operation of pleasure craft including personal watercraft, including provisions relating to age restrictions, the carriage and use of personal flotation devices and restrictions on the use of alcohol and drugs.

Section 47(2) of the Maritime Safety Act 2005 (No. 11) provides for a fixed payment of €150, or such other amount as may be prescribed by Ministerial Regulations, in relation to an alleged contravention of Regulations under section 20 of the Merchant Shipping Act 1992 (No. 2) (as amended by section 47(1) of the 2005 Act), in lieu of prosecution, if appropriate.

9. LIST OF CORRESPONDENCE RECEIVED

		Page No.
9.1.	An Garda Síochána	28
	MCIB Response	28
9.2.	Mr. Andrew Mitchell	29
	MCIB Response	29
9.3.	Westmeath County Council	30
	MCIB Response	30

## 9.1 CORRESPONDENCE RECEIVED

**AN GARDA SÍOCHÁNA**

Oifig An Cheannfort,  
An Garda Síochána,  
Gránard,  
Chontae Longfoirt.



Superintendent's Office,  
Garda Station,  
Gránard,  
Co. Longford.

Tel/Teileafón: 043-87667  
Fax / Facs: 043-87663

Web site: [www.garda.ie](http://www.garda.ie)

Please quote the following ref. Number: \_\_\_\_\_ Date: 21/09/07

Our Ref: GD112.4/07  
Your Ref: MCIB/138

Ms. Bridie Cullinane,  
Secretary,  
Marine Casualty Investigation Board,  
Leeson Lane,  
Dublin 2.

**GARDA SÍOCHÁNA  
SUPERINTENDENT'S OFFICE  
21 SEP 2007  
GRÁNARD  
LONGFORD/WESTMEATH DIVISION**

Re: **DRAFT Report of the Investigation into the incident involving the drowning of one person in Lough Lene, Co. Westmeath, on 27<sup>th</sup> January, 2007.**

Dear Madam,

With reference to your correspondence dated, 19<sup>th</sup> September on above matter, and having reviewed same, I now wish to inform you that I agree with your recommendations.

Yours sincerely

 Superintendent  
*(John J. Quilty)*



Mission Statement:  
To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

**MCIB RESPONSE** to letter from An Garda Síochána dated 21st September 2007.  
The MCIB notes the contents of this letter.

9.2 CORRESPONDENCE RECEIVED

Tubberaquill  
Monilea  
Mullingar  
Co. Westmeath.

21<sup>st</sup> September 2007.

Reference: MCIB/138

**Draft Report of the Investigation into the incident involving the drowning of one person in Lough Lene, Co Westmeath on 27<sup>th</sup> January 2007.**

Ms. Bridie Cullinane  
Secretary  
Marine Casualty Investigation Board  
Leeson Lane  
Dublin 2.

Dear Ms. Cullinane,

I have read the Draft report that you sent to me and I accept that this is a true and accurate account of what happened. There is just one point I would like to clarify. On page six, paragraph 4.4, it states that we swam to the shore but in fact we did not let go of the boat until we could feel the bottom of the lake with our feet.

Yours sincerely

Andrew Mitchell.



MCIB RESPONSE to letter from Mr. Andrew Mitchell, dated 21st September 2007.  
The MCIB notes the contents of this letter and has modified the report accordingly.

## 9.3 CORRESPONDENCE RECEIVED

**WESTMEATH**  
COUNTY COUNCIL  
COMHAIRLE CHONTAE NA h-IARMHÍ

4<sup>th</sup> October 2007.

Ms. Bridie Cullinane,  
Secretary,  
Marine Casualty Investigation Board,  
Leeson Lane,  
Dublin 2.

MARINE CASUALTY INVESTIGATION BOARD  
05 OCT 2007  
EHRF

**Re: Report of the investigation into an incident involving the drowning of one person in Lough Lene, Co. Westmeath on 27<sup>th</sup> January 2007.**

Dear Ms. Cullinane,

I wish to inform the Board that I have the following observation to make in relation to Paragraph 5.4 of the Draft Report into this incident:

The body of Mr. Griffith was found in about 10 – 15 feet depth of water not meters as stated in the draft report. Paragraph 5.4 is accurate in all other respects.

Yours Sincerely,

*Brian Gillen*

**Brian Gillen,  
Civil Defence Officer.**

 **CIVIL DEFENCE**  
Cosaint Síbhalta  
Coillín Beag, An Múileann gCearr, Contae na h-IarMHí.  
CIVIL DEFENCE  
Culleen Beg,  
Mullingar, Co. Westmeath

Telephone: (044) 9348715  
Fax: (044) 9343231  
email: [civildefence@westmeathcoco.ie](mailto:civildefence@westmeathcoco.ie)  
web: [www.westmeathcoco.ie/services/civildefence](http://www.westmeathcoco.ie/services/civildefence)

**MCIB RESPONSE** to letter from Westmeath County council dated 4th October 2007  
The MCIB notes the contents of this letter and has modified the report accordingly.



