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**REPORT OF INVESTIGATION
INTO FATAL INCIDENT ABOARD
THE MFV 'MARK AMAY II'
OFF ACHILL, CO. MAYO
ON
10th MAY 2011**

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/202
(No.10 of 2012)**

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1. SYNOPSIS

- 1.1 On the morning of 10th May 2011, the *'Mark Amay II'* had hauled its nets and was preparing to shoot them again. In order to do so, the four crew members were positioned on deck, two on either side of the trawl deck aft, each pair responsible for one net. The skipper was in the wheelhouse, at the winch controls and watching through the aft window. The port net ran out smoothly, however, the starboard net became snagged. Mr. Cathal McDaid went from the port side of the trawl deck to assist Mr. Pierce Kelly to release the starboard net, which they successfully managed to do. As Mr. Cathal McDaid was returning to his normal working position on the port side, he stumbled on the port net that was running out and was carried overboard with it. The vessel was located approximately 52.5 nm West of Achill Beg Island, Achill, Co. Mayo when the incident took place. All times are quoted as local time.

2. FACTUAL INFORMATION

2.1 Vessel Description:

Class of vessel: Motor Fishing Vessel
 Name: *'Mark Amay II'*
 Registered Number: SO 954
 Registered tonnage: 361 t
 LOA: 27 m
 Beam: 8.5 m
 Draft: 5.6 m
 Engine: Caterpillar 3512, approximately 1200 bhp
 Builder: Astilleros,
 Armon S.A. Navia,
 Asturias, Spain

Crew Details:

Owner: Island Trawlers Ltd,
 The Glebe,
 Killybegs,
 Co. Donegal

Skipper: Mr. Martin McDaid,
 Malin,
 Co. Donegal

Crew: Mr. Cathal McDaid (Deceased),
 Culdaff,
 Co. Donegal

Mr. Charles McDaid,
 Culdaff,
 Co. Donegal

Mr. João da Silva,
 Povia De Varzim,
 Portugal

Mr. Pierce Kelly,
 Clonmany,
 Co. Donegal

2.2 At the time of the incident, the owner, Mr. Shaun Conneely was not aboard. The vessel was skippered by Mr. Martin McDaid.

- 2.3 Before any new crew member is signed on to the vessel, he is made aware of the health and safety requirements aboard and his crew member duties. Each crew member is required to sign documents to the effect that he is familiar with safety requirements and agrees to be bound by them and his duties as a member of the crew. Mr. Cathal McDaid signed both of these documents (Appendices 9.3 & 9.4).
- 2.4 Regular Safety Meetings are held on board *'Mark Amay II'* and records of the minutes of those meetings are retained on file for perusal at any time by crew members. A Safety Statement is also kept on board and is available to all crew at any time.
- 2.5 One such Safety Meeting was held on 26th October 2010. One item discussed at the meeting was "No standing on trawl deck when net is being shot". This meeting was attended by Mr. Shaun Conneely, Mr. Martin McDaid and Mr. Cathal McDaid amongst others. It should also be noted that the wearing of personal flotation devices and hard hats at all times was also discussed as was the need to obtain a scramble net (Appendix 9.2).
- 2.6 It is understood that a strict policy is maintained on board where no crew member is permitted on deck without his safety gear and personal flotation device. All flotation devices that the owner supplies to the crew have collars on them and the crew are required to sign off that they will wear the device. All crewmembers on deck at the time of this incident were wearing personal flotation devices of one type or another. Mr. da Silva and Mr. Kelly wore inflatable lifejackets, Mr. Charles McDaid wore oilskin leggings which incorporated a flotation device and Mr. Cathal McDaid wore a waistcoat style buoyancy aid without a collar.



MFV *'Mark Amay II'*

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 At approximately 09:00 hrs. on the morning of Tuesday 10th May 2011, the 'Mark Amay II' had hauled its nets and was preparing to shoot them again.
- 3.2 At approximately 09:40 hrs., both cod ends were laid out on the trawl deck ready to be fed over the stern.
- 3.3 Mr. Charles McDaid and Mr. Pierce Kelly were attending to the starboard net and Mr. João da Silva and Mr. Cathal McDaid were attending to the port net - Mr. Kelly and Mr. Cathal McDaid were on the trawl deck to fasten shackles to the net and guide the cod ends over the stern ramp.
- 3.4 The vessel was making approximately 2 to 3 knots through the water at this stage. The routine being that as soon as the cod ends hit the water, they are pulled out to their full extent by the forward motion of the vessel.
- 3.5 At approximately 10:00 hrs., the port net ran out smoothly, however the starboard net snagged. Mr. Cathal McDaid crossed the trawl deck to assist Mr. Kelly in freeing the net. This done, he crossed back to the port side with the intention of climbing over the rail to a position outside the trawl deck. Mr. Kelly climbed over the starboard rail to assist Mr. Charles McDaid.
- 3.6 The weather conditions at this time were poor with force 5 to 6 South Easterly winds and 4 to 5 metre high seas. As a result, the 'Mark Amay II' was rolling and pitching quite severely. The stern of the vessel was rising and falling on the swell to a height of several metres and the nets were sliding from side to side on the trawl deck.

4. THE INCIDENT

- 4.1 As Mr. Cathal McDaid crossed over the port net on his way to the rail, he stumbled and lost his footing as the net slid around on the deck, and fell on top of it. He clung to the net to prevent himself from falling further.
- 4.2 As the vessel surged on the swell, the port net ran further over the stern ramp and carried Mr. Cathal McDaid overboard with it. As he was carried over the stern ramp, the pitching of the vessel bounced both the net and Mr. Cathal McDaid against the ramp. At this point, Mr. da Silva saw Mr. Cathal McDaid's head strike the stern ramp.
- 4.3 The other crew members called 'man overboard' to the skipper in the wheelhouse.
- 4.4 The net slid out further and carried Mr. Cathal McDaid with it into the water. As he entered the water, the net came over on top of him. He was still clinging to the net at this time.
- 4.5 With the motion of the vessel, Mr. Cathal McDaid was being alternatively pulled under the stern of the boat and pushed back out behind. It is possible that the stern of the vessel came down on top of him and struck him on the head rendering him unconscious, as he released his grip on the net and stopped moving.
- 4.6 Two lifebelts, one from the working deck and one from the upper deck were thrown into the water and landed in the near vicinity of Mr. Cathal McDaid, however, he made no attempt to reach either of them.
- 4.7 In the wheelhouse, Skipper Mr. Martin McDaid realised what was happening and stopped the vessel immediately. As soon as he saw Mr. Cathal McDaid floating out from under the stern of the vessel, he started to bring the boat around.

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 As per the man overboard procedure, Mr. Kelly, now on the shelter deck, assumed the role of spotter and pointed to Mr. Cathal McDaid in the water so that the skipper knew where he was at all times.
- 5.2 Mr. Martin McDaid hauled the nets and brought the vessel around to head in the direction of Mr. Cathal McDaid who was drifting away from the boat.
- 5.3 A large wave broke over the shelter deck, momentarily causing Mr. Kelly to lose sight of Mr. Cathal McDaid. The rest of the crew joined Mr Kelly on the shelter deck, with the exception of Mr. Martin McDaid who remained in the wheelhouse. A few minutes later, Mr. Kelly spotted Mr. Cathal McDaid again approximately 3 cables to starboard and once again took up his role of pointing towards him.
- 5.4 At this stage, the crew knew that Mr. Cathal McDaid was not alright as there were two lifebelts close to him and he was making no attempt to reach either.
- 5.5 Mr. da Silva volunteered to go over the side to retrieve Mr. Cathal McDaid. A brief discussion followed as to who should go into the water, however, Mr. da Silva insisted that as a trained lifeguard and a strong swimmer, he was the most suited to the role.
- 5.6 A rope was tied around Mr. da Silva's waist and he inflated his personal flotation device before jumping over the side into the water.
- 5.7 The Skipper, Mr. Martin McDaid, returned to the wheelhouse and marked their position on the chart.
- 5.8 Mr. da Silva swam to Mr. Cathal McDaid and administered mouth to mouth resuscitation as best he could in the water. He then put Mr. Cathal McDaid on his back, keeping his head above water in a lifeguard hold as Messrs. Charles McDaid and Pierce Kelly pulled them both back alongside the vessel to the boarding ladder at the stern.
- 5.9 Mr. da Silva attempted to grab hold of the boarding ladder (Appendix 9.6); however, the vessel was surging approximately 4 metres on the swell making it impossible for him to hold on to both Mr. Cathal McDaid and the ladder.
- 5.10 A scramble net was lowered over the side by Messrs. Kelly and Charles McDaid. A wire rope with a hook on the end was also lowered to the men in the water.
- 5.11 Mr. da Silva made several attempts to put the wire rope around the chest of Mr. Cathal McDaid and secure the hook so that he could be hoisted aboard, however, the motion of the vessel was making it very difficult. Mr. da Silva was also becoming entangled in the scramble net and being bashed against the side of the

vessel due to the swell. Added to this, he was becoming very cold and beginning to lose sensation in his fingers and toes. The wire rope was also cutting into his arms and succeeding only in pulling the clothes and personal flotation device off Mr. Cathal McDaid.

- 5.12 Mr. Charles McDaid climbed over the side into the water and took over holding Mr. Cathal McDaid allowing Mr. da Silva to climb back on board to recover. He continued to attempt to put the wire rope around Mr. Cathal McDaid, however, he could not do so with one hand and hold on with the other.
- 5.13 Mr. Charles McDaid then let go of Mr. Cathal McDaid in order to try to use both hands to put the rope around him, however, as he was no longer wearing his personal flotation device, Mr. Cathal McDaid began to sink so he grabbed him again and wrapped his hand in his tee shirt to get a good grip. He twisted his other arm into the scramble net to keep hold of that also.
- 5.14 Mr. Martin McDaid came down from the wheelhouse and ordered the liferaft to be launched. He then went over the side to assist Mr. Charles McDaid to keep hold of Mr. Cathal McDaid.
- 5.15 Messrs. Kelly and da Silva launched the starboard liferaft, inflated it and pulled it around to where the others were in the water.
- 5.16 Mr. Martin McDaid climbed into the liferaft and he and Mr. Charles McDaid managed to pull Mr. Cathal McDaid into the raft. Mr. Martin McDaid then helped Mr. Charles McDaid into the liferaft. Mr. Charles McDaid then commenced CPR which he continued for about 15 minutes.
- 5.17 As this was going on, Mr. da Silva went up to the wheelhouse and put out a 'Mayday' call by VHF on channel 16, giving details of the vessels position. His call was not answered.
- 5.18 Mr. da Silva went back down to the deck and eased the lines securing the liferaft to the side of the vessel as he was concerned that the swell might cause it to capsize.
- 5.19 Both Messrs. Charles McDaid and Martin McDaid came back aboard the fishing vessel as they realised that Mr. Cathal McDaid was probably dead by now. Mr. Martin McDaid went to the wheelhouse and raised Malin Head Coast Guard on the radio at 10.26 hrs.
- 5.20 Meanwhile, Mr. da Silva donned a survival suit with the help of Mr. Charles McDaid and climbed back into the liferaft where he re-commenced CPR on Mr. Cathal McDaid.
- 5.21 At 10:32 hrs., MRSC Malin Head tasked Sligo based rescue helicopter R118 to the scene.

- 5.22 At 12:09 hrs., R118 arrived at the location of the incident.
- 5.23 The R118 winchman was lowered into the liferaft. He assessed the scene and asked Mr. da Silva if he needed medical attention. Mr. da Silva replied that he was fine and did not need any help. The winchman then cut the canopy off the liferaft to allow the winch line to enter unimpeded. He put Mr. Cathal McDaid into a harness and they were lifted off and winched aboard the helicopter. R118 remained on station until Mr. da Silva was safely back aboard the *'Mark Amay II'* and at 12:36 hrs. proceeded to Sligo Airport.
- 5.24 At 13:18 hrs., R118 landed at Sligo Airport and passed Mr. Cathal McDaid to a waiting ambulance where he was pronounced dead.
- 5.25 The crew of the *'Mark Amay II'* stowed the fishing gear and returned to Killybegs, Co. Donegal arriving at approximately 04:00 hrs.

6. FINDINGS

- 6.1 Mr. Cathal McDaid lost his footing, stumbled and fell on top of the port net which was sliding about on the trawl deck and running out over the stern ramp of the *'Mark Amay II'*.
- 6.2 The personal flotation device that Mr. Cathal McDaid was wearing was of the buoyancy aid type without a collar that will not turn the wearer onto his back and keep his head out of the water.
- 6.3 Although Mr. Cathal McDaid was wearing a hard hat at the time of the incident, it fell off and failed to protect him as he appears to have hit his head against either the stern ramp or the hull of the vessel which may have rendered him unconscious and prevented him from reaching one of the lifebelts put into the water for him. It also prevented him from keeping his head above water.
- 6.4 The safety requirements on board required the wearing of a *'personal flotation device, safety helmet, clothing and safety boots'* (Appendix 9.3). However, there was no requirement to use a safety harness and lanyard when working on deck.
- 6.5 Although the minutes of a Safety Meeting held on 26th October 2010 show that *'No standing on trawl deck when net is being shot'* (Appendix 9.2) is permitted, both Mr. Cathal McDaid and Mr. Kelly were on the trawl deck during the shooting of the nets when the incident occurred.
- 6.6 Once Mr. Cathal McDaid had been recovered to the side of the vessel, both Mr. da Silva and Mr. Charles McDaid had great difficulty trying to put a line around him in order to hoist him aboard resulting in the need to launch a liferaft into which to pull him.

7. CONCLUSIONS

- 7.1 Mr. Cathal McDaid was pulled over the stern ramp of the ‘*Mark Amay II*’ by the net he was standing on due to a combination of the net running out and the vessel surging significantly on the considerable swell.
- 7.2 Mr Cathal McDaid died ‘*due to acute respiratory insufficiency, due to drowning in sea water*’.
- 7.3 If Mr. Cathal McDaid had been wearing a lifejacket with a collar as supplied, it would have served to turn him onto his back in the water, whether he was conscious or not and would have kept his head out of the water. This would have significantly reduced the likelihood of his drowning.
- 7.4 If the hard hat that Mr. Cathal McDaid was wearing at the time of the incident had been properly secured with the chin strap, it may have protected his head and prevented him from being rendered unconscious from impact with the stern ramp or the hull.
- 7.5 Had Mr. Cathal McDaid been equipped with a safety harness, correctly worn and with a lanyard secured to a strong point on the vessel, he may have been prevented from being dragged over the stern ramp by the net when he fell.
- 7.6 The fact that Messrs. Cathal McDaid and Kelly were on the trawl deck during shooting of the nets was in contravention of the decision taken at the safety meeting held on 26th October 2010.
- 7.7 No formal arrangement or equipment was in place to recover a person from the water.
- 7.8 Mr. Shaun Conneely, the skipper and crew of the ‘*Mark Amay II*’ all paid tribute to the actions of the crew of R118 rescue helicopter.

8. RECOMMENDATIONS

- 8.1 It is recommended that a proprietary type of man overboard recovery system, such as the Jonbuoy MOB Recovery Module or similar be available on board and that all crew are trained in its use. It is recommended that the Minister for the Department of Transport, Tourism and Sport consider issuing a marine notice on man overboard recovery modules or similar be made available on board Irish registered fishing vessels and all crew are trained in its use.

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Appendix 9.1 Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

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

12/5/2011

Our Ref: WS 3018/2C_14124
Your Ref: MCIB/202

**Estimate of weather conditions in the sea area west of Achill
at 53° 50.37' N and 11° 26.42' W
between 6 hours and 12 hours on the 10th May 2011.**

General Situation

A complex low pressure area centred south of Iceland and extending to Scotland. A fresh to strong, west to south-westerly, airflow covered the sea area west of Ireland.

Details:

Winds: Fresh to Strong winds Force 5 to 6 with near gale to gale gusts from a south-westerly direction.

Weather: Bright and sunny spells with some cloud and occasional showers.

Visibility: good, greater than 10km

Seastate: Rough, with significant wave heights of 3 metres to 4 metres.

Temperature: Air and Sea temperature were 11.5°C

A handwritten signature in blue ink, appearing to read 'Evelyn Murphy'.

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

Appendix 9.1 Weather and Sea Condition Report.



MET ÉIREANN
The Irish Meteorological Service

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

Buoy K4 Latitude 55.4° North and Longitude 12.2° West

year	month	day	hour	Wind Direction (degrees from North)	Wind Speed (knots)	Sea temperature (°C)	Sea period (seconds)	Significant Wave Height (metres)
2011	5	10	6	260	17	11.6	7	2.6
2011	5	10	7	250	18	11.6	7	2.8
2011	5	10	8	240	18	11.6	7	2.8
2011	5	10	9	220	16	11.6	6	2.6
2011	5	10	10	220	18	11.6	7	2.7
2011	5	10	11	230	19	11.6	6	2.9
2011	5	10	12	230	18	11.6	6	2.8

M4 Buoy Latitude 55° North and 10° West

year	month	day	hour	Wind Direction (degrees from North)	Wind Speed (knots)	Highest Gust (knots)	Air Temperature (°C)	Sea Temperature (°C)
2011	5	10	6	220	24	32	11.7	11.5
2011	5	10	7	230	22	32	11.5	11.4
2011	5	10	8	230	23	32	11.6	11.4
2011	5	10	9	230	22	30	11.7	11.4
2011	5	10	10	220	22	31	11.9	11.4
2011	5	10	11	220	21	29	11.9	11.4
2011	5	10	12	220	23	30	11.8	11.4

Appendix 9.1 Weather and Sea Condition Report.

Appendix

Beaufort Scale of Wind					
Force	Description	Speed*		Specification -sea	Wave height** (metres)
		knots	km/hr		
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. The Significant wave height is defined as the average height of the highest one-third of the waves. (It is very close to the value of wave height given when making visual observations of wave height.)

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

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

Visibility: - Descriptions of visibility mean the following:

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

Appendix 9.3 Crewmember Duties.

Crewmember Details: *Kathal Mc Daid*
Deckhand: Tel: Mobile: *086 069 4998*

Contact Details: *086 069 4998*
07493 79198 Tel: Mobile: *086 069 4998*

Next of Kin: *Charles Mc Daid* Tel: Mobile: *086 069 4998*

Certificates:

Crewmember Duties:

It is the responsibility of the employee to:

- Be familiar with the vessel safety folder and in particular the risk assessments.
- Take reasonable care of your own safety, health and welfare and that of any other person that may be affected by your acts or omissions while at work.
- Co-operate with your Skipper or Owner and any other person as to comply with any of the relevant statutory provisions with regard to safety, health and welfare.
- Use in such manner, so far as to provide the protection intended, protective clothing, equipment or other means or things so provided (whether for use alone or for use by you in common with others) for securing your safety, health and welfare while at work.
- Report to your Skipper or Owner without reasonable delay any defect in the plant, equipment, place of work or system of work which might endanger safety and health of which you become aware.
- No person shall intentionally or recklessly interfere with or misuse any appliance, protective clothing, convenience, equipment, or any other means or thing provided in pursuant to any of the relevant Statutory provisions or otherwise, for securing the safety, health and welfare of persons arising out of work activities.
- Use correct tools and equipment for the job. Do not use tools, machinery or equipment requiring special training if you have not received such training.
- Keep tools and equipment in good condition.
- Wear a personal flotation device, safety helmet, clothing and safety boots whilst at work on board and to make proper use of any safety equipment, or any other personal protective equipment provided for your safety and health.
- Crew are encouraged to make suggestions, or raise concerns and are hereby consulted initially on health and safety matter.
- Develop a personal concern for safety for yourself and for others.
- To avoid any action which would be a source of danger to yourself and/or others.
- Crew must not carry out any tasks that they feel are not competent to carry out or which involves unreasonably high risks.
- Report all accidents and dangerous occurrences to your Skipper.

Appendix 9.4 Safety Agreement.

Mark Amay Fishing Co. Ltd.

The Glebe, Killybegs, Co. Donegal.
Tel: + 353 74 9732962 Fax: + 353 74 9731230

I hereby confirm that I have been shown the position of all the safety equipment on board MFV Mark Amay including fire exits, life jackets, flares, life rafts, life rings, emergency radio, EPIRB and deck safety gear including hard hat and PFD.

I have been shown the muster list and have been involved in safety drills on board MFV Mark Amay.

I hereby agree to wear my hard hat and PFD at all times when working on deck and also when working in the nearby vicinity of the boat when she is berthed.

I also confirm that I have been supplied with a hard hat and PFD.

I understand that there is a drink and drug free policy on board and I agree that I will not board the vessel if under the influence of either drink or drugs and will not consume any while on board MFV Mark Amay.

I have familiarised myself with the safety statement which is situated throughout the boat.

I agree to act in a responsible manner at all times while on board MFV Mark Amay.

Cathal Mc David

Directors: Shaun Conneely, Heather Conneely.

Registered Office: The Glebe, Killybegs, Co. Donegal. Registered No. 362967.

APPENDIX 9.5

Appendix 9.5 Photo of Trawl Deck Showing Nets.



Appendix 9.6 Photo of Vessel Showing Boarding Ladder.



Appendix 9.7 Photo of Vessel Showing Stern Ramp.



10. CORRESPONDENCE RECEIVED

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



Your ref: MCIB/12/202

6 January 2012

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

Draft Report of Investigation into fatal incident aboard the MFV 'Mark Amay II' off Achill, Co. Mayo on 10 May 2011

Dear Ms Reddin,

The draft report in relation to this incident has been reviewed. The Coast Guard has no observations but suggests that consideration should be given to the recommendation of Mr da Silva for a Maritime Gallantry Award for his brave efforts.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Chris Reynolds".

Chris Reynolds
Director.



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.
Tel: + 353 1 6783455 / 3427, Fax: + 353 1 6783459, email: admin@irishcoastguard.ie

MCIB RESPONSE

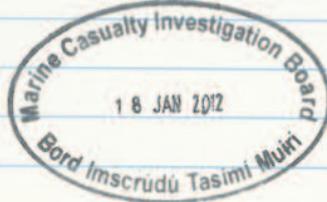
The Board notes the contents of this correspondence.

DATE. 19/1/12

Dear Eve

I wish to confirm that I have no comments or observations to make on the Report of Investigation into fatal incident aboard the MFV "Maek Amay" off Achill, Co Mayo on 10th May 2011.

Yours
Charles McDaid.



MCIB RESPONSE

The Board notes the contents of this correspondence.

C. S. KELLY & CO.

Solicitors
Commissioners for Oaths
Notary Public

Market House,
Buncrana,
Co. Donegal.

Telephone: 074 9363111
Fax No: 074 9361844
DX 66 001 BUNCRANA

Our Ref: CFMcL/SC 13619
Your Ref: MCIB/12/202

30 January 2012

Re: M.F.V. "Mark Amay II"

Dear Sir,

Thank you for your letter of the 6th January, 2012, together with your Draft Report into the fatal incident involving the abovementioned Motor Fishing Vessel off the coast of County Mayo on the 10th May, 2011.

We have taken our client's instructions in relation to your Draft Report and there are a number of issues arising therefrom which we will deal with hereunder using the same numbers as set out in your draft Report:-

2. FACTUAL INFORMATION

2.1. The owner of the Motor Fishing Vessel is described as *Shaun Conneely, Island Trawlers Ltd, The Glebe, Killybegs, County Donegal.*

We do not know whether Shaun Conneely and Island Trawlers Limited own the boat jointly or whether the boat is registered in one or other or both of their names.

The Certificate of Ownership should have been examined and a copy of same should be attached to the Final Report.

It is noted from Appendix 9.4. that the document therein referred to is headed "*Mark Amay Fishing Co. Ltd*" and that the Directors thereof are "*Shaun Conneely and Heather Conneely*".

We do not know the involvement of that Company and those Directors with the Motor Fishing Vessel Mark Amay II.

The full addresses of all of the crew members should be set out in this Report.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervia H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.



The qualifications of the crew members are not provided.

It is not stated whether the qualifications of any new crew member were checked before signing on to the vessel.

It would appear that no attempt was made to check the qualifications of any of the crew members for the purposes of this Report.

We note from the Report that *Before any new crew member is signed on to the vessel, he is made aware of the health and safety requirements aboard and his crew member duties. Each crew member is required to sign documents to the effect that he is familiar with safety requirements and agrees to be bound by them and his duties as a member of the crew.*

However, we do not know how the crew members became familiar with the safety requirements and their duties as crew members.

We do not know whether they were given documents outlining the safety requirements on board the Mark Amay II and outlining their duties as crew members on board the Mark Amay II.

These documents should have been furnished to each crew member and they should have signed a Receipt for same.

2.2. We have not been informed of the qualifications of Martin McDaid to skipper a boat of this size.

2.3. We have not been informed whether new crew members had to show their qualifications prior to signing on to this vessel.

We note that it is alleged that any new crew member is made aware of the Health and Safety requirements aboard and his crew member duties.

It is also noted that each crew member is required to sign documents to the effect that he is familiar with safety requirements and agrees to be bound by them and his duties as a member of the crew.

It is noted that the Deceased, Cathal McDaid, allegedly signed both of these documents. The copy documents are exhibited at Appendices 9.3. and 9.4. Neither of the documents appear to be dated nor witnessed.

It is not known whether the skipper and other crew members signed similar documents. If so, then copies of same should be attached to the Final Report.

If not, then it should be so stated.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervla H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

2.4. We are informed that *Regular safety meetings are held on board the 'Mark Amay II' and records of the minutes of those meetings are retained on File for perusal at any time by crew members.*

We have not been furnished with the dates of those meetings nor have we been informed that all the crew members on board the Mark Amay II on the 10th May, 2011 attended those *Regular safety meetings.*

2.5. We are informed that *One such meeting was held on the 26th October, 2010. One item which was discussed at the meeting was 'no standing on trawl deck when net is being shot'.*

A safety meeting Report dated the 26th October, 2010 is attached at Appendix 9.

It should be noted that this alleged meeting did not take place on board the Motor Fishing Vessel Mark Amay II.

It should also be noted that the persons who attended this meeting did not sign the Safety Meeting Report.

Furthermore, it should be noted that the following persons were not in attendance at the alleged meeting:-

1. Charles McDaid;
2. Joan da Silva;
3. Pierce Kelly,

three of the five man crew of the Motor Fishing Vessel Mark Amay II.

However, it is noted that the skipper, Martin McDaid, is alleged to have been in attendance at that safety meeting on the 26th October, 2010.

No explanation has been given as to why he, as skipper of the Mark Amay II, permitted at least two of his crew members to stand on the trawl deck when the net was being shot on the 10th May, 2011, at a time when he was in charge of an overseeing the fishing operation which was taking place at that time.

It was also noted that *the wearing of personal floatation devices and hard hats at all times was also discussed as was the need to obtain a scramble net.*

There is no specification of the type of life jackets which were to be worn and no indication has been given when the scramble net was to be obtained for taking crew men from the water.

2.6. We are informed that *It is understood that a strict Policy is maintained on board where no crew member is permitted on deck without his safety gear and personal flotation device.*

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

We are not told how this understanding came about.

Was the investigator advised of this by the owners or by the skipper ?

We are informed that *All crew members on deck at the time of this incident were wearing personal flotation devices of one type or another.*

Three different types of personal flotation devices were worn by the crew members. There does not seem to have been any conformity in the type of personal flotation devices which were required to be worn.

We have not been informed whether personal flotation devices with collars were available on board for the crew members to wear and, if so, why there was no requirement to wear same or, indeed if any such requirement did exist, why the skipper did not insist on all of his crew members wearing the same type of personal flotation device on the 10th May, 2011.

3. EVENTS PRIOR TO THE INCIDENT

3.3. We are informed that *Mr. Charles McDaid and Mr. Pierce Kelly were attending to the starboard net and Mr. Joan da Silva and Mr. Cathal McDaid were attending to the port net.*

We are also informed that Mr. Kelly and Mr. Cathal McDaid were on the trawl deck to fasten shackles to the net and guide the cod end over the stern ramp.

We have not been informed of the location of Charles McDaid and Joan da Silva at that time.

No explanation has been given as to why the skipper permitted Cathal McDaid and Pierce Kelly to go on to the trawl deck and to remain there in contravention of the Items discussed at the Safety Meeting of the 26th October, 2010.

3.5 We are informed that *At approximately 10:00hrs the port net ran out smoothly, however the starboard net snagged.*

We are not told how or why the starboard net snagged.

We are not told why Mr. Pierce Kelly required assistance in freeing the snagged starboard net.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Marie McConnell F.I.L.L.Ex. – Legal Executive.

We have not been told why the skipper, Martin McDaid, made no attempt to stop Cathal McDaid crossing the trawl deck to assist Mr. Pierce Kelly nor have we been told why the skipper, Martin McDaid, made no attempt to stop Cathal McDaid from crossing back across the trawl deck after he had assisted Mr. Kelly.

- 3.6. We are informed that *The weather conditions at the time were poor with force 5 to 6 South Easterly winds and 4 to 5 metre high seas.*

It is noted that the Weather and Sea Condition Report at Appendix 9.1. states that winds were fresh to strong winds Force 5 to 6 with near gale to gale gusts from a *south-westerly* direction.

We are informed that, *As a result of the weather condition the 'Mark Amay II' was rolling and pitching quite severely. The stern of the vessel was rising and falling on the swell to a height of several metres and the nets were sliding from side to side on the trawl deck.*

Clearly, these were dangerous conditions for fishing and crew members were clearly exposed in conditions of this nature.

We are not aware whether harnesses were available for the crew members to wear when they were required to work in such dangerous conditions.

Were such harnesses available and, if so, why were they not worn by the crew members ?

4. THE INCIDENT.

- 4.5. We are informed that *It was possible that the stern of the vessel came down on top of him and struck him on the head rendering him unconscious, as he released his grip on the net and stopped moving.*

It is clear that Cathal McDaid was rendered unconscious.

We do not know whether he was still wearing his safety helmet at that time.

We do not know whether his safety helmet had fallen off or had broken off with the impact.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervla H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

5. EVENTS FOLLOWING THE INCIDENT

5.17 We are informed that *Mr. da Silva went up to the wheelhouse and put out a 'Mayday' call by VHF on channel 16, giving details of the vessels position. His call was not answered.*

We are not told why his call was not answered.

If a Mayday call had been put out on Channel 16 then Malin Head should have received such a call.

5.21 We are informed that *At 10:32hrs, MRSC Malin Head tasked Sligo based helicopter R118 to the scene.*

We are not told when Malin Head became aware of the incident nor are we told why it took so long for the helicopter to get to the scene of the incident.

It is noted that the helicopter arrived at 12.09hrs.

5.24 We have been informed that *At 13:18hrs. R118 landed at Sligo Airport and passed Mr. Cathal McDaid to a waiting ambulance where he was pronounced dead.*

We have not been told who pronounced him dead.

6. FINDINGS.

6.2 We are informed that *The personal flotation device that Mr. Cathal McDaid was wearing was of a buoyancy aid type without a collar that will not turn the wearer onto his back and keep his head out of the water.*

We have not been informed whether personal flotation devices with collars were provided on board the Motor Fishing Vessel Mark Amay II for all of the crew members.

We have not been told why the skipper permitted Mr. Cathal McDaid and the other crew members on board on to the deck of the Motor Fishing Vessel Mark Amay II without personal flotation devices without collars.

We have not been told whether an inspection of the personal flotation devices available on board was carried out nor have we been told the results of any such investigation.

If no such investigation was carried out then why not ?

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervla H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

- 6.3 We are informed that *Although Mr. Cathal McDaid was wearing a hard hat at the time of the incident, it fell off and failed to protect him as he appears to have hit his head against either the stern ramp or the hull of the vessel which may have rendered him unconscious and prevented him from reaching one of the lifebelts put into the water for him. It also prevented him from keeping his head above water.*
We are not informed whether the hard hat was recovered and, if so, whether any examination of same was carried out.
We are not told whether any of the other crew members saw Cathal McDaid securing his hard hat properly or whether he was wearing same without any straps.
In addition, we do not know whether the straps on the hard hat were intact or whether same broke on impact or whether the straps on the hard hat worn by Cathal McDaid were defective.
- 6.4 We are informed that *The safety requirements on board required the wearing of a 'personal flotation device, safety helmet, clothing and safety boots'.*
We are informed that *there was no requirement to use a safety harness and lanyard when working on deck.*
We have not been informed why there was no requirement to use a safety harness and lanyard when working on deck, particularly in weather conditions that were prevailing on the 10th May, 2011.
- 6.5 We are informed that *Although the minutes of the safety meeting held on the 26th October, 2010 show that 'no standing on trawl deck when the net is being shot' (Appendix 9.2) is permitted, both Mr. Cathal McDaid and Mr. Kelly were on the trawl deck during the shooting of the nets when the incident occurred.*
We have not been informed as to why the skipper of the Motor Fishing Vessel Mark Amay II permitted both of these men to be on the trawl deck during the shooting of the nets.
We have not been informed as to whether Mr. Pierce Kelly was made aware that he was not permitted to stand on the trawl deck when a net was being shot.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Anne Marie McCrystal LL.B., Meajella Lynch, B.C.L.,
Marie McConnell F.I.J.L.Ex. – Legal Executive.

7. CONCLUSIONS.

- 7.2. We are informed that *Mr. Cathal McDaid died 'due to acute respiratory insufficiency, due to drowning in sea water'*.
It is noted that Cathal McDaid died as a result of drowning and not as a result of a bang to the head.
- 7.3. It is concluded that *If Mr. Cathal McDaid had been wearing a lifejacket with a collar, it would have served to turn him onto his back in the water, whether he was conscious or not and would have kept his head out of the water. This would have significantly reduced the likelihood of his drowning.*
One has to ask why life jackets without collars were permitted on board the Motor Fishing Vessel Mark Amay II, why life jackets with collars were not supplied to all crew members and why there was no insistence that life jackets with collars be worn by all crew members.
- 7.4. It is concluded that *If the hard hat that Mr. Cathal McDaid was wearing at the time of the incident had been properly secured with a chin strap, it may have protected his head and prevented him from being rendered unconscious from impact with the stern ramp or the hull.*
We have not been informed whether the hard hat worn by Mr. Cathal McDaid, at the time of the incident, was properly secured or otherwise nor are we informed whether the chin strap had broken or snapped on the impact with the stern ramp or the hull or indeed whether same was defective.
We have not been informed whether the hard hat was recovered and whether any examination was carried out on same.
- 7.5. It is concluded that *Had Mr. Cathal McDaid been equipped with a safety harness, correctly worn and with a lanyard secured to a strong point on the vessel, he may have been prevented from being dragged over the stern ramp by the net when he fell.*
We do not know whether the Motor Fishing Vessel Mark Amay II was fitted with safety harnesses for each of the crew members working on the deck particularly in the dangerous weather conditions which prevailed on the 10th May, 2011.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Marie McConnell F.I.L.Ex. – Legal Executive.

Clearly, such safety harnesses should be fitted and a requirement should be in place that same should be worn by all crew members on deck when fishing in poor weather conditions.

- 7.6. It is concluded that *The fact that Messrs. Cathal McDaid and Kelly were on the trawl deck during shooting of the nets was in contravention of the decision taken at the safety meeting on the 26th October, 2010.*

Mr. Pierce Kelly was **not** at the meeting on the 26th October, 2010 and would not have been aware of the “decision” or the “discussion” which took place on that date in relation to persons being prohibited from being on the trawl deck during the shooting of nets.

In all, it would appear that there were four crew members on the trawl deck during the shooting of the net on the 10th May, 2011. No explanation has been given by the skipper as to why he permitted this to happen particularly as it would appear that he was at the safety meeting held in Killybegs on the 26th October, 2010 when this was “discussed”.

We have not been told whether Pierce Kelly was informed or advised that he should not be on the trawl deck during the shooting of nets.

- 7.7. It is concluded that *No formal arrangement or equipment was in place to recover a person from the water.*

We have not been told why no formal arrangement or equipment was in place to recover a person from the water.

One would have expected that a formal arrangement and equipment should have been in place, on a modern Fishing Vessel, to recover a person from the water.

It should be noted that trojan efforts were made by the other crew members to recover Cathal McDaid from the water and that the absence of any formal arrangement or equipment to recover a person from the water put their lives in jeopardy.

- 7.8. Tribute should be paid to the crew members on board the Mark Amay II who bravely and gallantly attempted to recover Mr. Cathal McDaid from the sea in adverse weather conditions with out any formal arrangement or any proper equipment for so doing thus putting their own lives in jeopardy.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.L.Ex. – Legal Executive.

8. RECOMMENDATIONS.

- 8.1. We note that *It is recommended that all fishing vessels develop a Safety Statement and hold safety meetings and that all Safety Statements be adhered to.*

Safety Statements must be prominently displayed and must be brought to the attention of all crew members who should be asked to sign the Safety Statement indicating that they have read same, understand same and undertake to adhere to same, before going on board any Motor Fishing Vessel.

- 8.2. We note that *It is recommended that the type of personal flotation device worn by crew whilst on deck be reviewed and lifejackets with collars be made available. It is also suggested that there may be oilskins available on the market that are equipped with a suitable type of personal flotation device which crews may prefer to use.*

Again, this recommendation is to be commended.

However, it should be a requirement that all crew members wear personal flotation devices with collars and that the skipper of a Motor Fishing Vessel should insist and ensure that same are worn at all times when crew members are on deck.

- 8.3. We note that *It is recommended that a proprietary type of man overboard recovery system, such as the Jonbuoy MOB Recovery module or similar be available on board and that all crew are trained in its use.*

It is difficult to understand why a modern type Fishing Vessel, such as the Mark Amay II, did not have such a man over board recovery system in place.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

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Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

GENERAL COMMENTS.

1. We would recommend that copies of the Statements of the Skipper and Crew Members of the Mark Amay II be attached to the Report of the Investigation into the fatal incident on the 10th May, 2011.
2. We would recommend that the Statements taken from the crew members should commence with a summary of their qualifications and experience.
We are aware that Pierce Kelly had applied to attend a Course for a Sea Survival Ticket but that he did not sit nor complete that Course until after this incident.
3. We would recommend that a fundamental requirement in any Report on an incident, fatal or otherwise, on board a Fishing Vessel should have attached thereto a copy of the Certificate of Ownership and other relevant Ships Papers particularly any Charts or Record kept by the skipper on or about the dates of any such incidents.
4. Modern Motor Fishing Vessels, such as the Mark Amay II are equipped with C.C.T.V. We have not been informed whether any enquiry was made as to whether C.C.T.V. was installed on the Mark Amay II.
If it was installed and was operational then copies of the C.C.T.V. should have been obtained and furnished.
If it was not operational then a question should be asked as to why same was not operational.
If it was not installed then a question should be asked as to why it was not installed.
5. We have not been informed whether there were Net Drums on board the Mark Amay II. If they were on the Mark Amay II then the question arises as to why they were not stopped in time so as to prevent Mr. Cathal McDaid being dragged over board and into the sea.
If they were installed and operational then enquiries should have been made as who had control of same and why same were not stopped.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervia H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.J.L.Ex. – Legal Executive.

We are aware that a copy of this letter will be attached to the Final Report into the fatal incident on the 10th May, 2011 and we do not object to same being attached thereto.

Yours faithfully,

C. S. Kelly

The Chairman,
Marine Casualty Investigation Board,
Lesson Lane,
DUBLIN 2.

Ciaran F. MacLochlainn B.C.L., Joseph P. Davies B.C.L. Notary Public.

Dervia H. McLaughlin LL.B., Darragh J. McLaughlin LL.B.,
Anne Marie McCrystal LL.B., Majella Lynch, B.C.L.,
Marie McConnell F.I.I.L.Ex. – Legal Executive.

MCIB RESPONSE

2. Factual Information

- 2.2 At the time of this incident, the *'Mark Amay II'* carried more than the minimum qualified personnel aboard.
- 2.3 The deceased, Mr. Cathal McDaid, signed documents stating that he had been made aware of the safety requirements of the vessel and agreed to be bound by them (See Appendix 9.4) and also his duties as a crew member (See Appendix 9.3). Paragraph 2.3 of the report states that *'Before any new crew member is signed on to the vessel, he is made aware of the health and safety requirements aboard and his crew member duties. Each crew member is required to sign documents to the effect that he is familiar with safety requirements and agrees to be bound by them and his duties as a member of the crew. Mr. Cathal McDaid signed both of these documents (See Appendices 9.3 & 9.4).'* Including copies of all documents signed by all crew members is not considered relevant to this report and is considered unnecessary.
- 2.4 The report makes a statement of fact that *'Regular Safety Meetings are held on board 'Mark Amay II' and records of those meetings are retained on file for perusal at any time by crew members'*.
- 2.5 The report states that a safety meeting was held on 26th October 2010. Where the meeting was held - although it is understood that it was held on board the *'Mark Amay II'* in Killybegs - is not considered relevant to this report. The list of attendees is included in the Safety Meeting Report (See Appendix 9.2). It is not the function of the MCIB, nor is it the intention of this investigation and subsequent report to find fault or place blame, rather to find fact and make recommendations to help in the prevention of a recurrence. To hold the skipper, Mr. Martin McDaid, responsible for two crew members standing on the trawl deck whilst the nets were being shot is in total contravention of the function of the investigation and subsequent report. Thus any explanation as to why two crew members were permitted to be on the trawl deck is not considered relevant to this report.

It is understood that lifejackets with collars were specified and supplied to all crew members. Paragraph 2.6 of the report has been amended (following comments by Mr. Shaun Conneely) to reflect this. It is noted in paragraph 5.10 that *'A scramble net was lowered over the side by Messrs. Kelly and Charles McDaid'*. It is, therefore, safe to assume that a scramble net was available to the crew at the time of the incident.

- 2.6 This information was supplied by Mr. Shaun Conneely and is also contained within the safety agreement document (See Appendix 9.4) signed by all crew members. It is understood that lifejackets with collars were specified and supplied to all crew members. Paragraph 2.6 of the report has been amended (following comments by Mr. Shaun Conneely) to reflect this.

3. Events Prior to the Incident

- 3.3 The location of Messrs. João da Silva and Charles McDaid at this time is not considered relevant.
- 3.5 This paragraph sets out the facts.
- 3.6 The Board understands that there was one harness on board the vessel.

4. The Incident

- 4.5 It cannot be categorically stated from the evidence available that Mr Cathal McDaid was rendered unconscious as he was being pushed under the stern of the vessel, therefore, the statement that ‘it is clear that Cathal McDaid was rendered unconscious’ is not accurate. Further, in the conditions being experienced at the time and the urgency of the crew’s actions, it is unsurprising that they cannot remember for certain whether or not Mr. Cathal McDaid’s hard hat was in place or indeed, if it had become ‘broken’ due to the impact.

5. Events following the Incident

- 5.17 The report states that *‘Mr. da Silva went up to the wheelhouse and put out a ‘Mayday’ call by VHF on channel 16, giving details of the vessels position.’* There is no way of knowing why his call went unanswered.
- 5.21 The Coast Guard at Malin Head responded to the call as soon as it was received by them (10:26 hrs.). Initially, they requested the Shannon R115 helicopter which happened to be on exercises at the time, however, they were informed by MRSC Valentia (10:32 hrs.) that it would have to refuel. R118 Sligo Helicopter was then immediately tasked. R118 was airborne at 10:55 hrs. and gave an ETA of one hour. R118 arrived on the scene at 12:09 hrs., just over an hour later.
- 5.24 It is not the MCIB’s policy to divulge the name of the doctor.

6. Findings

- 6.2 Please see points 2.5 and 2.6 above.
- The deceased was wearing a buoyancy aid without a collar.
- 6.3 The hard hat was not recovered.
- 6.4 There was no requirement to use a safety harness on deck.
- 6.5 Please see point 2.5 above.

7. Conclusions

- 7.3 - 7.6 Please see responses above.
- 7.7 Noted.

7.8 Noted.

General Comments

1. Such statements are privileged.
2. Please see above.
3. Where it is deemed appropriate, copies of the relevant papers are attached to MCIB reports.
4. CCTV was not relevant to this incident.
5. The report has outlined the sequence of events as they took place.

AN GARDA SÍOCHÁNA

An Cheannfort
An Garda Síochána
Sligeach

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Ref No: SO26.28/11



Superintendent
An Garda Síochána
Sligo
Co. Sligo
Web site: www.garda.ie
E-mail:
Date 4th January 2011

Your Ref: MCIB/12/202

Mr John O'Donnell
Chairman
MCIB
Marine Casualty Investigation Board
Leeson Lane
Dublin 2

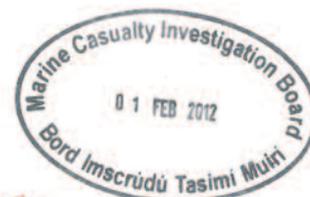
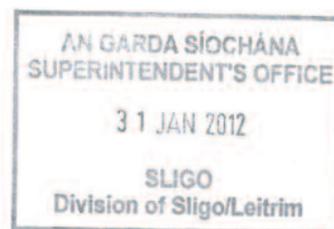
Re: **DRAFT Report of Investigation into fatal incident aboard the MFV "Mark Amay 11", off Achill, Co. Mayo on 10th May 2011.**

Dear Sir,

Your correspondence of the 6th January 2011 refers.

I am to advise that the Draft Report into the incident which occurred off Achill, Co. Mayo on the 10th May 2011 is a detailed and accurate account of the Incident.


P. Kilcoyne
Inspector, Acting
Superintendent



Ráiteas Misin/Mission Statement
Ag obair le Pobail chun iad a chosaint agus chun freastal orthu
Working with Communities to Protect and Serve

MCIB RESPONSE

The Board notes the contents of this correspondence.

MARK AMAY FISHING CO. LTD.

The Glebe, Killybegs, Co. Donegal.
Tel: + 353 74 9732962 Fax: + 353 74 9731230

2nd February, 2012.

Attn. Ms. Eve Reddin, Secretariat.

Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

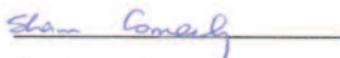
Re: Investigation into fatal incident aboard the MFV Mark Amay II.

Dear Ms. Reddin,

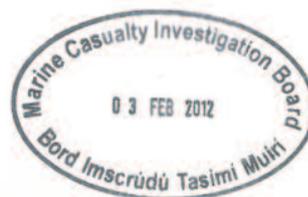
Further to the draft report of investigation into the fatal incident aboard the MFV Mark Amay II, on 10th May, 2011, I wish to make the following known.

1. In relation to Conclusion 7.3: Mr. Cathal McDaid was supplied with a lifejacket which had a collar but he did not wear it.
2. In relation to Conclusion 7.4: All hard hats supplied by the owner had chin straps fitted.
3. In relation to Recommendation 8.1: I wish to advise you that MFV Mark Amay II has a safety statement.
4. In relation to Recommendation 8.2: All flotation devices that the owner supply to the crew have collars on them and the crew sign off that they will wear such flotation device.

Yours faithfully,



Shaun Conneely.



MCIB RESPONSE

The Board notes the contents of this correspondence and have made the necessary amendments.