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**REPORT OF INVESTIGATION  
INTO GROUNDING AND  
SUBSEQUENT FOUNDERING  
OF EMERALD STAR LINE  
CAPRICE 8  
ON 9th OCTOBER 2009**

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

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**REPORT No. MCIB/178  
(No. 7 of 2010)**



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30th June 2010

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## 1. SYNOPSIS

- 1.1 On 9th of October 2009, a Caprice class Emerald Star Line charter boat ran aground on rocks in the vicinity of Mountaineer Rock off Ryan's Point on Lough Derg, Co. Tipperary. The four persons on board were taken off by the Portumna Fire and Rescue RIB and ferried across the lake to Williamstown Harbour. The vessel was noted to have been severely holed. The vessel was pulled off the rocks and subsequently sank while under tow. There were no fatalities and no pollution associated with this incident.

## 2. FACTUAL INFORMATION

### 2.1 Vessel description

Class of vessel: Caprice 8

LOA: 12.0m

Draft: 1.0m

Builder: Porter & Haylett Ltd,  
Wroxham,  
Norfolk,  
UK

Owner: Emerald Star Line,  
Connaught Harbour,  
Portumna,  
Co. Galway

Skipper: Mr. Robin Aust,  
Mullingar,  
Co. Westmeath

The skipper had previous experience of chartering on inland waterways in the UK and Africa.

Crew: The crew consisted of 3 adults, one of whom had previous experience of chartering on Ireland's inland waterways.

2.2 The Caprice class is constructed of conventional GRP laminate.

2.3 The vessel was on bareboat charter i.e. no Emerald Star Line personnel were aboard.

2.4 The hirers were briefed by Emerald Star Line personnel (who are qualified to give power boat training) and shown the Irish Boat Rental Association (IBRA) video which details emergency procedures amongst other things.

2.5 The captain and first mate completed and signed the trial run checklist stating that they have checked the vessel and have received the necessary instruction on the use of the vessel (sample checklist, see appendix 9.3).

2.6 The hirers were issued with:

- The 'Navigational Guide to the Shannon and Erne Waterways' for navigation purposes.

- A folder containing emergency phone numbers including the numbers of all Emerald Star Line bases and other useful information.
- A mobile phone for emergency use.
- Weather forecasts.

### 3. EVENTS PRIOR TO THE INCIDENT

#### 3.1 Friday 9th October 2009.

The boat was proceeding south from the top of Lough Derg having spent the previous few days cruising Lough Ree and Lough Derg from Portumna Emerald Star Line Base. It was the intention of the hirers to spend the last night of their cruise in Garykennedy before returning the boat to Portumna the following (Saturday) evening.

#### 3.2 As they approached the Corrikeen Islands in the centre of the lake they noticed a sailing regatta taking place in the vicinity. Not wanting to disrupt the regatta by proceeding through the middle of it, they opted to go around the islands, thus avoiding the regatta.

## 4. THE INCIDENT

- 4.1 All four crew were together on deck at the outside helm position (see photo, appendix 9.1). The helmsman noted a black mark - Mountaineer Rock off Ryan's Point.
- 4.2 At this point, the helmsman claims to have become disorientated and to have lost his sense of direction and, having difficulty recognising the marks shown on the chart, thought that Garykennedy was in Youghal Bay, Co. Tipperary, altered course to port and ran aground on submerged rocks off Ryan's Point (see appendix 9.2) at cruising speed. The time was approximately 17.00hrs on Friday 9th October 2009.
- 4.3 Having stopped the engine, an investigation was carried out below to determine the extent of the damage, if any. On opening a hatch in the for'd cabin, water was noted to be flooding in.

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 A phone call was then made to the Emerald Star Line base in Portumna on the emergency mobile phone provided by Emerald Star Line. The call was taken by Mr. Timmy Walsh, the base manager. The distress flag was also deployed, however the only other vessel in the area, another hire boat, was too far away to be aware of the incident or be of any assistance.
- 5.2 The crew were immediately advised to don their lifejackets and await rescue.
- 5.3 Mr. Walsh then telephoned Mr. Ronald Curley, Portumna Fire Chief, who launched the Portumna Rescue RIB which, with two other volunteers on board, set off toward the casualty arriving at the stranded vessel at approximately 17.30 hrs. At this stage, it was still daylight, visibility was good and the wind strength was approximately force 2.
- 5.4 The four persons on the stranded vessel and their luggage were transferred to the RIB and ferried to Williamstown Harbour on the opposite side of the lake from where they were taken to Portumna Emerald Star Line base by taxi.
- 5.5 Mr. Walsh also contacted Mr. Angus Leavy of Shannon Castle Line based at Williamstown Harbour to request the use of his 38' steel cruiser, which at 16 tonnes and with 130 hp was considered adequate to pull the Caprice vessel off the rocks. This call was received sometime between 17.30 hrs and 18.00 hrs.
- 5.6 Mr. Walsh was concerned that according to the weather forecast, conditions were due to deteriorate with increased wind. He felt that the vessel would not survive the night on the rocks if the forecast were correct.
- 5.7 Two Emerald Star Line personnel arrived at Williamstown Harbour with a petrol driven salvage pump and took the Shannon Castle Line cruiser across the lake to the stranded vessel. Neither Mr. Walsh nor any Shannon Castle Line personnel were aboard.
- 5.8 The pump was put aboard the Caprice and started. Two of the Portumna rescue personnel stayed aboard the Caprice, the third remained in attendance on the RIB. The Shannon Castle Line vessel with the Emerald Star Line personnel aboard was secured to the Caprice and, with the aid of the Caprice's engine, was pulled off the rocks.
- 5.9 By this stage, it was getting dark and the boats were not equipped with adequate lighting. Mr. Walsh attempted to make contact with the rescue team by mobile phone to call off the tow, but the noise of the engines and pump prevented the phone from being heard, so the tow went ahead.
- 5.10 The tow proceeded across the lake toward Williamstown Harbour, a distance of approximately 3 kilometres, to within approximately 100 metres of the harbour

when the salvage pump failed. The Caprice began to take on water and sink rapidly.

5.11 The tow was disconnected, all persons were taken off and the Caprice was allowed to settle in 2 to 3 metres of water (see appendix 9.2). The time was approximately 21.00 hrs.

5.12 Saturday 10th October 2009.

A temporary patch was fitted to the outside of the Caprice by a diver and the vessel was raised with the aid of an excavator mounted on a floating pontoon and pumps.

5.13 The Caprice was then lifted out at Williamstown Harbour where the significant hole in her for'd starboard section was patched again. She was then re-launched and proceeded back up the lake under her own power to the Emerald Star Line base at Portumna where she was once again lifted and put ashore.

## 6. FINDINGS

### 6.1 Inspection of the vessel

The vessel was inspected ashore at the Emerald Star Line base in Portumna. Significant damage was noted to the for'd starboard section of the hull consisting of a large hole approximately 0.5m x 0.5m with further cracking of the hull extending forward for a further 0.75m located approximately 0.85m from the bottom of the skeg to the lower edge of the hole, 0.2m from the waterline to the upper edge of the hole and 1.6m from the bow to the leading edge of the crack. It was further noted that the glass fibre exposed by the damage shows very poor wet out and adhesion of resin in the laminate (photos, see appendix 9.1). Further damage was noted on the port side of the vessel just below the waterline, approximately 1.5m from the bow (photos, see appendix 9.1). The damage found was consistent with the grounding. It is not known whether the ultimate foundering of the vessel contributed to the damage or if it was all caused by the initial grounding.

### 6.2 RCD Certification

It is understood that this vessel was designed and constructed to RCD category D "Sheltered Waters - conditions up to and including wind force 4 and significant wave heights up to and including 0.5 metres". The requirements include, under Module A, 'Internal Control of Production' namely conformity assessment by the manufacturer himself who draws up a written declaration of conformity by which he regulates his own production standards.

### 6.3 Navigation on the Inland Waterways

The buoyage system on the Shannon Navigation system consists of black and red buoys. Red buoys are left to port and black to starboard when travelling upstream and into harbours and bays, the opposite being the case when travelling downstream and out of harbours and bays. The Erne buoyage system differs significantly in that it utilises fixed markers which are painted red on one side and white on the other, the rule being that you pass on the white painted side of the marker. Neither system is recognised internationally.

In this instance, the hirer noted that he had hired boats on the inland waterways of both the U.K and South Africa and that the system on the Shannon differed from that in use on either of those waterways. He was of the opinion that a standard system would be sensible. He also suggested GPS would be useful to reduce confusion.

Emerald Star Line provides hirers with the 'Navigational Guide to the Shannon and Erne Waterways' for navigation purposes. Whilst these charts are large and user friendly, they provide minimal detail and do not show depth contours and give little information on shoals and reefs etc. Hazards are not very clearly

marked. The level of water in the lakes can also change quite dramatically during the year exposing hazards that may otherwise be safe.

#### 6.4 Communications

Emerald Star Line provides hirers with a mobile phone with pre-programmed numbers of their bases and those of the emergency services (999) to be used in the event of an emergency. Mobile phones are not open broadcast devices and therefore, other vessels in the area may not be aware of an incident developing where they may be of some assistance.

#### 6.5 Emergency Services

The hirers contacted the Portumna Emerald Star Line base by mobile phone to request assistance despite the fact that there is an RNLI station based at Lough Derg Yacht Club in Dromineer - a few minutes away by boat from where the incident took place and a Coast Guard station at Killaloe, some 18 km to the south (Portumna being approximately 21km to the north). Emerald Star then chose to contact the Portumna Rescue RIB to effect the rescue of the hirers, again despite the proximity of the RNLI base or the Coast Guard station to the incident. It should be noted that although the Portumna Rescue RIB undoubtedly provides an excellent service, it is not a recognised emergency rescue service on the Shannon Navigation System.

#### 6.6 Salvage of the Caprice

A decision was taken to transfer the severely holed Caprice from the grounding site on the Eastern shore of the lake to Williamstown Harbour on the Western shore across approximately 3 km of open water in fading daylight and deteriorating weather conditions relying on one petrol engine driven pump and the boat's bilge pump to overcome the inflow of water into the boat. This, again, despite of the proximity of Dromineer on the Eastern shore where the vessel could also have been lifted. (it is noted that the physical distance is approximately the same, however, crossing the lake could have posed a greater hazard than taking the coastal option). Had the pump stopped in mid lake, not near to the shore as it did, the outcome could have been very different.

## 7. CONCLUSIONS

- 7.1 The skipper of the vessel became confused and disorientated when trying to recognise the buoys shown on the chart leading him to believe that he was in safe waters.
- 7.2 The navigation charts provided to the hirers were not very detailed and do not show depth contours. These are the charts used almost universally on the inland waterways.
- 7.3 The decision to take the boat across the lake could have led to a much more serious incident.
- 7.4 The incident was not reported. In accordance with section 23 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000, all marine casualties should be reported. Section 23 states:

*23 - (1) An owner, charterer, master, skipper, person in charge, ship's agent, ship's manager or ship's husband of a vessel involved in a marine casualty shall, by using the quickest feasible means, notify the Chief Surveyor or any other marine surveyor in the Marine Survey Office of the Department of the Marine and Natural Resources of the casualty immediately he or she is aware that the marine casualty has occurred or commenced, or as soon as practicable thereafter.*

*(2) There shall be included in the notification such relevant information as is known to the person notifying the marine casualty, including the name and description of the vessel, its position, the number of persons on board and as accurate a summary as possible of the marine casualty.*

*(3) A person required in subsection (1) to notify a marine casualty who without reasonable excuse fails to do so shall be guilty of an offence.*

## 8. RECOMMENDATIONS

- 8.1 It is recommended that the Minister reminds Emerald Star Line of the obligation to comply with the requirements of Merchant Shipping (Investigation of Marine Casualties) Act, 2000 and to report all incidents immediately. Refer to Marine Notice 33 of 2008, Marine Casualty Reporting.
- 8.2 It is recommended that the Minister for Transport engage with Waterways Ireland on the introduction of a buoyage system that is internationally recognised by all users of the inland waterways, both national and foreign. It is recognised that progress is being made in this regard. (See Waterways Ireland Marine Notices Nos. 4 & 26 of 2010.)
- 8.3 It is recommended that Waterways Ireland in conjunction with the Minister for Transport should review the navigation charts currently in use on the inland waterways and introduce a system of charts similar to those in use on the coasts of Ireland and beyond. These show much greater detail of shallows, rocks and shoals and use depth contours.
- 8.4 It is recommended that Emerald Star Line should consider the use of GPS and echo sounders fitted with depth alarms for navigation assistance.
- 8.5 It is recommended that mobile phones are not used for emergency communications. Mobile phones are not open broadcast devices and an emergency call being made on a mobile phone will not be heard by other craft in the vicinity that may otherwise be in a position to render assistance. A recently published Department of Transport Code of Practice for The Safe Operation of Recreational Craft recommends the fitting of an approved VHF unit, fixed or portable, capable of transmitting on at least channels 16, 13 and 6. All boat rental companies, in association with the Irish Boat Rental Association, should give serious consideration to the fitting of VHF communication equipment as recommended by the above Code of Practice for The Safe Operation of Recreational Craft. However the fitting of VHF to hire boats needs to be carefully considered as most hirers will not be certified in their use, although adequate training and the provision of a specifically worded guide located at the VHF station could overcome this. Installation and use of such equipment and operating procedures and training should be agreed with the Department of Transport Marine Survey Office.
- 8.6 It is recommended that Emerald Star Line should review their current procedures for training of hirers placing greater emphasis on accurate navigation.

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## APPENDIX 9.1

### Appendix 9.1 Photographs of the vessel.



Appendix 9.1 Photographs of the vessel.



Appendix 9.1 Photographs of the vessel.

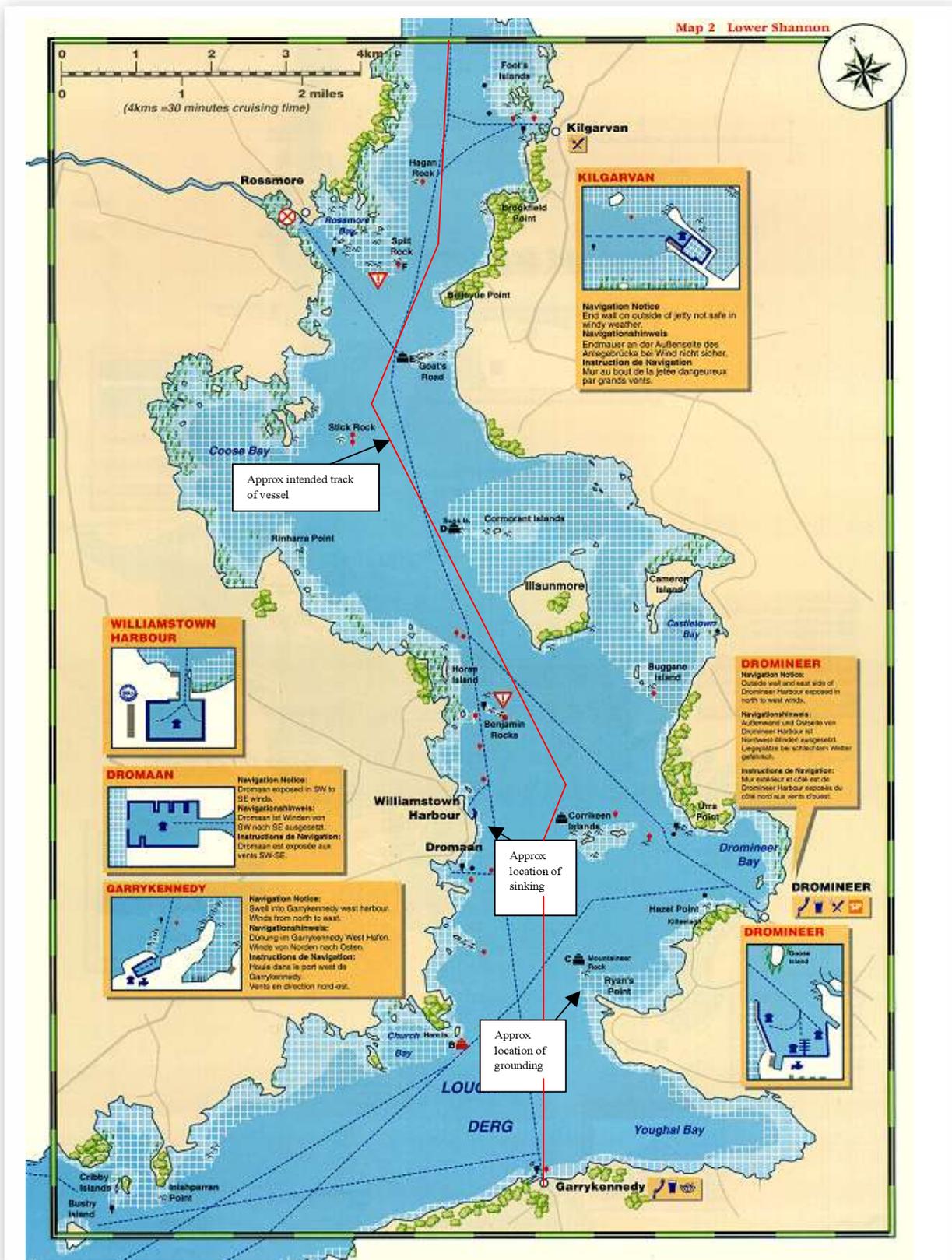


Appendix 9.1 Photographs of the vessel.



# APPENDIX 9.2

Appendix 9.2 Location chart.



Appendix 9.3 Sample 'Trial Run List'.

**EMERALD STAR**

**TRIAL RUN LIST / EINWEISUNG** Booking reference :

Boat / Boot  <p style="text-align: center;"><b>Star (2+1)</b></p> Instruction given at / Einweisung um:      h by / von : <i>AW</i>	Client name / Name des Kunden  Start/return base: <b>POR</b> / <b>POR</b> Language <b>English</b>
----------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------

**safety and security / Sicherheit**

<input checked="" type="checkbox"/> Safety items / Sicherheitsausrüstung : Buoy life rafts / Rettungsringe Schwimmkissen man overboard / Mann über Bord boat hook / Bootshaken emergency tiller / Notrudder anchor / Anker <input checked="" type="checkbox"/> First aid kit / Erste Hilfe Kasten <input checked="" type="checkbox"/> Fire extinguishers fire blanket / Feuerlöscher Branddecke <input checked="" type="checkbox"/> Hatches canopies / Luken, Klappen und Schiebedach	<input checked="" type="checkbox"/> General safety instructions / Allgemeines <input checked="" type="checkbox"/> Life jackets / Schwimmwesten <input checked="" type="checkbox"/> Gas system / Gas <input checked="" type="checkbox"/> Security / safe und Schlüssel <input checked="" type="checkbox"/> keys / Schlüssel
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Technical Points / Technik**

<input checked="" type="checkbox"/> Water filling / Nachfüllen des Wassertanks <input checked="" type="checkbox"/> Water pump / Wasserpumpe <input checked="" type="checkbox"/> Shower pump / Duschpumpe <input checked="" type="checkbox"/> Lights plugs / Licht Steckdosen <input checked="" type="checkbox"/> Fridge / Kühlschrank <input checked="" type="checkbox"/> Cooker / Herd <input checked="" type="checkbox"/> Microwave / Mikrowelle <input checked="" type="checkbox"/> Heater / Heizung <input checked="" type="checkbox"/> 220v. charge.circuit breakers / 220v. Batterieladung, Batterie Hauptschalter <input checked="" type="checkbox"/> Check water/Check Wasser -oil gauges/Öl Anzeigen -Water from exhaust/Wasservormauspuff	<input checked="" type="checkbox"/> Holding tanks / Abwassertanks <input checked="" type="checkbox"/> Toilets / Toiletten <input checked="" type="checkbox"/> Bilge pump / Bilgepumpe <input checked="" type="checkbox"/> Diesel filling/Dieselfüllung <input checked="" type="checkbox"/> Bedding Curtains / Bettzeug Gardinen <input checked="" type="checkbox"/> Cd player radio tv if on board / CD Player Radio tv wenn verfügbar <input checked="" type="checkbox"/> Barbeques /Babecue <input checked="" type="checkbox"/> Air conditioning / Klimaanlage
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Trial run / Testfahrt**

<input checked="" type="checkbox"/> Dashboard / Armaturenbrett <input checked="" type="checkbox"/> Trial run / Testfahrt <input checked="" type="checkbox"/> starting stopping engine / Starten Stoppen des Motors <input checked="" type="checkbox"/> Use of ropes / Umgang mit den Bootsleinen <input checked="" type="checkbox"/> Cruising documents maps / Bootsunterlagen Gewässerkarten	<input checked="" type="checkbox"/> Controls / Erklärung der Schalthebel <input checked="" type="checkbox"/> Mooring / Anlegen <input checked="" type="checkbox"/> Speed/ Geschwindigkeit
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Ireland only**

<input type="checkbox"/> Compagnon de voyage/Holiday Guide /Urlaubsführer-Instruction video seen video/Videovorführung <input checked="" type="checkbox"/> Binoculars/Fernglas <input checked="" type="checkbox"/> Mobile Phone operation/Handybenutzung <input checked="" type="checkbox"/> Dinghy/Dinghy - Outboard engine/Aussenbordmotor <input type="checkbox"/> Lock times/Schleusenöffnungszeiten -payment method/Zahlungsmethoden -Basic operation/Allgemeine Arbeitsabläufe <input type="checkbox"/> Wind on lakes/Wind auf den Seen-Grundings/Grundberührungen      when to notify base/Wann soll die Basis informiert werden? <input type="checkbox"/> Navigation/Navigation -types of bridges/Brückentypen-marked arches/Gekennzeichneta      -sounding horns/ Signal horn	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

**Wroxham only**

<input type="checkbox"/> Rowing Dinghy / Ruderboot <input type="checkbox"/> Mud Weight /	<input type="checkbox"/> Gang Plank / Gangway <input type="checkbox"/> Warning re.6T yarmouth/
---------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------

**Engine hours / Betriebsstundenzähler**

Bikes / Fahrräder      Number / Nummer :

<input type="checkbox"/> 1 .....	<input checked="" type="checkbox"/> 2 .....	<input type="checkbox"/> 3 .....	<input checked="" type="checkbox"/> 4 .....	<input type="checkbox"/> 5 .....	<input type="checkbox"/> 6 .....
<input type="checkbox"/> 7 .....	<input checked="" type="checkbox"/> 8 .....	<input type="checkbox"/> 9 .....	<input type="checkbox"/> 10 .....	<input type="checkbox"/> 11 .....	<input type="checkbox"/> 12 .....

## Appendix 9.3 Sample 'Trial Run List'.

## EMERALD STAR

TRIAL RUN LIST / EINWEISUNG

Booking reference : 1036003

## Locks / Schleusen

## - Your safety is our concern

Going through a lock is a particular part of your cruise where we must advise you to take extra care. The information in the captain's manual related to navigation through locks and what to do if someone falls in the water in a lock in combination with the information you will receive during the trial run should enable you to make this a safe experience. Should you at the end of the trial still not feel confident to negotiate your first lock please do not leave the base without telling us. We are quite happy to come with you or meet you at the first lock. However your departure may be delayed until a member of staff becomes available to do so.

## - Ihre Sicherheit ist unser Belang

Die Passage der Schleusen stellt eine besonderen Teil Ihrer Bootsfahrt dar, und sollte daher Gegenstand einer erhöhten Aufmerksamkeit sein. Die Informationen im Kapitänshandbuch zum Durchschleusen eines Schiffes und wie man sich verhalten sollte wenn jemand in der Schleuse Wasser fällt, sowie die Anweisungen, die sie während der Probefahrt auf dem Boot bekommen, sollten Ihnen ein sicheres Passieren der Schleusen ermöglichen. Wenn sie jedoch nach der Bootseinweisung das Gefühl haben sollten, nicht ausreichend auf das Durchfahren der ersten Schleuse vorbereitet zu sein, bitten wir Sie uns dies vor Ihrer Abfahrt mitzuteilen. Wir kommen selbstverständlich gerne mit Ihnen oder treffen Sie an der ersten Schleuse, sobald einer unserer Techniker zur Verfügung steht.

We confirm that we have read and understood the instructions in relation to the going through various types of locks that we may come across during our cruise and as a result we feel that we can do this safely.

Wir bestätigen hiermit, dass wir die Anweisungen bezüglich der Passage verschiedener Schleusenarten, die wir auf unserer Bootsfahrt antreffen werden, gelesen und verstanden haben und wir uns daher ausreichend vorbereitet fühlen, diese auf sichere Weise zu passieren.

Skipper / Kapitän :

1er Mate / 2eme Kapitän :

I (the hirer) acknowledge that I thoroughly understand the terms and Conditions of Hire, and that I have received instructions from the company on the use of the cruiser and its equipment. I have inspected the cruiser, her gear and her equipment and I found everything to be in good general condition with no shortages. I have received instructions on the handling of the boat. I acknowledge that buoyancy jackets are available on loan, free of charge, for each member of my party and we have been advised to use them.

I also understand that no portable gas equipment, no naked lights, no electrical items (unless authorized by the base manager) and no petroleum spirit may be used or carried aboard the cruiser. Any barbecue will be used well away from the Cruiser and not stowed aboard. I acknowledge that I have received bicycles in a satisfactory condition and have been instructed in the correct use and purpose of

Ich (der Mieter) erkläre, dass ich die Bedingungen des Vermieters zur Kenntnis genommen habe und von der Firma hinsichtlich Ausstattung des Motorkreuzers und Umgang mit Boot und Material eingeschult wurde. Ich habe das Boot, dessen Manövrierfähigkeit und Ausstattung geprüft und für in Ordnung und vollständig befunden. Ich bestätige, dass ein Rettungsring an Bord ist und dass ich und meine Mitreisenden in den Gebrauch des Rettungsringes eingewiesen wurden, falls jemand über Bord fällt. Ich bestätige weiter, dass Schwimmhilfen für die gesamte Besatzung kostenlos zur Verfügung gestellt werden und dass wir in den richtigen Gebrauch eingewiesen wurden.

Ich nehme zur Kenntnis, dass keine gasbetriebenen Geräte, keine offenen Flammen, keine elektrischen Geräte (ausser mit Genehmigung Basisleiters) und keine brennbaren Produkte an Bord gebracht oder an Bord benutzt werden dürfen. Grillgeräte müssen in sicherer Entfernung vom Boot benutzt werden und dürfen erst an Bord verstaut werden, wenn sie abgekühlt sind. Ich bestätige, dass die Fahrräder die ich bekommen habe in zufriedenstellendem Zustand sind und dass ich auf die Möglichkeit der Verwendung von Helmen aus Sicherheitsgründen hingewiesen wurde.



Signature of client / Unterschrift des Kunden

Appendix 9.4 Accident report.

Caprice 8: EMERALD STAR

CONSTAT D'ACCIDENT

ACCIDENT REPORT FORM

UNFALLMELDUNG

En cas d'accident, contactez immédiatement votre base de départ.

Notez les noms et les adresses des témoins et remplissez la déclaration d'accident ci-dessous.

Nie reconnaissez jamais votre responsabilité et ne faites aucune réparation sans nous consulter.

Faites si possible intervenir la gendarmerie pour authentifier le constat. Pensez à faire un croquis au dos de la présente déclaration.

In the event of an accident, contact your departure base immediately.

Take the names and addresses of the witnesses and fill the accident declaration.

Never admit responsibility and don't have any repairs done without consulting us.

Wherever possible, have the Police intervene to authenticate your position.

Don't forget to do a drawing on the back of this declaration.

Rufen Sie bei einem Unfall sofort Ihren Ausgangsstandort an.

Nehmen Sie Namen und Anschrift von Zeugen auf und füllen Sie die Unfallerklärung aus.

Geben Sie in keinem Fall Ihr Verschulden zu und veranlassen Sie keine Reparaturen, bevor Sie den Fall mit uns besprochen haben.

Lassen Sie falls die Möglichkeit besteht, die Polizei einschreiten.

Machen Sie auf der Rückseite der Unfallklärung eine Zeichnung.

Date / Date / Datum : 09/10/09      Heure / Time / Uhrzeit : 5 PM  
 Lieu / Place / Ort : NEAR GARY MATT KENNEDY  
 Voie d'eau / Waterway / Wasserweg : LOUGH DERG      Ecluse / Lock / Schleuse :  
 Circumstances de l'accident / Circumstances of accident / Umstände des Unfalls :  
 WE RAN AGROUND ON ROCKS THAT WERE SUBMERGED AS WE WERE MAKING OUR WAY TO GARY MATT KENNEDY FOR THE NIGHT.

**BATEAU / BOAT / BOOT A**  
 Nom / Name / Name : CAPRICE 8  
 Pilote / Skipper / Steuermann : R. AUST  
 Adresse / Address / Anschrift :  
 Mullingar westmeath  
 Dégâts apparents / Obvious damage / Sichtbare Schäden :  
 when opening the Hatch noticed water filling up  
 A un autre bateau / To another boat / An einem anderen Boot :  
 NO  
 A un autre objet / To another object / An einem anderen Gegenstand :  
 NO  
 Dommages corporels / Corporal injury / Körperverletzungen :  
 NO  
 Témoins / Witnesses / Zeugen :  
 1 LESLEY AUST  
 2 Jane OBYRNE  
 Signature : [Signature]  
 Unterschrift :

**BATEAU / BOAT / BOOT B**  
 Nom / Name / Name :  
 Pilote / Skipper / Steuermann :  
 Adresse / Address / Anschrift :  
 Dégâts apparents / Obvious damage / Sichtbare Schäden :  
 A un autre bateau / To another boat / An einem anderen Boot :  
 A un autre objet / To another object / An einem anderen Gegenstand :  
 Dommages corporels / Corporal injury / Körperverletzungen :  
 Témoins / Witnesses / Zeugen :  
 1  
 2  
 Signature :  
 Unterschrift :

## 10. CORRESPONDENCE RECEIVED

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MCIB Response	28



2 Sligo Road  
Enniskillen  
Co. Fermanagh  
BT74 7JY

T: +44 (0) 2866 323004  
F: +44 (0) 2866 346257  
E: info@waterwaysireland.org  
W: www.waterwaysireland.org

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

Dear Mr. O'Donnell,

**DRAFT Report of Investigation into grounding and subsequent foundering of Emerald Star Line vessel 'Caprice 8' on 9<sup>th</sup> October 2009.**

I have just received a copy of the above draft and I thank you for the opportunity to respond to its contents insofar as it affects Waterways Ireland.

Waterways Ireland is the largest of the Cross Border Implementation Bodies and was set up to manage, maintain, develop and restore the inland navigable network principally for recreational purposes. The vast majority of our customers are private boat owners and boat hirers, many of whom have been attracted to the water because of the simplicity of hireage. The Government has allocated considerable financial resources to Waterways Ireland and its predecessors in order to attract visitors, particularly foreign visitors, to avail of the uncomplicated facilities on offer to the less experienced boater. The imposition of additional regulatory requirements which might restrict the numbers using the inland navigations under Waterways Ireland's control would cause a great deal of concern within the Body and would need to be agreed with both our sponsor departments, the Department of Community, Equality and Gaeltacht Affairs and the Department of Culture, Arts and Leisure. Additional requirements may have a detrimental effect on the hire business operating on our waterways and their imposition needs to be supported by clear evidence. These companies are already suffering the effects of the current financial recession and are suffering a considerable decline in business at this time.

I would like to make the following comments in relation to particular paragraphs of the draft report:

3.2 There are marked navigation channels on both sides of the Corrikeen Islands so the helmsman's decision to pass to the East of the islands in order to avoid the regatta should not have caused difficulty.

4.1 If the helmsman noted a black mark – Mountaineer Rock off Ryan’s Point – then he should have kept it to port while proceeding downstream. This is basic and he would have been instructed accordingly by the hire company. The statement in the conclusions part of the report that the helmsman of the craft became confused and disorientated when trying to recognise the buoys shown on the guide leading him to believe that he was in safe waters is not supported by any evidence in the draft report. Section 4 of the draft records the helmsman’s claim that he became disorientated and lost his sense of direction, which is a substantially different finding.

6.3 Hazards are clearly identified in hatch on the navigational guide and are well off the marked navigational channel. While the level of Lough Derg remains fairly constant for ESB power generation purposes – November 2009 and December 1999 excepted – it is fair comment that the levels of the other lakes and the riverine sections of the Shannon Navigation can vary over the seasons. This makes it all the more sensible to have a marked navigational channel rather than having the helmsman trying to interpret Admiralty Charts or hydrographic survey information. As stated in your draft, the guides provided are ‘large and user friendly’

7.2 For the purpose for which they were originally developed and improved, the guides have proved to be easily understood and readily usable and contain sufficient information as would be required by the hire boater or recreational craft owner. The interpretation of depth contours is only for the expert and not for the less experienced boater who would make up the vast majority of those using the Waterways Ireland network. The guides are published in order to prevent the boater from straying into the shallows, rocks and shoals and thus prevent this type of grounding. Hire companies do not permit their hirers stray from the marked navigational channel.

8.2 As stated in this recommendation, Waterways Ireland has commenced work in the South on changing the black markers to green on a phased basis and this work will continue for some time.

8.3 As a Cross Border Body funded by the Oireachtas and the Assembly and charged with attracting people to the waterways of Ireland, Waterways Ireland has concerns about the direction the hire boat / leisure boat industry will have to take to comply fully with the Recommendations of this draft report. The attraction of a relaxed waterway vacation for the less experienced is the cornerstone of the hire craft industry in Ireland, North and South. The safety record of leisure craft using our inland waterways is exemplary with the number of fatalities / injuries directly attributable to accidents / incidents while underway is very small. When compared to other outdoor leisure activities, inland navigation boating is a very safe recreation. Waterways Ireland is continuously reviewing its procedures in relation to its activities and in this regard it updates its navigational guides on a regular basis. However, Waterways Ireland would have severe difficulty introducing a system of charts similar to those in use off the coast of Ireland and beyond and feels it would not be an improvement to its customer service delivery. It is felt that due recognition should be given to the different regulatory requirements of the Merchant Shipping regulations for ocean going craft, most of which are commercial, to those

required for the recreational boater in an inland waterways system. Waterways Ireland is happy to discuss the issue of the reviewing the existing navigational guides in use on the Shannon Navigation with the Department of Transport at any time.

8.4 8.5 Waterways Ireland is also concerned in relation to the effects of the provision of VHF in all craft operating on the waterways. We would argue that the fitting and proper operation of such equipment should be carefully considered because of the implications for the tourist industry in general and the hire boat industry in particular.

Waterways Ireland would be happy to meet with the Marine Casualty Investigation Board or the Department of Transport to discuss this draft further at any time should you consider it appropriate.

  
Brian D'Arcy  
Director of Operations

22 April 2010



## MCIB RESPONSE TO LETTER RELIEVED BY WATERWAYS IRELAND

The Board notes the comments of Waterways Ireland and makes the following observations.

The draft report states that the helmsman chose to go round the Corrikeen Islands rather than disrupt the regatta. This does not imply that doing so caused any difficulty.

There is no suggestion in the draft report of the requirement to interpret hydrographic survey information, or indeed to discontinue the use of marked channels, which are considered to be good practice.

Notwithstanding the predominantly recreational and leisure nature of inland waterways usage, the Merchant Shipping Acts do apply to Irish ships in Irish waters. This includes all inland waters.

In recommending the fitting of approved VHF units to all rental boats, the Board is recognising that VHF radio is one of the most effective means for marine communications. The Irish State has invested in infrastructure to enable communications using VHF radio. This now includes the many inland waterways of the State. This enables communication amongst vessels on our inland waterways as well as communication with the Irish Coast Guard. On this basis, the MCIB has made its recommendation in relation to the fitting of appropriate VHF radio equipment for communication purposes.