



MCIB

Marine Casualty Investigation Board
Bord Imscrúdú Taismí Muirí



**REPORT OF AN INVESTIGATION
INTO A MARINE CASUALTY
INVOLVING THE
FISHING VESSEL SÉIMI
IN OR AROUND
ARRANMORE ISLAND,
CO. DONEGAL
4 FEBRUARY 2023**

**REPORT NO. MCIB/326
(No.7 OF 2024)**

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways.

The MCIB objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and inland waterways.

The MCIB is a non-prosecutorial body. We do not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The legislative framework for the operation of the MCIB, the reporting and investigating of marine casualties and the powers of MCIB investigators is set out in the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector transposed into Irish law by the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011.

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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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Glossary of Abbreviations and Acronyms

BIM	Bord Iascaigh Mhara
BST	Basic Safety Training
C	Celsius
CoP	Code of Practice
CPR	Cardiopulmonary Resuscitation
DoC	Declaration of Compliance
DSC	Digital Selective Calling
ETA	Estimated Time of Arrival
FV	Fishing Vessel
HSA	Health and Safety Authority
HW	High Water
IRCG	Irish Coast Guard
IMO	International Maritime Organisation
LOA	Length Overall
MCIB	Marine Casualty Investigation Board
MN	Marine Notice
MOB	Man Overboard
MRCC	Marine Rescue Co-ordination Centre
MSO	Marine Survey Office
PFD	Personal Flotation Device
R118	Coast Guard Helicopter
S.I.	Statutory Instrument
SITREP	Situation Report
UTC	Co-ordinated Universal Time
VHF	Very High Frequency
Z	Zulu time (Universal Time Co-ordinated)

Hour	hr
Kilometre	km
Knot	kt
Metre	m
Nautical mile	NM
Newton	N

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1. SUMMARY

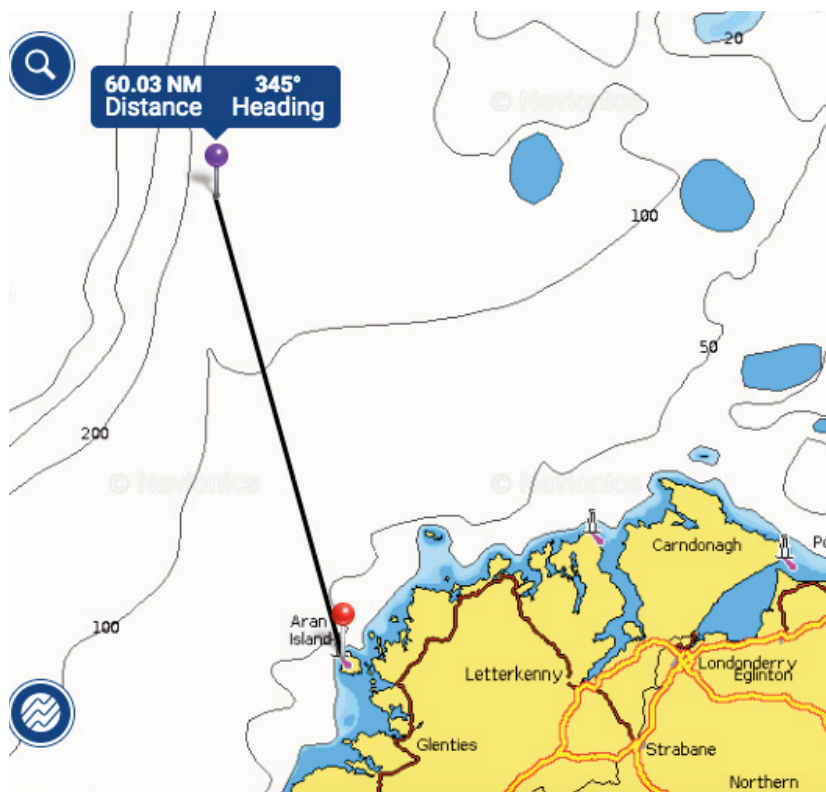
- 1.1 On the evening of Saturday 4 February 2023 at approximately 20.00 hours (hrs), the fishing vessel (FV) Séimi was shooting a string of crab pots in a position approximately 60 nautical miles (NM) north northwest of Arranmore Island off the northwest coast of Ireland. The operation of shooting the pots required one crewmember to be on deck ensuring the pots ran freely off the deck while another crewmember manoeuvred the vessel along a predetermined course. The size and construction of the vessel allowed the crewmember in the wheelhouse to communicate verbally with the crewmember on deck. In addition the crewmember in the wheelhouse was able to visually monitor the deck via a camera on deck and a monitor in the wheelhouse. On this occasion a third crewmember was sitting at the entrance to the wheelhouse.
- 1.2 As the last pot was leaving the deck, the crewmember on deck became entangled in the rope connected to the pot and was dragged through the stern door opening, over the side and into the water. The vessel was stopped immediately, and an attempt was made to retrieve the man overboard (MOB) by hauling him back onboard using the same line that dragged him overboard. This proved unsuccessful and contact was lost with the MOB. By this time the alarm had been raised onboard and the remaining two crew assisted in searching for the MOB. He was not wearing a Personal Flotation Device (PFD).
- 1.3 The MOB was sighted a short distance from the vessel and was successfully recovered onboard. The crew estimate that the Casualty was in the water for no longer than 15 minutes. Cardiopulmonary Resuscitation (CPR) was administered and advice was received via satellite phone from MEDICO Cork, the 24-hour Emergency Telemedical Support Unit, via Malin Head Coast Guard. Despite the crew's efforts the Casualty did not survive.

Note: Times are local time = UTC + 1 (Co-ordinated Universal Time + 1 hour).



Photograph No.1: FV Séimi at her home port of Ballyglass pier in Broadhaven, Co. Mayo.

2. FACTUAL INFORMATION



NOTE: The island Arranmore is referred to as Aran Island on this Navionics chart.
The approximate location of FV Séimi at the time of the incident.

2.1 Vessel Details

Name of Vessel:	Séimi.
Length:	14.94 metres (m).
Breadth:	6.1 m.
Depth:	3.2 m.
Date Keel Laid:	2015.
Port of Registry:	Westport, Co. Mayo.
Number of Crew:	Five.
Owner:	Iasc Iorrais Teo.

As FV Séimi is 14.95 m in length she comes under the Code of Practice (CoP): Design, Construction, Equipment and Operation of Small Fishing Vessels of less

than 15 m length overall¹. The vessel had a valid CoP Declaration of Compliance (DoC) in accordance with Part 1.5 of the CoP issued on 26th August 2021. The DoC for the CoP lists four Bord Iascaigh Mhara (BIM) card numbers. The vessel usually operates with five crew.

2.2 Crew Details

- 2.2.1 The entire crew of FV Séimi operate as share fishers. Share fishers are paid a share of the proceeds of the catch. Furthermore, as the vessel is less than 15 m in length much of the Irish legislation does not apply with exceptions which include the CoP for fishing vessels less than 15 m in length and Statutory Instrument (S.I.) No.585 of 2022, European Union (Workers On Board Sea-going Fishing Vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020². The crew and the skipper are paid their share of the catch directly by the company that the crab is sold to. The vessel is owned by Iasc Iorrais Teo. The company has two directors and is owned by an experienced ex-fisher, however, nobody employed by the company works on the vessel. The Skipper is responsible for running the vessel and is also responsible for crewing. The Skipper has been with the vessel since she was launched in 2017. The owner of Iasc Iorrais Teo regularly visits the vessel but does not go to sea with the crew.
- 2.2.2 FV Séimi operates with a crew of five. The vessel usually has a sixth crewmember on rotation which allows the crew to take a trip off as required. As share fishers the crew only make money if the vessel is catching and landing crabs, so the vessel spends most of its time at sea, weather permitting. When at sea the vessel runs a rotating watch system with two crew resting and three crew on duty.
- 2.2.3 Chapter 8 of the CoP refers to Manning, Training, Certification, Emergency Procedures and Organisation of Working Time. Under the CoP there is no requirement for those working on vessels less than 15 m in length to hold any formal maritime or fishing qualifications. They are, however, required to attend a BIM Fishing Vessel Basic Safety Training (BST) course. The CoP does state that fishers must be sufficiently competent to keep a vessel safe at all times and recognises that the level of competence depends on the area of operation. Part 8 of the CoP provides as follows:

“8.2 Safety Training

.1 All persons on board must comply with the Fishing Vessel (Basic Safety Training) Regulations 2001(S.I. No.587 of 2001). It is also required that safety skills and knowledge be updated on a regular basis, and such enhanced safety

1. <https://www.gov.ie/en/publication/b2d313-code-of-practice-for-fishing-vessels-less-than-15-m-in-length-overall/>
This revised version of the Code was published on 1 March 2022 and came into operation on 1 May 2022. The new version replaces the previous Code of Practice for Small Fishing Vessels of less than 15 metres length overall, which was published in January 2014.

2. <https://www.irishstatutebook.ie/eli/2020/si/585/> : S.I. No.585 of 2020 European Union (Workers On Board Seagoing Fishing Vessels)(Organisation of Working Time)(Share Fishermen)Regulations 2020

training as set out in Marine Notice No.16 of 2014 - "Enhanced Safety Training for Skippers and Crews of Fishing Vessels Less than 15m Length overall", every 5 years.

.2 The master or any other appropriate person on-board tasked with maintaining or using the medical supplies as set out in section 6.7 above, must attend an approved medical training course relating to the category of vessel concerned at least once every five years.

.3 Single-person operation should be restricted to 30 nautical miles from a safe haven."

2.2.4 The Fishing Vessel (Basic Safety Training) Regulations S.I. No.587 of 2001³ referred to in the CoP provide as follows at Regulation 4:

"(1) Every crew member of a fishing vessel shall undertake basic safety training as set out in this Regulation.

(2) Basic safety training shall consist of the following 3 training units-

(a) personal survival techniques, including man overboard techniques,

(b) elementary first aid, and

(c) fire prevention, health and safety training, and shall be held in such establishments, to such standards, under such conditions and for such duration as BIM may approve and determine.

(3) The dates by which basic safety training must have been completed by each crew member are specified in the Table to this Regulation.

(4) A crew member who has not successfully completed basic safety training by the date specified in the Table shall not work on board a fishing vessel."

2.2.5 Apart from the Skipper there were no specified positions or duties for the crew. The crew details are as follows:

3. <https://www.irishstatutebook.ie/eli/2001/si/587>

Position	Experience Fishing	Time onboard Séimi	Qualification/ Training	Nationality
Crewmember A – Skipper	Seventeen years	Six years	BIM three-day basic safety training, Short Range Certificate (Very High Frequency (VHF) Radio) certificate	Latvian
Crewmember B	Six years	Three years	BIM three-day basic safety training	Latvian
Crewmember C	Six months	Six months	NIL	Latvian
Crewmember D	Three months	Three months	NIL	Latvian
Crewmember E (Casualty)	One month	One month	NIL	Latvian

Crewmember E was the Casualty. He did his first trip with the vessel in December 2022 but then had some time off before joining the vessel again in January 2023. He was on his fourth trip with the vessel at the time of the incident. A representative of the Casualty confirmed to the Marine Casualty Investigation Board (MCIB) that, to the best of the family’s knowledge, the Casualty did not have any maritime qualifications or training.

Crewmembers A and B were experienced fishers but other than the minimum BIM safety training they held no other maritime qualification or training.

Crewmembers C, D and E were new to the fishing industry and had not undertaken BIM’s safety training.

Crewmembers C and D claim to have conducted basic safety training in Latvia but were unable to produce any evidence to support this.

- 2.2.6 There are no manning regulations for fishing vessels under 15 m length overall (LOA). The CoP provides that the safe manning of the vessel is the owner’s responsibility. Section 8.6 of the CoP provides as follows:

“Responsibility of the Owner for Safe Manning of Vessel

.1 It is the owner’s responsibility to ensure that the master has, in addition to the certification and competence requirements already detailed in sections 8.2 to 8.5, recent and relevant experience of the type and size of vessel, the machinery on-board, and the type of operation undertaken. The owner must also

ensure that there are sufficient qualified crew on-board, having regard to the type and duration of the voyage undertaken.”

In this case the Owner does not appear to have complied with the requirements and no records were kept by the Owner.

2.3 Code of Practice: Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 m Length Overall

2.3.1 As FV Séimi is 14.95 m in length she comes under the Code of Practice: Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 m length overall (CoP or The Code). The vessel had a valid CoP DoC issued on the 26 August 2021 by the Marine Survey Office (MSO). These are normally issued for a four year period. The CoP DoC was seen by the MCIB.

2.3.2 The Code applies to all fishing vessels, registered in Ireland, of less than 15 m in LOA, which go to sea to fish for profit. It is the responsibility of the owner to ensure that a vessel is properly maintained and inspected in accordance with the Code.

2.3.3 The owner of a fishing vessel surveyed under the Code must make a declaration after two years confirming that the vessel arrangements, fittings, and equipment have been maintained in accordance with the Code. The declaration for FV Séimi was not due until October 2023.

2.3.4 Vessels in this category are inspected by private surveyors that are appointed to a panel of surveyors approved by the Department of Transport. They are not state surveyors but are contracted by the vessel owner to survey the vessel in compliance with the Code. Upon satisfactory completion of a survey the vessel is issued with a DoC which is valid for a maximum of four years.

2.4 Safety Equipment

2.4.1 The PFDs onboard were CE approved 150 Newton (N) Mullion compact inflatable lifejackets. The Casualty was not wearing a PFD at the time of the incident. The Fishing Vessel (Personal Flotation Devices) Regulations, 2001 S.I. No.586 of 2001 require that all crew working on deck on a fishing vessel are required to wear a PFD at all times.⁴ All crew were advised and have confirmed to the MCIB, that they were advised by the Skipper that they should wear a PFD at all times while on deck. However, this was not enforced, and PFDs were routinely not used by any of the crew including the Skipper, when working on deck. This indicates a poor safety culture onboard.

2.4.2 FV Séimi carried a MOB recovery net (see Photographs No.8 and No.9). This was not used to assist with the recovery of the Casualty.

4. SI No.586 of 2001 - Fishing Vessel (Personal Flotation Devices) Regulations, 2001.

2.5 Safety, Health and Welfare at Work Act 2005: Hazard Identification and Risk Assessment

- 2.5.1 Even though the crew onboard FV Seími were share fishers, the Health, Safety and Welfare at Work Act 2005 (“the Act”)⁵ considers share fishers employees. Section 2 (3)(C) provides as follows:

“(3) In this Act references, in relation to an employer, to an employee shall be read as references to an employee employed by that employer, and for the purposes of this Act.....

c) a share fisherman is deemed to be an employee of the owner or skipper, as the case may be, of a fishing vessel whom he or she accompanies on board the fishing vessel, as a member of the crew, to engage in fishing where he or she is remunerated by a share in the catch or the profits or the gross earnings of the working of the vessel.”

- 2.5.2 Section 19 of the Act requires that employers and those who control workplaces to any extent must identify the hazards in the workplaces under their control and assess the risks to safety and health at work presented by these hazards.
- 2.5.3 Section 20 of the Act requires that an organisation produce a written programme to safeguard the safety and health of employees while they work and also the safety and health of other people who might be at the workplace, including visitors and members of the public. A Safety Statement is the written programme identified in Section 20 to safeguard the safety and health of people at work and others who may be affected by work activities.
- 2.5.4 The Act also specifies the information that must be given to employees. The Safety Statement must be accessible to all employees and the sections of the Safety Statement relevant to the employees must be brought to their attention, with particular regard to the specific hazards, risks and prevention measures concerning their particular job.
- 2.5.5 It should be noted that Part 6 of the Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 S.I. No.640 of 2007⁶ which deals with the requirements for the “Protection of the Crew” of a fishing vessel and includes requirements for training in particular in dangerous areas do not apply to fishing vessels with an LOA of less than 15 m as is the case here.
- 2.5.6 The Irish Maritime Administration and the Health and Safety Authority (HSA) enforce Irish legislation with regard to safety and health onboard fishing vessels. The HSA has specific guidance on its website⁷ aimed at assisting the sea fishing sector with reducing its number of workplace injuries and deaths. This includes the HSA’s guidance document titled *Managing Health and Safety in Fishing*⁸, which

5. <https://www.irishstatutebook.ie/eli/2005/act/10/enacted/en/print> Health, Safety and Welfare at Work Act 2005

6. <https://www.irishstatutebook.ie/eli/2007/si/640>

7. https://www.hsa.ie/eng/your_industry/fishing

8. https://www.hsa.ie/eng/publications_and_forms/publications/fishing/managing_health_and_safety_in_fishing.pdf

describes in the document's introduction that: *"Although this guidance document is principally aimed at small fishing boats (i.e. vessels less than 15 metres including single handed operations on small open and decked boats), parts of the guidance will be of interest and relevance to those who work on or operate larger fishing vessels".*

2.5.7 The HSA guidance includes a section specific to potting which includes the following:

"Safe System in Place When shooting pots there is a risk of a crewmember becoming entangled in the coils (bights) of ropes and being injured or more likely being dragged overboard. All crewmembers working on deck should be made aware of the dangers.

Shooting

- *Ensure constant and clear communications between the wheelhouse and the hauler operator.*
- *Have an agreed system in place to safely handle and shoot the anchor, weight or dhan buoy.*
- *Ensure the ropes are free to go overboard without getting caught or snagged.*
- *Pots should be securely stacked in sequence ready for shooting.*
- *Consider creating a barrier between the pots and shooting rope to prevent accidentally stepping into a bight of a rope.*
- *If two crew are shooting the pots, the crewmember throwing the loose bights of rope must be aware of the other crewmember's position at all times.*
- *Put an action plan in place to respond in the event of someone being dragged overboard. Agree this plan with the crew and provide quick access to cutting equipment such as a knife or axe.*
- *Ensure the number of pots on a string is limited to the number which can easily and safely be worked on the available deck space.*
- *Mark, remove and store securely all damaged or out of sequence pots so they are not confused with pots that are in service.*
- *Pots removed for repair or spare pots must be separated from the fishing pots.*
- *Do not attempt to free bights of rope as they are about to go overboard. Haul back and untangle or leave for another day."*

- 2.5.8 FV Séimi had a quality, environmental and sustainability policy but could not produce any evidence of having conducted risk assessments or having a safety statement.

2.6 Voyage Particulars

- 2.6.1 On Wednesday 1 February 2023, the vessel sailed at 12.00 hrs and proceeded to sea to haul and then re-set 24 lines of 135 crab pots off the northwest coast of Ireland.
- 2.6.2 The pots were hauled, and re-set as planned up until the night of Saturday 4 February. A round voyage for the FV Séimi usually takes about four days depending on weather.
- 2.6.3 At approximately 20.00 hrs on the night of Saturday 4 February 2023 the last pot of the line left the deck, through the door and overboard. As the last pot went overboard Crewmember E got entangled in the lines and was dragged overboard through the stern door.

2.7 Marine Incident Information

Type of Incident: Marine Casualty

Date: 4 February 2023.

Time: Approximately 20.00 hrs, distress call received at 20.34 hrs.

Position: Latitude 55°59.9' N, Longitude 008°58.18' W.

Location: Approximately 60 NM NNW off Arranmore Island, Co. Donegal.

Weather: NW-N, 7-15 knots (kts), gusting 20 kts. Very rough sea state, 4.5-5.5 m WSW'ly swell.

- Mostly Fine, partly cloudy, possible mist patches.

- Mostly good visibility, moderate in any mist.

Vessel Operation: Fishing vessel, crab fishing with pots.

Consequences: MOB resulting in a fatality. This incident resulted in a marine casualty as defined in Section 2 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (the Act which defines a marine casualty and a vessel in the following terms:

“marine casualty” means an event or process which causes or poses the threat of—

(a) death or serious injury to a person;

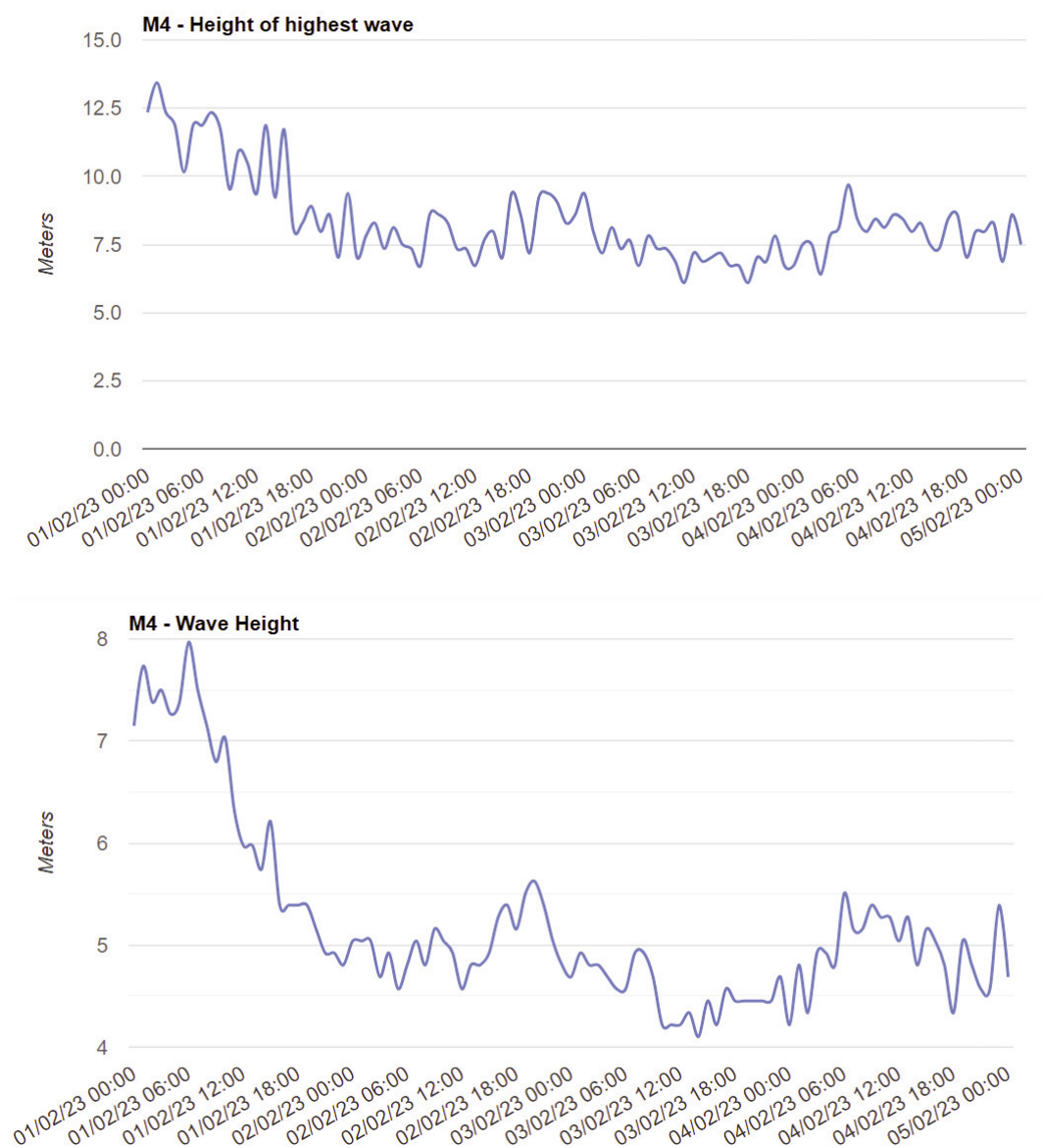
- (b) *the loss of a person overboard;*
- (c) *significant loss or stranding of, or damage to, or collision with, a vessel or property; or*
- (d) *significant damage to the environment, in connection with the operation of—*
 - (i) *a vessel in Irish waters;*
 - (ii) *an Irish registered vessel, in waters anywhere; or*
 - (iii) *a vessel normally located or moored in Irish waters and under the control of a resident of the State, in international waters contiguous to Irish waters, and includes an accident or damage referred to in section 26(1)(b);”*

2.8 Weather

- 2.8.1 The Met Éireann Sea Area forecast issued at 18.00 hrs on Friday 3 February 2023 for the following 24 hours forecast south-westerly winds force 5 or 6 (22-27 kts) reaching force 7 (32-38 kts) and decreasing to force 4 or 5 by the end of that period. The visibility was forecast to be good with occasional patches of rain or drizzle.
- 2.8.2 The Met Éireann Sea Area forecast issued at 00.00 hrs on Saturday 4 February 2023 for the following 24 hours forecast south to south-westerly winds force 5 or 6, reaching force 7 between Slyne Head and Malin Head, veering northwestern and decreasing to force 2 to 4 by the end of that period. There was a warning for a heavy swell on west and northwest Atlantic coasts for the Saturday. The 24 hour Sea Area Forecasts issued at 06.00 hrs on Saturday were largely similar.
- 2.8.3 The 24 hour Sea Area Forecasts issued at 12.00 hrs on the Saturday noted winds southwestern veering northeastern force 5 to 7 imminent, decreasing to force 2 to 4 and increasing later to force 6 to 7.
- 2.8.4 The 24 hour Sea Area Forecasts issued at 18.00 hrs on the Saturday, being the one immediately preceding the period during which the casualty occurred, noted winds north or northeastern force 4 to 6, decreasing to force 2 to 4, increasing south to south western 3 to 5 and increasing further southerly force 5 to 7 later. There were no gale warnings in operation at any time. A small craft warning was still in operation throughout.
- 2.8.5 The Met Éireann estimated sea state for Saturday 4 February 2023 between 18.00 hrs - 24.00 hrs (approximately 60 NM NNW off Arranmore Island, Co Donegal) was described as very rough with significant wave height of 4.5 to

5.5 m. Observed maximum individual wave height at weather buoy M4 (being the closest data buoy to the incident location) was 8.6 m during that period. Sea temperature was recorded as 10.5 degrees Celsius (°C).

See extracts from Marine Institute website⁹ for sea height conditions at M4 buoy (maximum and average) for the period 1 to 5 February.



- 2.8.6 On the day of the incident around 20.00 hrs Saturday 4 February 2023, sunset in the region the vessel was fishing would have been approximately 17.30 hrs local time.

See Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023.

9. <https://www.marine.ie/site-area/data-services/real-time-observations/irish-weather-buoy-network-observations?instrumentname=M4>

See Appendix 7.2 Met Éireann Weather Report for Saturday 4 February 2023 from 18.00 to 24.00 hours.

2.9 Emergency Response and/or Shore Involvement

- 2.9.1 A helicopter and lifeboat were tasked to attend. By the time the helicopter arrived the crew had stopped CPR for some time, as advised by MEDICO. The sea was rough and the crew on the helicopter decided it was too risky to land a winchman on the small vessel and returned to base. The lifeboat was also stood down and returned to base.

See Appendix 7.3 Irish Coast Guard SITREP.

3. NARRATIVE

3.1 Hauling and Setting Crab Pots

- 3.1.1 In order to appreciate the circumstances of this incident it is necessary to have some understanding of how crab pots are hauled and set on a vessel such as FV Séimi. This vessel fishes 24 lines or 'strings' of pots with 135 pots on each string.



The image above is a typical crab pot or creel as used onboard FV Séimi. The crab pot contains bait which attracts the crab. Once the crab enters the pot it is unable to escape. The pots are connected together by central rope and spaced 20 fathoms (36 m) apart with 135 pots on a 'string'. At either end of a string is a heavy weight known as a block. The blocks anchor the string of pots in position. Connected to each block is a rope known as a 'leader', this is a 60 fathom (110 m) length of rope connected to a buoy floating at the surface.



Photograph 2: Typical Block Weight.

- 3.1.2 Onboard FV Séimi a string of pots is typically left in the water to ‘soak’ for up to four days. After this time the vessel returns to the string and picks up the buoy attached to the leader. The leader is pulled onboard and then led through a sheave to a pot hauler. All 135 pots are hauled onboard and stowed on the port side of the vessel. As the pots come onboard the crab is removed, the pot is cleaned and re-baited ready to be set again. On average it takes about an hour and a half to haul a string of pots. Once all the pots are onboard and re-baited the vessel is re-positioned to a suitable location to begin setting the string of pots again. Once in position the vessel steams along a pre-determined course. The buoy and leader attached to the heavy block are fed over the stern of the vessel through a purpose-built stern door in the after bulwark. The block is manoeuvred into position next to the stern door by a crewmember on deck then pushed overboard through the door. The weight of the block then pulls the first crab pot over the side and as the vessel proceeds along its course the rest of the pots are set in a similar manner through the opening in the bulwark at the stern of the vessel.
- 3.1.3 During this operation one crewmember is positioned in the wheelhouse conning the vessel while a second crewmember is stationed on deck ensuring the crab pots set successfully and do not get fouled in anything on the deck. Ideally, once the first block is set the crewmember on deck can stand aside and is only required if there is a problem setting the pots. After the last pot leaves the deck the second heavy block follows the string over the side through the stern door and the leader attached to a second marker buoy is let go. This whole operation takes approximately half an hour from the time the vessel is in a position to begin setting the string of pots. The location of where and how the strings of pots are set is decided by the skipper based on where he believes they will catch the most crab.
- 3.1.4 Once this hauling and setting operation is complete, the vessel repositions to the next string of pots and repeats the operation of hauling and resetting them. Once all 24 strings have been hauled and re-set the vessel proceeds back to shore to discharge the catch. The vessel is then refilled with fuel, bait, water and stores as necessary in preparation for returning to the first string of pots to repeat the process again. A round trip takes approximately four days, but it is very weather dependant. On occasion the vessel may be forced to return to port for long periods, particularly in the winter.
- 3.2 Work and Rest System**
- 3.2.1 Onboard FV Séimi the crew of five worked a system of rotating watches between them. At any time two of the crewmembers were scheduled to be off duty and resting. The European Union (Workers On Board Seagoing Fishing Vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020 S.I. No.585

of 2020¹⁰ applies to FV Séimi. This S.I. requires that the master¹¹ ensure that there should be a minimum of ten hours rest in any 24-hour period and that the rest may not be broken into more than two periods, one of which shall be at least six hours in length. See also Part 8.9 of the CoP.

3.2.2 Regulation 4 of these Regulations prescribes for the following minimum rest periods.

“(1) The master of a fishing vessel shall not permit a fisherman on board to work more than an average of 48 hours a week, calculated over a reference period that does not exceed 12 months.

(2) The limits on hours of work for a fisherman on board a fishing vessel shall be either:

(a) maximum hours of work which shall not exceed -

(i) 14 hours in any 24-hour period, and

(ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest which shall not be less than -

(i) 10 hours in any 24-hour period,

(ii) 77 hours in any seven-day period.

(3) Hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length and the interval between consecutive periods shall not exceed 14 hours.

(4) The master of a fishing vessel who fails to comply with paragraph (1), (2) or (3) commits an offence.

(5) Notwithstanding this Regulation, the master of a fishing vessel may require a fisherman on board to perform any hours of work necessary for the immediate safety of the vessel, persons on board or the catch, or for the purpose of giving assistance to other vessels or persons in distress at sea.

(6) Where a rest period is suspended in accordance with paragraph (5), the master shall ensure that the fisherman concerned receives an adequate period of rest as soon as practicable after the necessity required under paragraph (5) has passed.”

10. <https://www.irishstatutebook.ie/eli/2020/si/585/made/en/pdf>

11. The 2020 Regulations define the “master” in relation to a fishing vessel, as the person having command of the vessel and “owner” in relation to a fishing vessel, means the owner of the vessel or any other person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner.

3.2.3 Regulation 5 requires the master, or the person authorised by the master, to create and maintain (for 12 months) records of hours worked which *“shall be endorsed by the master, or a person authorised by the master and by the relevant fisherman no later than 7 days after the last day of the month to which the record relates and the fisherman shall be given a copy of the record as endorsed”*. A failure to comply is also an offence by the master. No records of the crews’ hours of rest were created or maintained as required. It is therefore not possible to obtain verification to the assertion that two crew were resting at any given time, or, that rests were correctly provided. The vessel had sailed at 12.00 hrs on Wednesday 1 February 2023. The incident occurred at 20.00 hrs on Saturday 4 February 2023, some three days and eight hours later. Each of the crew and the Skipper advised the MCIB investigator that they were well rested throughout this trip.

3.2.4 All crew onboard FV Séimi advised the MCIB that they were made aware they were entitled to ten hours rest in a 24 hour period at their initial safety briefing. This was by means of a written note. However, only the Owner and Skipper signed the notification onboard. The note did not include the additional part of the Regulation as followed:

“(ii) 77 hours in any seven-day period.

(iii) Hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length and the interval between consecutive periods shall not exceed 14 hours.”

See Appendix 7.4 Hours of Rest Notification Onboard FV Séimi.

3.3 Lead up to the Incident

3.3.1 On the morning of Wednesday 1 February 2023, the FV Séimi departed Mooney’s yard in Killybegs after a short period of planned maintenance work. A director of the company that owns the FV Séimi drove the crew of five from Ballyglass, Co. Mayo to the vessel which was launched at approximately 09.00 hrs that morning and sailed at 12.00 hrs after refuelling, taking on bait and stores. The vessel proceeded to sea to haul and then re-set 24 lines of 135 crab pots off the northwest coast of Ireland where it continued to do so on Saturday 4 February 2023 being day four of the trip.

3.3.2 There were no gale warnings in operation at the time. A small craft warning was in place throughout the Saturday. The Met Éireann Sea Area forecast issued at 00.00 hrs on Saturday 4 February for the following 24 hours in the area that FV Séimi intended to fish, forecast south to south-westerly winds force 5 or 6, reaching force 7 between Slyne Head and Malin Head, veering northwestern and decreasing to force 2 to 4 by the end of that period. There was a warning for a heavy swell on west and northwest Atlantic coasts for the Saturday. The 24-hour

Sea Area Forecasts issued at 06.00 hrs on Saturday were largely similar. The 24-hour Sea Area Forecasts issued at 12.00 hrs on the Saturday noted winds southwestern veering northeastern force 5 to 7 imminent, decreasing to force 2 to 4 and increasing later to force 6 to 7. The 24-hour Sea Area Forecasts issued at 18.00 hrs on the Saturday, being the one immediately preceding the period during which the casualty occurred noted winds north or northeastern force 4 to 6, decreasing to force 2 to 4, increasing south to south western 3 to 5 and increasing further southerly force 5 to 7 later.

- 3.3.3 The forecasted wind speeds for the trip would not be considered excessive for the time of year and location. However, there was a heavy swell forecast for the area. Given the size of the vessel (14.94 m) and the distance offshore she was planning to fish (approximately 60 NM) an average swell of 4.5-5.5 m is significant and would affect the motion of the vessel considerably. Carrying out fishing operations involving the shooting and hauling of pots in such sea conditions would present a considerable challenge to the crew on such a relatively small vessel. The Skipper should have considered the effect of the forecasted sea conditions on safety of operations and considered postponing fishing operations until conditions improved.
- 3.3.4 On the day of the incident, sunset in the region the vessel was fishing would have been approximately 17.30 hrs local time, so it would have been dark when the Casualty went overboard.
- 3.3.5 Of the crew of five, the Skipper and one of the crew were very experienced in operating this type of vessel, with the Skipper having worked on similar vessels since 2006 and was skipper for the past nine years. He had been working onboard FV Séimi from when it was built in 2017. One of the other crewmembers (Crewmember B) had six years' experience in the fishing industry on similar vessels and had served for the past three years onboard FV Séimi. The other three crew were relatively new to the fishing industry and had only ever worked onboard the FV Séimi. One of these crewmembers (Crewmember C) commenced fishing on FV Séimi in August 2022, the other two (Crewmembers D and E) started in December 2022.
- 3.3.6 The pots were hauled, and re-set as planned up until the evening of Saturday 4 February 2023. A round voyage for the FV Séimi usually takes about four days depending on weather. The pots had soaked, meaning that they were set with bait and left on the seabed, for seven days while the vessel was in the yard for maintenance. By Saturday night the vessel was on string 23 of the 24 strings that the vessel fished. The string of pots had all been hauled, the catch sorted and stowed and the pots re-baited. The vessel was manoeuvred into position to the west to re-set the string of pots. The Skipper (Crewmember A) was in the wheelhouse helming the vessel with Crewmember E on deck. For this set, Crewmember B was sitting at the wheelhouse door observing the set, he was not required as part of the operation. The procedure onboard FV Séimi was for only one crew to be on deck when setting or 'shooting' a string of pots. The remaining crew can use this time to rest.



Photograph No.3: View from the wheelhouse showing the monitor on the port side (left) used to watch the operation on deck from the helm position.

- 3.3.7 The crewmember assigned to duty on deck ensures that all the pots are set successfully from their stowed position along the deck and out through a door in the bulwark at the stern of the vessel. This was recognised onboard as the most dangerous task in setting pots as it required a person to be on deck in the vicinity of pots and rope being dragged along the deck and out the aft door. The crewmember on deck is there only to watch for snags and help ensure the pots are set smoothly. For this set it was the duty of Crewmember E to be on deck. At the start and end of each line of pots is a heavy block which effectively anchors the line of pots in place. At approximately 20.00 hrs on the night of Saturday 4 February 2023 the last pot of the line left the deck, through the door and overboard. As the last pot went overboard Crewmember A (the Skipper) in the wheelhouse watched Crewmember E on deck (via the monitor in the wheelhouse that displays the after deck camera image) manoeuvring the heavy weight attached to the end of the string of pots (see Photograph No.2) into position to launch it through the stern door.
- 3.3.8 As Crewmember E was manoeuvring the block into position to go into the water he got caught up in the line and was hauled over the side of the vessel with the block and line through the stern door opening in the bulwark (see Photograph No.4). Crewmember A (the Skipper) says he saw Crewmember E wrapping the line attached to the block around his hand presumably to help him manoeuvre it into position. Once weight came on the line his hand was then trapped by the

rope wrapped around it. It should be noted that Crewmember A observed the incident unfold via the wheelhouse monitor. His observation has not been independently verified. The monitor in the wheelhouse only displays a real-time image of the deck, it is not recorded. Crewmember B who was watching the operation did not provide this description.



Photograph No.4: View aft along the deck from the wheelhouse door showing the stern door opening in the after deck bulwark. The red circle indicates the approximate location of Crewmember E.

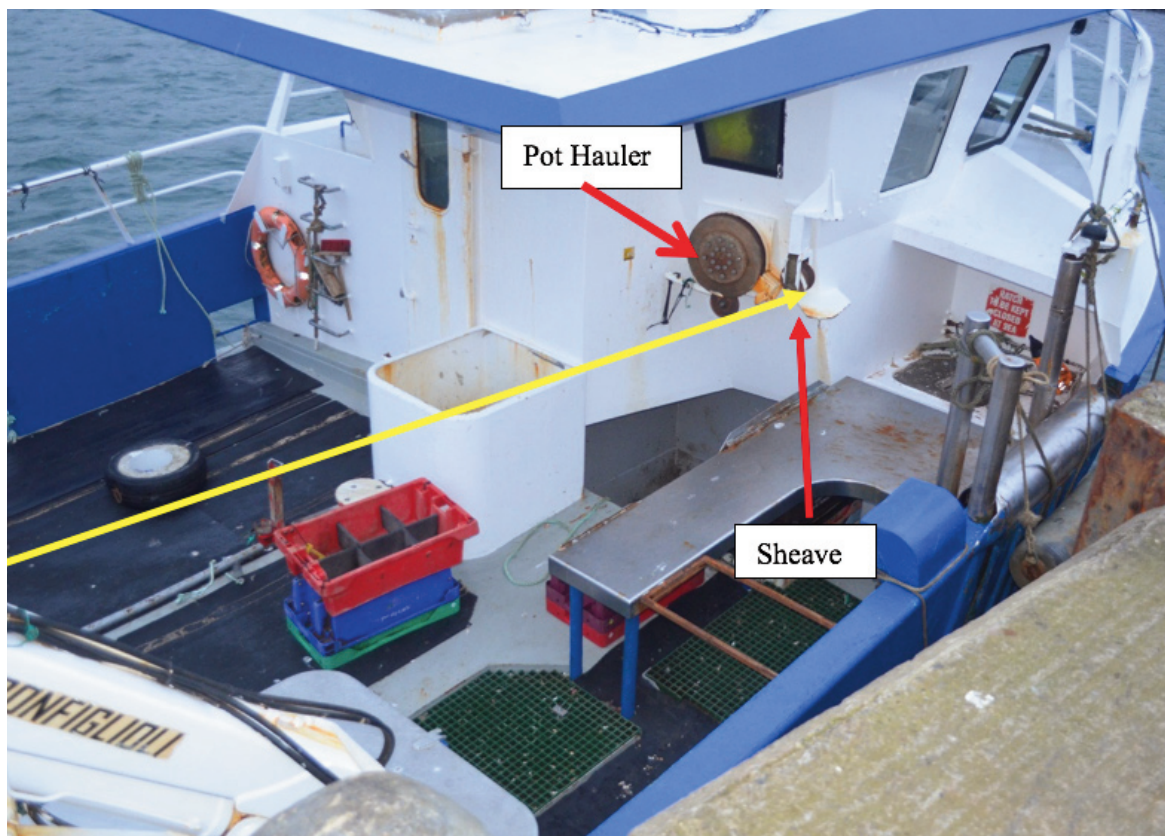
- 3.3.9 Crewmember E was relatively new to the vessel, this was the first trip on which he had being left alone on deck to supervise the setting of the pots. Although Crewmember B was watching the operation from the wheelhouse steps he was off duty and was not part of the operation. The setting of the pots is undertaken with two crew only. In this case Crewmember E was on deck and Crewmember A (the Skipper) was in the wheelhouse on the helm. Crewmember E had received ah-hoc onboard training from the other crew on the procedure for setting pots, but the vessel does not have any formal or documented training process. Although Crewmember E was the most inexperienced member of the crew, he had, in the lead up to the incident, successfully set 23 previous strings of pots. This was the last string of pots to be set before returning to port. Notwithstanding that this was the last string of pots to be set, Section 6.3.4 of the CoP¹² for fishing vessels less than 15 m recommends the use of separation of crew from fishing gear.

12. www.gov.ie/pdf/?file=https://assets.gov.ie/31514/7cc3ff87540c420eb6264e2ef515730c.pdf#page=null

4. “A pound barrier should be fitted to separate the pot (creel) ropes from the crew, except where pots (creels) are manually launched.”

3.4 Recovery of the Casualty

- 3.4.1 The Skipper and Crewmember B immediately noticed the man overboard, stopped the vessel and attempted to recover Crewmember E by hauling on the leader attached to the block which had just gone overboard. The alarm was raised onboard and the remaining two crewmembers (C and D) came on deck to assist. By this time Crewmember B had taken the leader and attempted to haul the line in using the pot hauler.
- 3.4.2 The pot hauling system onboard FV Seími was not designed to haul the leader back through the open door in the bulwark, it was not a fair lead. The weight of the block and the motion of the vessel in the swell caused the leader to chafe through and snap where it passed over the deck (see Photograph No.5). When the leader snapped contact with the MOB was lost completely. He was not wearing a PFD.

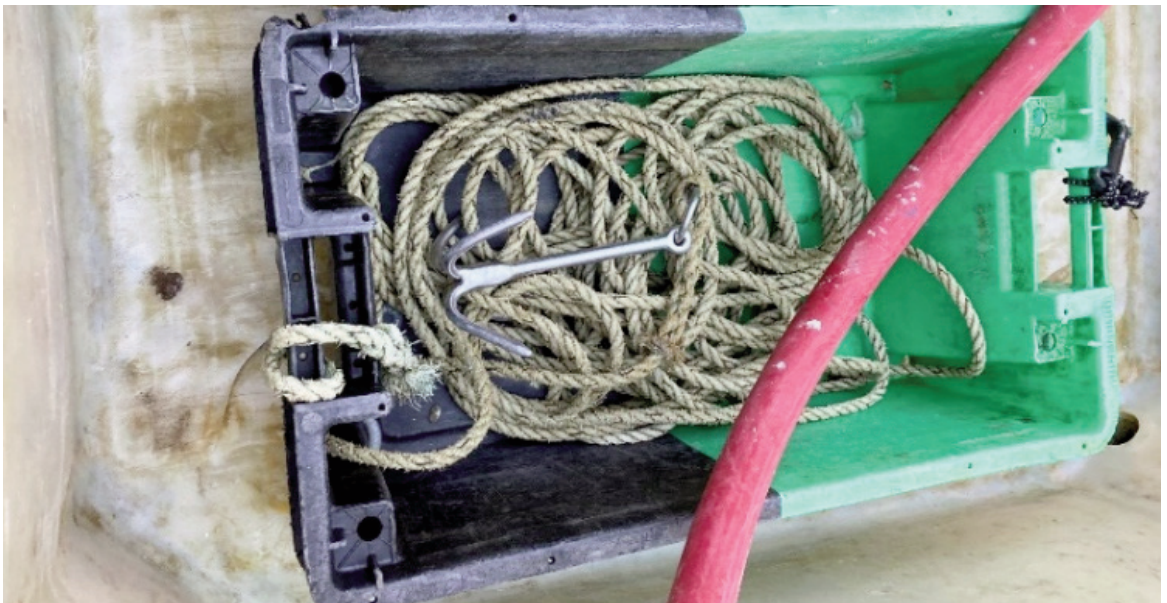


Photograph No.5: Yellow arrow indicates the direction the leader was pulled through the sheave and into the pot hauler in an attempt to recover the Casualty from the water.



Photograph No.6: Deck edge at stern in way of stern door opening, the 90° edge chafed through the leader when the crew attempted to pull it back onboard.

- 3.4.3 Crewmember E was initially lost from sight but with the aid of searchlights he was located in the water and the vessel was manoeuvred alongside. Using a grappling hook (see Photograph No.7) the Casualty was brought alongside and recovered. It took the crew two attempts to get the Casualty close enough to the vessel that they could get him onboard. Although FV Séimi did have an MOB recovery net onboard, the crew did not elect to use it in this circumstance. Instead, the Skipper was held over the side of the vessel by two of the other crew and was able to grab hold of the Casualty.



Photograph No.7: Grappling Hook.

- 3.4.4 The Casualty was not wearing a lifejacket, he had been floating face down in the water possibly for the entire of the fifteen minutes period.



Photograph No.8: Man overboard recovery net stowed.



Photograph No.9: Man overboard recovery net in use during a later drill.

- 3.4.5 CPR was administered and a MAYDAY broadcast on VHF Channel 16 which was followed up by a satellite phone call to Malin Head Coast Guard when no response was received on the VHF. The Skipper realised that they were too far from the coast to be able to reach Malin Head on VHF, but he hoped that some other vessels in the area may hear his MAYDAY broadcast on VHF and be in a position to assist.
- 3.4.6 The CoP provides that a DoC shall include detail of the specific area of operation of the vessel. If the vessel is operated in more than one area, then details of these additional areas must be included. The DoC must also detail the type or types of fishing activity for which the vessel has been surveyed. The vessel's certificate provided that it was to operate in Sea Area A1 which would normally mean inshore waters, or close off shore, and the vessel had a radio licence to operate in this area. Sea Areas are not defined by geographical distance from land but by reference to the communication capacity of the radio equipment onboard and the base station ashore. However this incident happened 60 NM off shore which under normal circumstance would be outside VHF Digital Selective Calling (DSC) range. This was presumably why the Skipper got no response from Malin Head Coast Guard to the MAYDAY broadcast on VHF Channel 16 and had to resort to a satellite phone call.

See Appendix 7.5 Wireless Licence.

3.5 Recovery of the Casualty

- 3.5.1 MRCC Malin received the MAYDAY call from FV Séimi at 20.34 hrs on Saturday 4 February 2023. Coast Guard Helicopter (R118) and Arranmore lifeboat were dispatched. By 21.05 hrs the helicopter and lifeboat were on route to the incident. The crew of FV Séimi kept going with CPR for as long as they could, the Skipper talked to a doctor at MEDICO Cork via SATPHONE through Malin Head, but they were unable to give any further assistance. The rescue helicopter R118 arrived on the scene at 21.46 hrs, one hour and twelve minutes after the initial MAYDAY call. By that stage the crew had ceased CPR. The helicopter remained on scene for a further 25 minutes assessing the viability of landing a man on deck. The crew of R118 eventually made the decision that it would not be possible to board FV Séimi as the weather conditions, in particular the swell, was deemed too dangerous to attempt to land a man on deck. The Met Éireann weather report for the time gives a significant wave height of 4.5-5.5 m.
- 3.5.2 After the helicopter's departure, the Skipper of FV Séimi advised MRCC Malin that he would be returning to Ballyglass, Co. Mayo as he was more familiar with that harbour than Killybegs, Co. Donegal, a voyage he knew would take approximately twelve hours. R118 departed the scene at 22.15 hrs, Arranmore lifeboat was stood down at 22.46 hrs. FV Séimi returned unescorted to Ballyglass, where they were met by members of An Garda Síochána and the

Coast Guard when the vessel made fast at 10.17 hrs on Sunday 5 February 2023. The deceased Crewmember was removed from the vessel at 11.19 hrs. The autopsy made provisional findings of death due to drowning. The cause of death is a matter for the Coroner.

4. ANALYSIS

- 4.1 Crewmember A (the Skipper) says he saw Crewmember E wrapping the line attached to the block around his hand, presumably to help him manoeuvre it into position. Once weight came on the line his hand was then trapped by the rope wrapped around it. This is what caused him to be dragged overboard. This system of work was unsafe and was a causative factor in this incident.
- 4.2 The Casualty was on his fourth trip on FV Séimi. For the first trip he was onboard as an extra person to observe the other crew. Prior to the incident he had only completed two trips as a full crewmember, he had no other fishing or maritime experience and had attended no safety training. While some training was provided onboard, it is possible that the Casualty was not trained enough to fully appreciate the dangers of working on a fishing vessel or the necessary precautions that he should have taken to stay safe. The Casualty's lack of experience and training on a fishing vessel coupled with a failure to fully appreciate the danger involved in working on the deck of a fishing vessel, such as handling lines in rough weather when shooting a string of pots and the poor safety culture onboard, were causative factors in this incident.
- 4.3 The Safety, Health and Welfare at Work Act 2005 requires a risk assessment and safety statement to be made for all activities and this includes shooting pots. This should also be shared with the crew. There was no safety statement for the vessel or risk assessment prepared for the activities being carried out on the vessel and this is a contributing factor in this incident. The HSA's guidance document titled *Managing Health and Safety in Fishing* sets out clear guidance on what steps are needed to ensure safety around shooting pots. None of the recommendations were adhered to.
- 4.4 As part of the Fishing Vessel (Basic Safety Training) Regulations S.I. No.587/2001¹³ (and as set out in the CoP) all persons onboard must comply with these Regulations. This means that at a minimum all crew should have completed a BIM three-day safety course and hold a valid BIM safety training card. The DoC for the CoP lists four BIM card numbers, the vessel usually operates with five crew. At the time of the incident only the Skipper and one crewmember held valid BIM Safety Training Cards. Only the Skipper's card number is listed on the DoC, the other three BIM cards listed on the DoC are from former crew of the vessel. Of the crew onboard at the time of the incident, three of the five crew had no basic safety training. It is noted that the Department of Transport issued a Marine Notice (MN) (No.61 of 2022) on 29 August 2022 just six months prior to this incident - "*Mandatory Requirement for all Fishing Vessel Crew Members - basic safety training*" reminding owners of their obligations in relation to crew training. The fact that the Owner and Skipper did not ensure that those working on the vessel held the necessary minimum standards of training to work on a fishing vessel, and allowed the vessel to proceed to sea with over half the crew having completed no basic safety training, is a contributory factor in this incident.

13. <https://www.irishstatutebook.ie/eli/2001/si/587/made/en/>

- 4.5 The Casualty was not wearing a lifejacket or a PFD when he went overboard. The CoP, Sections 6.6.3 and 7.6, describes the legal obligation created by the Fishing Vessel (Personal Flotation Devices) Regulations, 2001 S.I. 586 of 2001¹⁴ that a PFD shall be provided for each person onboard and worn on deck at all times. Sections 6.6 of the CoP sets out this obligation as follows and notes the MN that also communicates this obligation:

“6.6 Personal Protective Equipment

.1 In accordance with the Safety, Health and Welfare at Work Act 2005 (No.10 of 2005), and the Safety, Health and Welfare at Work (General Application) Regulations, 2007 (S.I. No.299 of 2007), personal protective equipment shall be provided where safety risks to the crew cannot be avoided, or adequately reduced, by structural or mechanical means via the vessel’s layout, structure or machinery.

.2 Personal protective equipment in the form of clothing, or of items worn over clothing, should be in bright colours contrasting with the marine environment and clearly visible.

.3 In accordance with the Fishing Vessel (Personal Flotation Devices) Regulations, 2001 (S.I. No.586 of 2001), as amended by S.I. No.401 of 2018, a suitable Personal Flotation Device (PFD) shall be carried for every person on board, and worn on deck at all times. Guidance on the selection of PFDs for use on-board fishing vessels can be found in Marine Notice No.39 of 2013 - “Wear a Personal Flotation Device (PFD) and increase your chance of survival in the event of entering water”. See also section 7.6.1 below.” (7.6.1 repeats the content of 6.6.3 under in part 7 which is headed Life Saving Appliances).

- 4.6 Methods to reduce the risk of falling or being dragged into the water are described in MN No.39 of 2013 (referred to above), which states:

“How can you reduce the risk of falling or being dragged into the water?

- If handling nets, wear a lifejacket and clothing with no buttons, belts, fittings and connectors to reduce the risk of snagging.*
- If working with ropes or wires, keep them coiled neatly and do not stand inside any loops.*
- If working with overhead obstacles, wear a hard hat and be aware of the risk of being knocked unconscious and/or injured.*
- If working on open deck that is awash, wear a safety harness attaching the lanyard to a strong point or safety line to reduce the risk of being swept overboard.”*

14. <https://www.irishstatutebook.ie/eli/2001/si/586/made/en/print>

- 4.7 The differences between a PFD lifejacket and a “survival lifejacket” are described in MN No.39 of 2013, which states:

“PFD lifejackets are intended to be worn for any length of time affording the user a level of protection for all types of occupational activities whilst survival lifejackets are only intended to be worn in the event of abandon ship.

PFD lifejackets are available in various body mass and chest girth size ranges to suit the user, with various performance standards to provide the highest level of protection depending upon the risk-related occupational activity, being of the buoyant, inflatable or hybrid type, and if inflatable, operation may be automatic or the user may control inflation by manual or oral operation. Survival lifejackets are either of the inherently buoyant or twin-chamber inflatable type, available in three body mass and height size ranges for adult, child and infant, with one performance standard and, if inflatable, with automatic and manual operation.

PFD inflatable lifejackets are usually single chamber, whilst survival lifejackets are twin-chamber, thus affording greater redundancy.

PFD lifejackets are available with options such as sprayhoods, protective covers, deck safety harness and special purpose lifejackets for certain occupational activities such as fishing, fire-fighting, law enforcement, welders, whilst survival lifejackets are only intended to be worn in the event of abandon ship.”

- 4.8 The requirements of S.I. No.586 of 2001 Fishing Vessel (Personal Flotation Devices) Regulations, 2001 make it mandatory to wear a PFD at all times when on an exposed deck of a fishing vessel. This requirement was not adhered to by the Skipper or crew of FV Seími. None of the five crew onboard at the time of the incident were wearing a PFD. FV Séimi did comply with the requirement to carry lifejackets and PFDs and the Skipper did tell the crew in his safety briefing that they should wear a PFD on deck, however, this was not enforced or observed by any of the crew. The Skipper stated that he did not wear a PFD when he was working on deck as he found it too restrictive. The crew each stated that they had been told by the Skipper that they should wear a PFD, but each crewmember stated that they chose not to wear one. The Casualty was floating face down when he was recovered. Had the Casualty been wearing a suitable PFD he would have been floating face up. The PFDs onboard were CE approved 150 N Mullion compact inflatable lifejackets. As they are CE approved they would have turned an unconscious casualty face up. Had he been wearing a PFD the Casualty’s chances of survival would have been significantly increased. The Casualty’s failure to wear a PFD was a causative factor in this fatality.

- 4.9 The CoP, Section 6.3 makes provision for bulwarks and guard rails and has specific reference to what is needed to ensure safety when pots are being manually launched:

“6.3 Bulwarks, Guard Rails and Handrails

.1 The perimeter of an exposed deck should be fitted with bulwarks, guard rails or guard wires of sufficient strength and height for the safety of persons on deck; the height of tubular railings and guard wires being not less than 1000mm above the deck (915mm where already fitted), the lower course of rails or wires having a clearance of not more than 230mm, and the remaining courses being evenly spaced, up to a maximum gap of 380mm. Where there would be unreasonable interference with the efficient operation of the vessel, the height may be reduced.

.2 Sections of rails or wires may be portable, where necessary for the vessel’s fishing operations.

.3 Access stairways, ladder ways and passageways must be provided with handrails and grab rails for the safety of the crew.

.4 A pound barrier should be fitted to separate the pot (creel) ropes from the crew, except where pots (creels) are manually launched.”

- 4.10 The Met Éireann weather report for the date of this incident describes the water temperature as 10.5°C. Cold water is defined as water of 15°C or less¹⁵. The initial response to immersion in cold water is known as cold shock. Many of the activities that are critical to survival require effective use of the hands. However, in some cases as short as just minutes, the ability to use hands is impaired in cold water as they, and the muscles in the forearms that help control them, experience cooling. This can lead to a significant decrease in manual dexterity, handgrip strength, and speed of movement. The cold water causes a sudden lowering of skin temperature, which has a significant effect on a person’s circulation and breathing. The body’s responses commence almost immediately upon immersion, peaks during the first 30 seconds, and lasts for two to three minutes. This effect is believed to be responsible for the majority of immersion deaths in cold water. Given the temperature of the water at the time and the 15 minutes recovery time, it is likely that the Casualty suffered from cold water shock. This is a contributory factor in this incident.

- 4.11 The Met Éireann Sea Area forecast issued at 00.00 hrs on Saturday 4 February 2023 for the following 24 hours in the area that FV Seími intended to fish, forecast south to south-westerly winds force 5 or 6, reaching force 7 between Slyne Head and Malin Head, veering northwestern and decreasing to force 2 to 4 by the end of that period. There was a warning for a heavy swell on west and northwest Atlantic coasts for the Saturday. The 24-hour Sea Area Forecasts

15. See: Golden & Tipton; Essentials of Sea Survival, Chapter 4

issued at 6.00 hrs on Saturday were largely similar. The effect of a heavy swell when carrying out fishing operations on such a relatively small vessel, is considered to be a contributory factor in this incident.

- 4.12 The Skipper and crew of the vessel stated that they were all well rested at the time of the incident. The watch system worked on FV Séimi allowed for two of the five crew to be off and resting at any time. This could not be verified as there were no hours of rest records maintained onboard. The European Union (Workers On Board Seagoing Fishing Vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020 S.I. No.585 of 2020 requires that the Master (in this case, the Skipper) of a fishing vessel operating with share fishers onboard record the hours of work or rest onboard. Further, while the Skipper did show all new crew a statement signed by the Skipper and Owner advising all crew that they are entitled to ten hours rest in a 24 hour period, this statement did not include all the details of S.I. No.585 of 2020, namely, that the rest period may be divided into no more than two periods, one of which shall be at least six hours. The lack of records for hours of rest indicate a possible non-compliance with the applicable Regulations, and fatigue cannot be ruled out as a contributory factor in this incident. Whether there has been a breach of the Regulations is entirely a matter for the MSO who is responsible for enforcement.
- 4.13 Another requirement for a vessel the length of FV Séimi is the Merchant Shipping (Musters) (Fishing Vessels) Regulations, 1993 S.I. No.48 of 1993¹⁶, which requires that safety drills are conducted with lifesaving and fire-fighting equipment with all new crew and at monthly intervals. The CoP sets out the requirements as follows:

“8.8 Musters and Drills for Emergency Procedures

.1 The master and crew shall comply with the Merchant Shipping (Musters) (Fishing Vessels) Regulations, 1993 (S.I. No.48 of 1993).

.2 The master of a fishing vessel of 12 metres or more in length shall ensure that the crew are instructed, trained and drilled in the use of the life-saving and fire-fighting equipment on the vessel, and that each member of the crew is aware of the location on the vessel of such equipment.

.3 This aforesaid instruction and training shall be given before the vessel commences a voyage with a new crew, or new member of the crew, and thereafter at monthly intervals.

.4 Life-saving and fire-fighting equipment on a fishing vessel of 12 metres or more in length shall be inspected by the master at intervals of not more than one month.

.5 Where necessary, the master of a fishing vessel shall arrange for maintenance or repairs to the life-saving and fire-fighting equipment that is

¹⁶ <https://www.irishstatutebook.ie/eli/1993/si/48/made/en/print> : S.I. No.48/1993 - Merchant Shipping (Musters)(Fishing Vessels) Regulations, 1993

on-board, to be carried out as soon as may be required after an inspection.

.6 Vessels of less than 12 metres in length are recommended to follow the above requirements.

.7 Further information on the requirements concerning muster lists and drills in the use of life-saving appliances and fire-fighting appliances can be found in Marine Notice No.40 of 2018 - "Drills and Musters on all Fishing Vessels/Man Overboard Recovery Systems on Fishing Vessels".

.8 In addition, the necessity to develop contingency plans and procedures, to conduct emergency exercise drills, including preparing for a grounding event or collision incident and unexpected loss of propulsion or electrical power, is highlighted in Marine Notice No.41 of 2020."

- 4.14 Although new crew were given a verbal induction and safety talk by the Skipper, there was no formal training process and none of the drills were recorded or documented. In compliance with the CoP, FV Séimi did have onboard a means of recovering persons from the water (Man Overboard or MOB), however, this was not used to recover the Casualty. There are no records onboard detailing when the MOB recovery system was last used in a drill. The Casualty was recovered instead, by means of a grappling hook and then by the Skipper being held over the side of the vessel by the remaining crew in order to recover the Casualty once close enough. The Skipper and crew must be commended for the fact that they did successfully recover the Casualty. The lack of familiarity with onboard life-saving appliances, the fact that there was no lifebuoy deployed nor the combined light and smoke signal, and that the MOB recovery system was not used, indicates a lack of familiarity with onboard life-saving appliances and a poor safety culture on the vessel.
- 4.15 The DoC for FV Séimi states that the vessel operates in Sea Area A1. This is defined as an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available. The Skipper did attempt to contact Malin Head via VHF but was unable to do so as the vessel was out of range of the station. This implies that the vessel was operating outside Sea Area A1 and therefore outside the area covered by their DoC. Communications instead were conducted via satellite phone. The radio licence for FV Séimi lists the only radio equipment onboard as a VHF, Search and Rescue Transponder and Emergency Position Indicating Radio Beacon. The fact that the vessel may have been operating outside the limits of operation for its radio equipment, did not directly contribute to the incident. However, the fact that the vessel was operating further out to sea than it had proper radio equipment for, shows a lack of regard for the limitations of the vessel, crew and equipment.
- 4.16 The various matters identified above, including work practises; absence of a risk assessment and safety statement; absence of recorded work and rest hours, a lack of familiarity with onboard life-saving appliances, the fact that there was

no lifebuoy deployed nor the combined light and smoke signal, and that the MOB recovery system was not used; the possible operation outside the radio licence area, all contribute to indicate a poor safety culture on the vessel, which amounted to a contributory factor to this casualty.

5. CONCLUSIONS

- 5.1 The owner or Master of any Irish registered fishing vessel has an obligation to ensure that there are sufficient qualified crew onboard, having regard to the type and duration of the voyage undertaken. This obligation was not observed by the Owner of FV Séimi. The Owner was unaware of which, if any, members of the crew held fishing or maritime qualifications and could not produce documentation to support qualifications or training for a single member of his current or former crew. Ensuring qualified crew were onboard was left to the Skipper who was only able to produce a BIM safety training card for himself and one other crewmember. The CoP is very clear that the safe manning of the vessel is the owner's responsibility.
- 5.2 The validity of a DoC issued under the CoP is dependent upon the vessel being maintained, equipped and operated in accordance with the Code, and the Declaration. It is the owner's responsibility to ensure this. As only one of the BIM card numbers listed on the DoC was onboard the vessel at the time of the incident and three of the five crew held no BIM Card, the vessel did not continue to comply with the requirements of the Code with respect to manning, training and certification.
- 5.3 It is imperative that the owners, masters/skippers and employers of under 15 m fishing vessels take safety onboard seriously and operate their vessels in a professional manner. Fishing vessels can be a dangerous place to work, half of the last 22 MCIB reports involve fishing vessels. In this case, the absence of sufficiently qualified crew and the vessel's failure to comply with the CoP, coupled with the lack of drills, formal training, risk assessment, records and safety standards all indicate that the safety culture onboard FV Séimi was below the standards that should be expected onboard a commercially operated fishing vessel.
- 5.4 The only qualifications or training required to work on an under 15 m fishing vessel in Ireland is to hold a valid BIM safety training card. The CoP references standards of competency and skills required to carry out the job, but it does not address how these competencies or skills are to be assessed. The three-day BIM BST course is provided at a range of locations and dates each year to ensure all fishers that require this training are afforded an opportunity to attend. The course includes:
 - Personal survival techniques, including MOB techniques.
 - Elementary first aid.
 - Fire prevention, health, and safety training.

The course is intended to help improve safety onboard fishing vessels, reducing the number of accidents and to comply with legal requirements, regarding:

- Safety legislation - muster regulations, PFDs, safety, health, and the Welfare at Work Act.
- Personal safety - boarding/leaving vessel, working with gear on deck or aloft, shooting and hauling nets, working with winches and power blocks, safety in the engine-room, safety in the galley, safety in the accommodation, use of lifting equipment and hours of rest.
- Stability - awareness and best practice for maintaining vessel stability.
- Safety management - Safety Statements and formal risk assessment.

With regards to risk assessment, BIM have advised the MCIB that currently the safety awareness section of the BIM BST programme includes content highlighting the range of standard activities and common risks onboard Irish fishing vessels - from boarding the vessel, through to fishing operations, working in confined areas, working on deck etc. It may be beneficial to the Irish under 15 m fishing vessel fleet to have some means of ensuring that those working onboard have a means of assessing the minimum standards of competency required by the Code.

- 5.5 Working hours and hours of rest regulations for this crew are to be adhered to in accordance with S.I. No.585 of 2022, European Union (Workers on board sea-going fishing vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020 to ensure share fishers have sufficient rest and avoid fatigue related accidents. Fatigue has been identified as a contributing factor to numerous serious casualties. Control and monitoring of hours of work and rest periods is essential to reduce occurrence of these accidents.
- 5.6 It is noted that since the date of this marine casualty new regulations titled *Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023* (S.I. No.313 of 2023), came into operation on 1 July 2023. These Regulations revoke and replace the *Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988* (S.I. No.289 of 1988) and its amending regulations. The new Regulations apply to fishers aboard fishing vessels that are 15 m in LOA and over. Of particular note with regard to training is the fact that the expiration date of five years has been placed on all certificates of competency for fishing vessels, for both deck and engineer officers, where they are issued after the Regulations came into operation.
- 5.7 The new Regulations provide that all certificates of competency can be revalidated for a further period of five years, and every five years thereafter, subject to the requirement to complete updated training for the following relevant ancillary courses at intervals not exceeding five years: Personal Survival Techniques, Fire Prevention and Firefighting and Advanced Firefighting. There are transition arrangements for certificates of competency, or a certificate of service, for either a deck or engineer officer, which are currently in force. These will remain valid for a period of five years from the date the Regulations came

into operation. Therefore, as the Regulations came into effect on 1 July 2023, any current valid certificates of competency will remain valid until 1 July 2028. Any certificates of competency issued after 1 July 2023 will have a validity of five years from their date of issue.

- 5.8 The Department of Transport issued MN No.41 of 2023¹⁷ that sets out the details and the effect of the new regulation. The introduction of an expiration date of five years on all certificates of competency for fishing vessels greater than 15 m LOA, for both deck and engineer officers (with the consequential requirement for updated training on renewal), is to be welcomed, however, it highlights the significant lack of such a requirement with regard to the BIM certification for vessels under 15 m.
- 5.9 BIM has advised the MCIB that it endorses and supports the recommendation 6.2.4 in the following section about amending the Regulations to provide for mandatory refresher training for crew on vessels under 15 m.
- 5.10 MCIB Report No.8 of 2023 (Report of an Investigation into a Marine Casualty involving the Fishing Vessel John B off Howth, Co. Dublin 17 July 2020) made the following recommendation in respect of training: *“In the light of the findings in this Report, and in many other MCIB reports involving injuries on fishing vessels, BIM should review the content of its safety training modules with regard to the health and safety aspects identified in this Report to include operational issues and the carrying out of risk assessments for fishing operations (including the risks associated with working with fishing gear)”*. It is of note in this investigation that the two crewmembers who did in fact have BIM training did not consider carrying out a risk assessment. The absence of risk assessment is a common feature in many MCIB reports. BIM have advised the MCIB that they have commenced undertaking a review of the BIM BST course to ensure that BIM are delivering a comprehensive, modern training programme, which will continue to meet legislative requirements and will highlight industry best practice.

17. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/278672/a96f8f8c-eac9-4287-85c4-424f3e5d3bd6.pdf#page=null>

6. SAFETY RECOMMENDATIONS

6.1 Recommendations to the Owner of FV Séimi and the Employers of its Crew:

- 6.1.1 Conduct a Risk Assessment covering all work-related activities onboard as required, identifying the risks and mitigations in accordance with the Safety, Health and Welfare at Work Act 2005. This should include assessing risks for working in rough seas.
- 6.1.2 Prepare and complete the required safety statement as required by the Safety, Health and Welfare at Work Act 2005.
- 6.1.3 Review the operation of shooting pots that requires a crewmember on deck. Consider alternatives to automate the process or have clear procedures in place to deal with situations where crew must go on deck. The owners/employers would find the content of Seafish “Potting Safety” helpful¹⁸. It is a UK industry advisory note issued in January 2011. The note records that *“The Marine Accident Investigation Branch (MAIB) report Analysis of UK Fishing Vessel Safety 1992 to 2006 found that a higher than average man overboard fatality rate was attributed to parts of the potting sector. The report recommended Seafish research potting methods and procedures. This advisory note summarises the available information on potting related incidents and provides guidance on safe practices.”*
- 6.1.4 Develop a system so that all existing and any new crew obtain the necessary onboard training and familiarisation to safely conduct their work onboard prior to being tasked with any position of responsibility or potential danger. It is advisable that this process is documented and recorded.
- 6.1.5 Ensure the crew of the vessel at all times hold at least the minimum safety training to work on an Irish registered fishing vessel and that the vessel complies with the Code of Practice for the design construction, equipment and operation of small fishing vessels of less than 15 metres length overall, the Safety, Health and Welfare at Work Act 2005, S.I. No.587/2001 Fishing Vessel (Basic Safety Training) Regulations, 2001, S.I. 585 of 2022, European Union (Workers on board sea-going fishing vessels) (Organisation of Working Time) (Share Fishermen) Regulations 2020, S.I. No.586/2001 Fishing Vessel (Personal Flotation Devices) Regulations, 2001 and S.I. No.48/1993 Merchant Shipping (Musters) (Fishing Vessels) Regulations, 1993.
- 6.1.6 Keep adequate records of crew training and qualifications ensuring that original copies of any qualifications and/or training records are signed and recorded before allowing any new crew to commence work on the vessel.
- 6.1.7 Ensure terms of engagement with all crew are explained, agreed in writing, and a copy provided to each crewmember.

18. <https://www.seafish.org/document/?id=1f95aca6-f029-4f58-8125-0a2a9dcb312c>

6.2 Recommendations to the Minister for Transport


- 6.2.1 The Minister should consider whether a review of the procedures (including the form of Declaration for Certification in respect of the certification under the Code of Practice: Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 metres length overall) to assess whether it is possible to have a more effective method of verifying the details provided, such as in relation to Bord lascaigh Mhara certification, the carrying out of musters and drills, and area of operations.
- 6.2.2 The Merchant Shipping (Musters) (Fishing Vessels) Regulations S.I. No.48 of 1993 require fishing vessels between 12 and 16.5 metres in length to conduct drills and training with all new crew and at monthly intervals. There is no provision for records to be maintained. The Code of Practice for fishing vessels of less than 15 metres in length does not recommend that vessels maintain a record of drills and onboard training. The Minister should consider amending the Regulations so that it is mandatory to create a record of drills and training, to provide for their maintenance on fishing vessels of less than 15 metres, and, if so, making the related amendment to the Code.
- 6.2.3 The Minister should consider the introduction of an audit programme and a programme of unannounced inspections for fishing vessels less than 15 metres length overall to ensure compliance with the Code of Practice: Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 metres length overall and applicable regulations including manning and training and to include observations of safety drills.
- 6.2.4 That the Minister should consider an amendment to the Fishing Vessel (Basic Safety Training) Regulations, S.I. No.587 of 2001 to provide for refresher and or revalidation training.
- 6.2.5 The Minister should issue a Marine Notice to draw the attention of all owners of fishing vessels operating under the Code of Practice: Design, Construction, Equipment and Operation of Small Fishing Vessels of less than 15 metres length overall:
- to their obligation to ensure that all crew working on their vessels hold the necessary minimum basic safety training before commencing work on their vessel and
 - that records of this training be held by the owners for inspection.
 - the importance in ensuring their vessel observes the Declaration of Compliance, drawing particular attention to the requirements of Section 7. Life Saving Appliances, Section 8 Manning, Training, Certification, Emergency Procedures and Organisation of Working Time and Section 9, Radio Equipment.

7. APPENDICES



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Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023

	<h3>24-hour Sea Area Forecast</h3> <p>Updated at 0000 / 0600 / 1200 / 1800</p> <p>Sea Area Forecast until 1800 Saturday, 4 February 2023 Issued at 1800 Friday, 3 February 2023</p>	<p>Text of Gale Warning</p> <p>Nil</p> <p>Text of Small Craft Warning</p> <p>Southwesterly winds, veering northwesterly, will reach force 6 or higher at times on Irish coasts from Valentia to Erris Head to Fair Head.</p>
<p>1. Gale warning: Nil</p> <p>Small craft warning: In operation</p>	<p>2. Meteorological situation at 1500: Ireland lies in a mostly fresh to strong southwesterly airflow with an anticyclone of 1038hPa, centred over the west of France, and a cyclone of 965hPa, centred to the northwest of Iceland.</p>	<p>Coastal Reports</p> <p>5 PM Friday, 03 February 2023</p> <p>Malin Head Automatic Southwest 14 Knots, Gust 24 Knots, Cloudy, 7 Miles, 1027, Rising slowly</p> <p>Dublin Airport Southwest 6 Knots, Cloudy, 18 Miles, 1031, Rising slowly</p> <p>Buoy M5 51° 41'N 6° 42'W Southwest 13 Knots, Wave ht: 1.8 m, The visibility at Tuskar is greater than 10 Miles, 1034, Rising slowly</p> <p>Roches Point Automatic Southwest 12 Knots, Fair, 16 Miles, 1033, Steady</p> <p>Sharkin Island Automatic Southwest 12 Knots, Cloudy, 8 Miles, 1033, Steady</p> <p>Valentia Automatic South-Southwest 10 Knots, Cloudy, 21 Miles, 1032, Steady</p> <p>Mace Head Automatic South-Southwest 15 Knots, Mist, 3 Miles, 1029, Steady</p> <p>Belmullet Automatic South-Southwest 20 Knots, Fair, 7 Miles, 1027, Steady</p> <p>Buoy M1 53° 8'N, 11° 12'W Report not available</p> <p>Buoy M2 53° 29'N, 5° 26'W Southwest 8 Knots, Wave ht: 0.8 m, 1031, Rising slowly</p> <p>Buoy M3 51° 13'N, 10° 33'W South-Southwest 16 Knots, Wave ht: 3 m, 1032, Steady</p> <p>Buoy M4 55° 07'N 10° 0'W South-Southwest 25 Knots, Wave ht: 4.4 m, 1025, Steady</p> <p>Buoy M6 53° 47'N 15° 56'W South-Southwest 26 Knots, Wave ht: 4.7 m, 1021, Falling slowly</p> <p>Disclaimer: buoy locations are approximate and are not for navigational purposes</p>
<p>Forecast for Irish coastal waters from Fair Head to Carnsore Point to Valentia and for the Irish Sea</p>	<p>Wind: Southwesterly force 4 or 5, later increasing force 5 or 6 and veering northwesterly by the end of the period.</p>	<p>Sea Crossings</p> <p>Dublin - Holyhead Mainly slight, occasionally moderate.</p> <p>Rosslare - South Wales Slight to moderate.</p> <p>Cork - South Wales Moderate, Increasing rough at times Saturday evening to Sunday morning.</p> <p>Rosslare - France Moderate, occasionally rough. Increasing moderate to rough Saturday morning.</p> <p>Cork - France Moderate, occasionally rough. Increasing moderate to rough Saturday morning.</p>
<p>Weather: Mostly cloudy with isolated light rain, drizzle and mist. Outbreaks of rain later.</p>	<p>Visibility: Mostly good but decreasing moderate or poor in precipitation and mist.</p>	<p>Next update before 0100 Saturday, 04 February 2023</p>
<p>Warning of Heavy Swell: On west and northwest coasts on Saturday.</p>	<p>4. Outlook for a further 24 hours until 1800 Sunday 05 February 2023: Decreasing light to moderate anticyclonic variable Saturday night, increasing fresh to strong southerly through Sunday morning in the southwest, west and northwest. Weather: Outbreaks of rain in the Irish Sea will clear Saturday night, followed by fair or fine weather.</p>	



Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023

	<h1>24-hour Sea Area Forecast</h1> <p>Updated at 0000 / 0600 / 1200 / 1800</p> <p>Sea Area Forecast until 0000 Sunday, 5 February 2023 Issued at 0000 Saturday, 4 February 2023</p> <p>1. Gale warnings: Nil Small craft warning: In operation</p> <p>2. Meteorological situation at 2100: Ireland lies in a mostly fresh to strong southwesterly airflow between an anticyclone of 1039hPa, centred in the Bay of Biscay, and a cyclone of 949hPa, centred between Greenland and Iceland with an associated weakening cold front approaching and set to cross Ireland on Saturday.</p> <p>3. Forecast for Irish coastal waters from Valentia to Erris Head to Fair Head Wind: South to southwest force 5 or 6 and gusty, reaching force 7 at times between Slyne Head and Malin Head. Soon veering northwest force 5 or 6. Later decreasing northwest or anticyclonic variable force 2 to 4 by the end of the period. Weather: Mostly cloudy with isolated light rain, drizzle and mist. Rain soon clearing to mostly fine conditions later. Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</p> <p>Forecast for Irish coastal waters from Fair Head to Carnsore Point to Valentia and for the Irish Sea Wind: Southwesterly force 4 or 5 imminent. Soon, increasing force 5 or 6. Later, veering northerly or anticyclonic variable and easing force 3 to 5 by the end of the period. Weather: Mostly cloudy with isolated light rain, drizzle and mist. Patchy rain soon, clearing to mostly fine conditions later. Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</p> <p>Warning of Heavy Swell: On west and northwest Atlantic coasts on Saturday.</p> <p>4. Outlook for a further 24 hours until 0000 Monday 06 February 2023: Mostly moderate to fresh anticyclonic variable Saturday night. Becoming southerly on Sunday morning and increasing strong to near gale in western and northern sea areas, before easing fresh to strong there toward the end of the period. Weather: Mostly fair or fine with some well scattered patches of rain or drizzle at times in the south and west along with some coastal mist and fog banks.</p>																																																
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Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023

	<h2>24-hour Sea Area Forecast</h2> <p>Updated at 0000 / 0600 / 1200 / 1800</p> <p>Sea Area Forecast until 0600 Sunday, 5 February 2023 Issued at 0600 Saturday, 4 February 2023</p> <p>1. Gale warning: Nil Small craft warning: In operation</p> <p>2. Meteorological situation at 0300: Ireland lies in a mostly fresh to strong southwesterly airflow between an anticyclone of 1039hPa, centred in the Bay of Biscay, and a cyclone of 948hPa, centred between Greenland and Iceland. An associated cold front, to the west of Ireland, will weaken as it crosses the country today (Saturday).</p> <p>3. Forecast for Irish coastal waters from Valentia to Erris Head to Fair Head Wind: South to southwest force 5 to 7 strongest between Slyne Head and Malin Head imminently veering northwest and easing force 5 or 6. Later decreasing anticyclonic variable force 2 to 4 before becoming south to southeast and increasing force 4 or 5 by the end of the period. Weather: Mostly cloudy with rain, drizzle and mist. Soon clearing to mostly fine conditions. Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</p> <p>Forecast for Irish coastal waters from Fair Head to Carnsore Point to Valentia and for the Irish Sea Wind: Southwesterly force 4 to 6 imminent. Soon, veering north to northwest force 5 or 6. Later becoming northerly or anticyclonic variable and easing force 3 to 5. Weather: Mostly cloudy with patchy light rain, drizzle and mist. Later clearing to fair of fine conditions. Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</p> <p>Warning of Heavy Swell: On west and northwest Atlantic coasts today (Saturday):</p> <p>4. Outlook for a further 24 hours until 0600 Monday 06 February 2023: Moderate to fresh anticyclonic variable winds becoming southerly on Sunday morning and increasing strong to near gale force in western and northern sea areas, before easing fresh to strong again on Sunday night while becoming fresh southerly elsewhere. Weather: Mostly fair or fine with some well scattered patches of rain or drizzle at times in the south and west, along with some coastal mist and fog banks. Outbreaks of rain will become more frequent in the west towards the end of the period.</p>																																												
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Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023

	
<div><div>24-hour Sea Area Forecast</div><div>Updated at 0000 / 0600 / 1200 / 1800</div><div>Sea Area Forecast until 1200 Sunday, 5 February 2023</div><div>Issued at 1200 Saturday, 4 February 2023</div></div>	<div><div>Text of Gale Warning</div><div>Nil</div></div> <div><div>Text of Small Craft Warning</div><div>1. Southwesterly winds, veering northwesterly, will reach force 6 or higher at times today on Irish coasts from Mizen Head to Malin Head to Carnsore Point.</div><div>2. Southerly winds will reach force 6 during Sunday on Irish coasts from Mizen Head to Erris Head to Fair Head.</div></div> <div><div>Coastal Reports</div><div>11 AM Saturday, 04 February 2023</div><div>Malin Head Automatic Dublin Airport Buoy M5 51° 41'N 6° 42'W Roches Point Automatic Sherkin Island Automatic Valentia Automatic Mace Head Automatic Belmullet Automatic Buoy M1 53° 8'N, 11° 12'W Buoy M2 53° 29'N, 5° 26'W Buoy M3 51° 13'N, 10° 33'W Buoy M4 55° 0'N 10° 0'W Buoy M6 53° 4'N 15° 56'W</div><div>South-Southwest, 20 Knots, Cloudy, 10 Miles, 1028, Steady South-Southwest, 10 Knots, Recent rain, 26 Miles, 1034, Rising slowly South-Southwest, 14 Knots, Wave ht: 1.5 m, The visibility at Tuskar is greater than 10 Miles, 1037, Rising slowly Southwest, 10 Knots, Cloudy, 9 Miles, 1036, Rising slowly Southwest, 12 Knots, Cloudy, 8 Miles, 1036, Rising slowly South-Southwest, 14 Knots, Cloudy, 12 Miles, 1035, Rising slowly West, 19 Knots, Rain shower, 1.4 Miles, 1032, Rising rapidly West-Northwest, 18 Knots, Light rain, 4 Miles, 1032, Rising rapidly Report not available Southwest, 20 Knots, Wave ht: 0.9 m, 1034, Rising slowly South-Southwest, 14 Knots, Wave ht: 3.9 m, 1035, Rising slowly West, 23 Knots, Wave ht: 5.4 m, 1030, Rising rapidly West-Northwest, 17 Knots, Wave ht: 4.5 m, 1036, Rising rapidly</div><div>Disclaimer: buoy locations are approximate and are not for navigational purposes</div></div> <div><div>Sea Crossings</div><div>Dublin - Holyhead Rosslare - South Wales Cork - South Wales Rosslare - France Cork - France</div><div>State of sea until 1200 Monday 06 February 2023 Slight Slight to moderate. Slight to moderate. Moderate, Increasing rough at times. Moderate, Increasing rough at times.</div></div> <div><div>Next update before 1900 Saturday, 04 February 2023</div></div>
<div><div>1. Gale warning: Nil</div><div>Small craft warnings: In operation</div><div>2. Meteorological situation at 0900: Ireland lies in a fresh to strong southwesterly airflow with high pressure to the south (1040 hPa) and low pressure in situ close to Iceland. The associated cold front will move down across Ireland today.</div><div>3. Forecast for Irish coastal waters from Mizen Head to Erris Head to Fair Head</div><div>Wind: Southwest veering northwest force 5 to 7 imminent. Soon decreasing anticyclonic variable force 2 to 4, strongest in the northeast and southwest. Increasing south to southeast force 6 or 7 later.</div><div>Weather: Rain, drizzle and mist. Soon mostly fine. Chance of drizzle in the southwest later.</div><div>Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</div><div>Forecast for Irish coastal waters from Fair Head to Carnsore Point to Mizen Head and the Irish Sea</div><div>Wind: Southwesterly veering west to north force 5 or 6. Soon becoming northerly or anticyclonic variable force 3 to 5. Increasing southerly force 4 to 5 later.</div><div>Weather: Mostly cloudy with patchy light rain, drizzle and mist. Later mostly fine.</div><div>Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</div><div>Warning of Heavy Swell: On west and northwest Atlantic coasts today (Saturday).</div><div>4. Outlook for a further 24 hours until 1200 Monday 06 February 2023: Mostly fresh to strong south to southwest winds, strongest in Atlantic sea areas. Weak fronts will move in from the west and northwest.</div></div>	

Appendix 7.1 Met Éireann Weather Forecasts Issued for Friday 3 and Saturday 4 February 2023

<div>  <h3>24-hour Sea Area Forecast</h3> <p>Updated at 0000 / 0600 / 1200 / 1800</p> <h4>Sea Area Forecast until 1800 Sunday, 5 February 2023 Issued at 1800 Saturday, 4 February 2023</h4> <ol style="list-style-type: none"> Gale warning: Nil Small craft warning: In operation Meteorological situation at 1500: A cold front moving southeastwards across Leinster and east Munster will clear imminently, and will be followed by an anticyclone building in over the country tonight. As the anticyclone slips in over Britain tomorrow, a freshening southerly airflow will follow over Ireland. Forecast for Irish coastal waters from Mizen Head to Erris Head to Malin Head Wind: North or northwest force 4 to 6, decreasing anticyclonic variable force 2 to 4 imminent. Soon increasing south to southeast force 3 to 5 and further increasing southerly force 5 to 7 later. Weather: Mostly fine. Chance of drizzle in the southwest later. Visibility: Mostly good. <p>Forecast for Irish coastal waters from Malin Head to Wicklow Head to Mizen Head and for the Irish Sea Wind: North or northwest force 5 or 6. Decreasing force 4 or 5 imminent, mainly between northwest and northeast in direction. Soon becoming variable force 3 to 5. Later becoming south to southeast force 3 to 5 and veering south to southwest by the end of the period. Weather: Mostly cloudy with patchy light rain, drizzle and mist. Becoming mostly fine imminent. Visibility: Moderate or poor in precipitation and mist, otherwise mostly good.</p> <p>Warning of Heavy Swell: On west and northwest Atlantic coasts today (Saturday).</p> <ol style="list-style-type: none"> Outlook for a further 24 hours until 1800 Monday 06 February 2023: Moderate to fresh or strong south to southwest winds, strongest in Atlantic sea areas. 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Appendix 7.2 Met Éireann Weather Report for Saturday 4 February 2023 from 18.00 to 24.00 hours



Met Éireann

The Irish Meteorological Service

Climate Services
Glasnevin Hill
Dublin 9

Seirbhísí Aeráide
Cnoc Ghlas Naíon
Baile Átha Cliath 9

Tel: +353-1-8064260
Email: legal@met.ie

Our Ref: WS1730/2407_4 supersedes WS1730/2305_41

Your Ref: MCIB/12/326

WEATHER REPORT

4-February-2023

Meteorological Synopsis:

On the morning of 4-February-2023 a fresh to strong south-southwesterly airflow covered Ireland due to a frontal trough (cold front) associated with a depression near Iceland. The front cleared eastwards and the airflow veered to a stable and light to moderate west-northwesterly airflow as a ridge of high pressure (1040 hPa) extended over the country from the west.

Estimated weather and sea state conditions in the offshore sea area approximately 60 nautical miles NNW off Arranmore Island Co Donegal on the evening of Saturday 4-February-2023 between 18:00 and 24:00 hours.

Wind:

Northwesterly winds were fresh at first and decreased moderate then light westerly by the end of the period. Gusts of 20 to 30 knots may have occurred during the period.

Hour UTC	Wind Description / Beaufort	Wind Direction	Mean Wind Speed (knots)	Maximum Gusts (knots)
18:00 to 20:00	Fresh force 5 decreased Moderate force 4	NW	14 – 20	30
20:00 to 24:00	Moderate force 4 decreased Gentle force 3	NW to W	7 – 15	20

Weather:

Mostly fine; partly cloudy, possible mist patches.

Visibility:

Visibility was mostly good (greater than 5 nautical miles), moderate (2 – 4 nautical miles) in any mist.

Temperature:

Air temperature was 8 or 9 degrees Celsius. Sea temperature was 10.5 degrees Celsius.

Sea State:

The estimated sea state was very rough (significant wave height 4.5 to 5.5 meters) on a west-southwesterly swell. Observed maximum individual wave height at weather buoy M4 was 8.6 meters during the period in question.

This report was issued on: 09 July 2024

Met Éireann | Climate Services Division | Enquiries Legal Unit | Email: legal@met.ie

Appendix 7.3 Irish Coast Guard SITREP

Subject: MAR -SAR F/V SEIMI MOB UIIN0163/23

ROUTINE
04 2138Z FEB 23
FROM MRSC MALIN
TO MALIN HEAD SITREP GROUP

BT
MAR -SAR F/V SEIMI MOB
UIIN0163/23
SAR SITREP ONE

A - IDENTITY OF CASUALTY:

38 YO MALE

B - POSITION

55°59.99'N 008°58.18'W

C - SITUATION

F.V SEIMI REPORTS MOP// CAS RECOVERED//
UNRESPONSIVE

D - NUMBER OF PERSONS

1

E - ASSISTANCE REQUIRED

R118// ARRANMORE RNLI TASKED

F - COORDINATING RCC

MRSC MALIN

G - DESCRIPTION OF CASUALTY

38 YO MALE

H - WEATHER ON SCENE

WIND: 2, W / SEA: MODERATE / SWELL: LOW WAVE / AIR TEMP: 7°C / WATER
TEMP: 9°C / VIS: GOOD / CLOUD COV: FEW / PRECIP: NO RAIN / SITREP
WEATHER-TIME: 04 2034Z FEB 23

J - INITIAL ACTIONS TAKEN

TASK R118,ARRANMORE RNLI

K - SEARCH AREA

60NM NNW OF ARRANMORE

Appendix 7.3 Irish Coast Guard SITREP

L - COORDINATING INSTRUCTIONS
MEDIVAC FROM VSL

M - FUTURE PLANS
COMMS SCHEDULE ESTABLISHED WITH VSL - 2HRS, ETA BALLYGLASS 050900

N - ADDITIONAL INFORMATION
2034.ALERT FROM FV SEIMI -MOB RECOVERED AND UN-RESPONSIVE
2042/2103.R118 TASKED PROCEEDING
2044/2105.ARRANMORE ALB TASKED/PROCEEDING
2049.CONFERENCE CALL MEDICO CORK/VSL/MALIN
2146/2215.R118 ON SCENE/UNABLE TO ASSIST DUE TO WX/RELEASED
2243.ARRANMORE ALB RELEASED
2304.R118 RTB
0023.ARRANMORE ALB RTB

Appendix 7.4 Hours of Rest Notification Onboard FV Séimi

Important Notice to All Working on Séimi

Working Shifts on Board


Crew are entitled to 10 hours rest in a 24 hour period (minimum)
The rest periods will be arranged between crew and Skipper
Before each trip Skipper discusses this with all crew

Any member of crew who are not satisfied with arrangements (per trip) May
contact the Owner(s) and discuss further

Signed _____ Skipper _____
Signed. _____ Owner _____

Appendix 7.5 Wireless Licence

0025708



IRELAND

Minister for Transport

Licence to establish a Wireless Telegraph Ship Station

The Minister for Transport, in exercise of the powers conferred on him/her by Section 5 of the Wireless Telegraphy Act, 1926 (No. 45 of 1926) and Section 9(1) of the Communications Regulation Act, 2002 (No. 20 of 2002) and the Communications Regulation (Amendment) Act 2007, grants to the Licensee specified, authorisation to keep, have possession of, install, maintain work and use apparatus as specified in this licence subject to the Licensee observing the conditions contained in Regulation 5 of the Wireless Telegraphy (Ship Station Radio Licence) Regulations, 2006 (S.I. No. 414 of 2006)

Licence No. LSR13645

Date of Issue 16/08/2017


Issued in accordance with the provisions of the Ship Station Radio Licence as amended and with the Radio Regulations which complement the Constitution and the Convention of the International Telecommunication Union now in force, this licence is herewith issued for the installation and for the use of the radio equipment described below and subject to the conditions overleaf:

Name of Ship	Identification of the Ship Station		Holder of Licence	Accounting Authority Identification Code
	Call Sign	MMSI No.		
Seimí	EI-TC-2	250004815	[REDACTED]	EI01

Frequency Band	
VHF	(as per Mobile allocations in ITU Radio Regulations Article 5 [5.226 & 5.227])
EPIRB	(as per Mobile Satellite allocations in ITU Radio Regulations Article 5 [5.266])
SART	(as per Radionavigation allocations in ITU Radio Regulations Article 5 [5.474])

For the Minister

Signed _____



Date 16 August 2017

SECTION 36 PROCESS

Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000

It is a requirement under Section 36 that:

- (1) Before publishing a report, the Board shall send a draft of the report or sections of the draft report to any person who, in its opinion, is likely to be adversely affected by the publishing of the report or sections or, if that person be deceased, then such person as appears to the Board best to represent that person's interest.
- (2) A person to whom the Board sends a draft in accordance with subsection (1) may, within a period of 28 days commencing on the date on which the draft is sent to the person, or such further period not exceeding 28 days, as the Board in its absolute discretion thinks fit, submit to the Board in writing his or her observations on the draft.
- (3) A person to whom a draft has been sent in accordance with subsection (1) may apply to the Board for an extension, in accordance with subsection (2), of the period in which to submit his or her observations on the draft.
- (4) Observations submitted to the Board in accordance with subsection (2) shall be included in an appendix to the published report, unless the person submitting the observations requests in writing that the observations be not published.
- (5) Where observations are submitted to the Board in accordance with subsection (2), the Board may, at its discretion -
 - (a) alter the draft before publication or decide not to do so, or
 - (b) include in the published report such comments on the observations as it thinks fit.

The Board reviews and considers all observations received whether published or not published in the final report. When the Board considers an observation requires amendments to the report, those amendments are made. When the Board is satisfied that the report has adequately addressed the issue in the observation, then no amendment is made to the report. The Board may also make comments on observations in the report.

Response(s) received following circulation of the draft report (excluding those where the Board has agreed to a request not to publish) are included in the following section.

The Board has noted the contents of all observations, and amendments have been made to the report where required.

8. MSA 2000 - SECTION 36 OBSERVATIONS RECEIVED

8.1 Correspondence from BIM and MCIB response 53

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

Correspondence 8.1 Correspondence from BIM and MCIB response.



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26th June 2024

Ms [REDACTED]
Chairperson
Marine Casualty Investigation Board
Leeson Lane
Dublin
D02 TR60

Re – Draft report of an investigation into a marine casualty involving the fishing vessel ‘Seimi’ NNW of Arranmore Island, Co Donegal on or about 4th February 2023.

Dear [REDACTED]

We welcome the opportunity to respond to the above report.

BIM is committed to providing quality training to fishers, to ensure a modern, safe, and professional seafood industry.

Fishing Vessel (Basic Safety Training) Regulations, 2001 (S.I. 587 of 2001) require all fishing vessel crew members to undergo Basic Safety Training.

The three-day BIM Basic Safety Training (BST) course is provided at a range of locations and dates each year, to ensure all fishers that require this training are afforded an opportunity to attend.

The course includes:

- Personal survival techniques, including man overboard techniques.
- Elementary first aid
- Fire prevention, health, and safety training

The course is intended to help improve safety onboard fishing vessels, reducing the number of accidents and to comply with legal requirements, regarding:

- Safety legislation - muster regulations, personal floatation devices, and safety, health, and the Welfare at Work Act.
- Personal safety - boarding/leaving vessel, working with gear on deck or aloft, shooting and hauling nets, working with winches and power blocks, safety in the engine-room, safety in the galley, safety in the accommodation, use of lifting equipment and hours of rest.
- Stability - awareness and best practice for maintaining vessel stability.
- Safety management - Safety Statements and formal risk assessment.

With regards to risk assessment, currently the safety awareness section of the BIM BST programme includes content highlighting the range of standard activities and common risks onboard Irish fishing vessels – from boarding the vessel, through to fishing operations, working in confined areas, working on deck etc. These are

Correspondence 8.1 Correspondence from BIM and MCIB response.



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discussed with the learners, to assist them to develop an increased awareness of these issues and how these can be mitigated. The programme also includes assisting course participants to populate a Safety Statement for their vessel based on the HSA template.

We believe that the training delivered by BIM is comprehensive, covering the full range of skills required by seafarers. It is therefore very disappointing to note in section 2.2.5 of the draft report that crew members C, D and E had not completed BST as required by part 4 of the regulations.

It is noted that the casualty was not wearing a PFD. In addition, it is stated that none of the other crew members on the vessels were wearing PFD's. We also note the comments in point 4.16 regarding a poor safety culture on the vessel, which contributed to this incident and casualty.

With regards to this draft report, we do not understand how the investigator has concluded that the content of the BIM Safety Awareness course could be a causal factor of this incident, when only two of the five crew onboard, had completed BIM Basic Safety Training.

We are requesting that the recommendation 6.3.1 as presented in the draft report is removed, as there is no link between the incident and the content or quality of the BIM training.

However, considering the report into the fishing vessel 'John B' published in December 2023, we have commenced undertaking a review of the BIM Basic Safety Training course. This review, once complete, will ensure that that BIM are delivering a comprehensive, modern training programme, which continues to meet legislative requirements, highlights industry best practice. This is a bespoke safety course directed at the unique nature of the Irish fleet.

We will update the MCIB in due course regarding the outcome of this review.

Please note that BIM also endorses and supports the recommendation 6.2.4 *"That the Minister for Transport consider an amendment to the Fishing Vessel (Basic Safety Training) Regulations, S.I. 587 of 2001 to provide for refresher and or revalidation training."*

Currently, a crew member, without a Fishing Certificate of Competency, on a fishing vessel larger than 15m is not required to ever undertake updated training. To close this gap and require that all fishers must complete updated training, it would be beneficial for S.I. 587 of 2001 to be amended to include a requirement for the training, as recommended in 6.2.4 of the FV Séimi report.

Yours sincerely,





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