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**REPORT OF THE INVESTIGATION
INTO AN INCIDENT ON
LOUGH REE, HODSON BAY,
ATHLONE, CO. ROSCOMMON
ON
20th MARCH 2014**

**REPORT NO. MCIB/237
(No.8 OF 2015)**



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1. SUMMARY

On Thursday 20th March 2014 a party of six travelled from Portadown to Hodson Bay in Co. Roscommon to go fishing on Lough Ree with two boats and an extensive set of camping equipment. Upon arrival, the group split into two, with four members of the party setting off in two boats travelling northeast in search of a suitable camping ground. The remaining two members stayed behind. After finding a campsite, one boat carrying a single person returned to collect the remaining two party members. Shortly thereafter, the alarm was raised and the RNLI subsequently recovered two persons from the water, one of whom was pronounced dead and the other was discharged from hospital five days later. After an extensive search of the lake, the boat was recovered on Tuesday 1st April 2014. On Sunday 6th April 2014 the body of the third man was found near to the boat recovery site.

2. FACTUAL INFORMATION

2.1 Details of the casualty vessel

Type:	Cathedral Hull (make unknown).
Length:	4.26 metres (m).
Beam:	1.62 (m).
Depth at Side:	0.53 (m).
Hull Material:	GRP.
Motor:	30 hp.
Outboard engine:	Johnson.
Fuel Type:	Petrol.
Tank Type:	Portable plastic.
Year of Build:	Unknown (no serial number or RCD plate found).

2.2 General layout of the casualty vessel

- 2.2.1 The hull is of GRP construction and dory/cathedral hull design. It was originally built with a watertight floor and sides, which are drained by removal of a bung in the aft seating compartment.
- 2.2.2 The forward compartment and the interior passenger space, whilst watertight compartments, are also drained by removal of bungs. The interior passenger space bung is positioned in the aft seating compartment, just above the watertight floor and side drainage hole. The forward compartment drain hole is positioned on the aft bulkhead of the forward compartment and drains into the watertight floor and side compartment. The bung on the forward compartment needs to be in place in order to maintain the watertight integrity of the floor and sides.

2.3 Safety Equipment carried on the casualty vessel

- Personal Floatation Devices (PFDs) x 2

2.4 Other Equipment carried on the casualty vessel

- 4 x Water Tanks (3x25 litres (l) + 1x10 (l)).
- 2 x Extra Fuel Tanks (1x12 (l) +1x5 (l)).
- 3 x Bait Bags.
- 3 x Bevy Bed Chairs.
- 1 x Pressure Cooking Pot.
- 1 x Cool Box.
- 3 x Fishing Rods.
- 2 x Gear Bags.
- Approximately 35 kg of miscellaneous items.

2.5 Casualty Information

Casualty No. 1: Was discharged from hospital 5 days after the incident.

Casualty No. 2: Death caused by drowning, aged 27 years.

Casualty No. 3: Death caused by drowning, aged 30 years.

3. NARRATIVE

- 3.1 Early on the morning of Thursday, 20th March 2014 a party of six met up near their homes in Portadown and travelled to Hodson Bay on Lough Ree for a fishing trip. Lough Ree is part of the Shannon waterway which is one of the designated waterways under the administrative control of Waterways Ireland.
- 3.2 The party brought two boats and an extensive set of camping/fishing equipment. One of the members of the party owned one of the boats (boat A) whilst the second boat (boat B) which sank was borrowed from a friend of the party.
- 3.3 At approximately 11.30 hrs the group arrived at Hodson Bay Hotel car park and set about launching the boats.
- 3.4 Shortly after midday, four of the party departed with about half of their camping equipment from the harbour wall at Hodson Bay in the two boats. They travelled in a northeasterly direction in search of a suitable camping site. After about 15 minutes they rounded Yew Point into Bally Bay (See Appendix 7.1 ariel overview of the area).
- 3.5 At about 13.00 hrs the party of four landed and established a camping site in the vicinity of Carnagh (See Appendix 7.1 ariel overview of the area).
- 3.6 At about 13.30 hrs with the campsite established, one party member departed in boat B on a return journey to Hodson Bay to collect the remaining two members of the party and the rest of their camping equipment. At about 14.00 hrs boat B landed at Hodson Bay and the three members of the party started to load their equipment.
- 3.7 At 14.30 hrs a local man informed the men that the weather was not good and advised them to delay their return trip. At 15.09 hrs the three men at Hodson Bay saw a break in the weather and decided to depart for the campsite.
- 3.8 The local man was concerned with the changing weather conditions and continued to monitor boat B until it turned the headland at Yew Point.
- 3.9 At approximately 15.15 hrs the members of the party that had remained at the campsite became concerned as the remaining group members had not arrived. Two of the party launched boat A to search for boat B, and the third member remained to set up camp, in case boat B showed up.
- 3.10 At 15.19 hrs the local man who had been speaking with the three men in Hodson Bay called the local RNLI station and expressed his concerns about their safety and at 15.20 hrs the RNLI lifeboat was tasked to search for boat B and the three men on-board.

- 3.11 At about 15.30 hrs boat A with the two men from the campsite, passed close to Yew Point where they spotted debris floating in the water. At this time, the weather conditions were deteriorating with increased wind and waves (See Appendix 7.2 Met Éireann Weather Report).
- 3.12 At 15.37 hrs the lifeboat arrived on the scene.
- 3.13 At about 15.45 hrs, unaware that the alarm had already been raised, the two men in boat A went to the adventure sports centre in Hodson Bay to raise the alarm.
- 3.14 Near Yew Point the survivor stated that they noted boat B began getting lower in the water and was settling down by the stern where they were standing. The three men moved to the centre of the boat to attempt to bring it onto an even keel. The boat suddenly went down very quickly by the stern leaving the men in the water. He said that no significant wave came aboard.
- 3.15 At 16.46 hrs the RNLI retrieved the survivor from the water and proceeded to Hodson Bay for a hand-over to the ambulance service. He was brought to hospital and was discharged on Tuesday 25th March 2014.
- 3.16 At 17.11 hrs the RNLI retrieved the second casualty from the water and proceeded to Hodson Bay for a hand-over to the ambulance service, however, the casualty was pronounced dead later that day.
- 3.17 At 17.20 hrs the RNLI resumed the search for the third member of the party who had been in boat B.
- 3.18 On the afternoon of Tuesday 1st April 2014, boat B was located having sunk in Bally Bay.
- 3.19 On Sunday 6th April 2014, the remains of the third member of the party was located in the Bally Bay area, close to the area where the missing boat was recovered (See Appendix 7.3 Chart of the incident and search site).

4. ANALYSIS

- 4.1 Lough Ree is one of the designated waterways under the administrative control of Waterways Ireland, the navigation authority whose statutory remit is to manage, maintain, promote and protect primarily for recreational purposes. An inspection of the departure area found that there were no signs informing boat owners and operators of the requirement to register vessels with Waterways Ireland.
- 4.2 Boat B (the borrowed boat) had not been registered with Waterways Ireland as is required under S.I. No. 80/1992 of the Shannon Navigation Bye-Laws 1992, being a boat with an engine greater than 15 hp.
- 4.3 Boat B was recovered from the lake on Tuesday 1st April 2014. After it reached the surface, the vessel was bailed and re-floated. The boat was then towed to Athlone Sailing Club where it was craned out and brought by flatbed truck to Garda storage in Athlone (See Appendix 7.4 Photograph Nos.1 & 2).
- 4.4 The hull was found to have no significant damage that could explain the vessel sinking.
- 4.5 The drain hole in the transom was fitted with a bung, which appeared to make a good seal. The bung was removed to allow the boat to drain fully (See Appendix 7.4 Photograph No.3).
- 4.6 The boat was found to have three other drain holes for removing water, the under floor/side void space, the inner hull and forward compartment. None of the bungs for these drain holes were present.
- 4.7 The floor (sole) of the boat was found to be weak and it deflected under weight of foot.
- 4.8 The hull deck joint was found to be in poor condition (See Appendix 7.4 Photograph No.4).
- 4.9 Several large drill holes were found on the inside of the gunwale (See Appendix 7.4 Photograph No.5). The transom was found to have been previously damaged and poorly repaired. It had several holes in it, possibly as a result of fitting different types of outboard brackets over the lifetime of the vessel. The lowest of these holes was found to be approximately 240 mm below the gunwale height (See Appendix 7.4 Photograph No. 6).
- 4.10 The photographs taken by the local man who later called the RNLI, showed that the vessel had a departure draft amidships of approximately 340 mm when departing from Hodson Bay for the second time (See Appendix 7.4 Photograph Nos.7 & 8).

- 4.11 During the search for the third man, the majority of the camping/fishing gear on-board the boat was recovered and stored at Athlone Garda Station. These items are listed as other equipment in Section 2.4. The estimated dry weight of this equipment was 280 kg (See Appendix 7.4 Photograph Nos.9 & 10).
- 4.12 A review of the historic weather data showed that the weather conditions on the day of the incident started off with rain and showers but cleared later to sunny spells. The wind was Force 3 to 5 gusting 25 knots in the morning. However, as the brighter weather arrived, the wind mean strength stayed the same, while the gust strength increased to 35 knots.

5. CONCLUSIONS

- 5.1 Using the photographs of boat B departing Hodson Bay on the second trip towards the campsite, it was possible to roughly estimate that the vessel had a departure freeboard of 190 mm (See Appendix 7.4 Photograph Nos.7 & 8).
- 5.2 As the vessel depth is 530 mm, the departure draught of boat B was approximately 340 mm that would suggest the vessel had a departure displacement of approximately 1,500 kg (See Appendix 7.4 Photograph Nos.7 & 8).
- 5.3 Boat B's lightship displacement with engine was estimated to be 450 kg. The weight of the three men and the camping equipment together was estimated at approximately 580 kg, allowing 300 kg for the three men and 280 kg for their camping and fishing equipment, suggesting that the departure displacement should have been approximately 1030 kg. This leaves approximately 470 kg of weight that is unaccounted for.
- 5.4 The holes found in the transom were approximately 240 mm below the gunwale, therefore they were 50 mm below water level at the time of the second departure. It is estimated that the holes were letting two to three litres of water into the boat every minute.
- 5.5 When the vessel departed the second time, it had been afloat for 160 minutes and could have taken on up to 400 litres of water which would explain the unaccounted-for weight. 1 litre of lake water is approximately 1.1 kg. This water would have gone unnoticed, as it would have collected in the void spaces, which have a volume in excess of a cubic metre.
- 5.6 It is probable that the rate of flooding would have increased the longer the boat was in the water as the flooding was causing the vessel to lose freeboard and in turn, immerse more holes.
- 5.7 The low freeboard, combined with the spray and waves caused by the wind gusts of 35 knots, would also have led to the vessel shipping water over the gunwales.
- 5.8 During the interview with the survivor he stated that no significant wave came aboard but boat B began to sink by the stern. The three men moved forward to the centre of the boat to attempt to keep the boat on an even keel but the boat sank very quickly. There were only two PFDs on-board for three people.
- 5.9 Without the bottom and side buoyancy tanks sealed, the vessel continued to take on water until it was no longer positively buoyant. This would have led to catastrophic flooding, which would cause the vessel's stern to submerge. The vessel would have sunk almost instantaneously thereafter.

- 5.10 Other than the two PFDs there was no other safety equipment aboard the boat. Had the boat been equipped with flares and a VHF radio it is possible that the rescue services would have arrived at the scene earlier and perhaps have saved the lives of the two casualties.
- 5.11 Under S.I. No. 80/1992 - Shannon Navigation Bye-Laws 1992, all vessels with engines greater than 15 hp are required to be registered with Waterways Ireland. This registration form requires the applicant to note the HIN number of the vessel, if applicable, and to sign a declaration that the vessel meets the requirements on the S.I. No. 79/1992 Shannon Navigation (Construction of Vessels) Bye-Laws. The S.I. does not include the hull condition of vessels that are not for hire or engaged in the carriage of passengers for reward. However, the act of signing the declaration may well have prompted the party to inspect their vessel to ensure that the hull was in sound condition.

6. SAFETY RECOMMENDATIONS

- 6.1 Operators of recreational craft are recommended to comply with the Department of Transport, Tourism and Sport's Code of Practice for the Safe Operation of Recreational Craft.
- 6.2 It is recommended that Waterways Ireland undertake a comprehensive signage campaign advising users of the dangers prevalent in the local areas and also reminding them of the necessity of wearing PFDs and having basic safety equipment before going afloat.
- 6.3 It is recommended that as the Local Authority for this waterway, Waterways Ireland, should consider enforcement mechanisms to ensure that craft using their waterways are safe. This recommendation is with reference to Action 27 of the recently published Maritime Safety Strategy where it is proposed that the Department of Transport, Tourism and Sport establish a Forum for Enforcement Authorities, including Local Authorities, to reinforce the Maritime Safety Act 2005 and all guidelines associated with that Act.

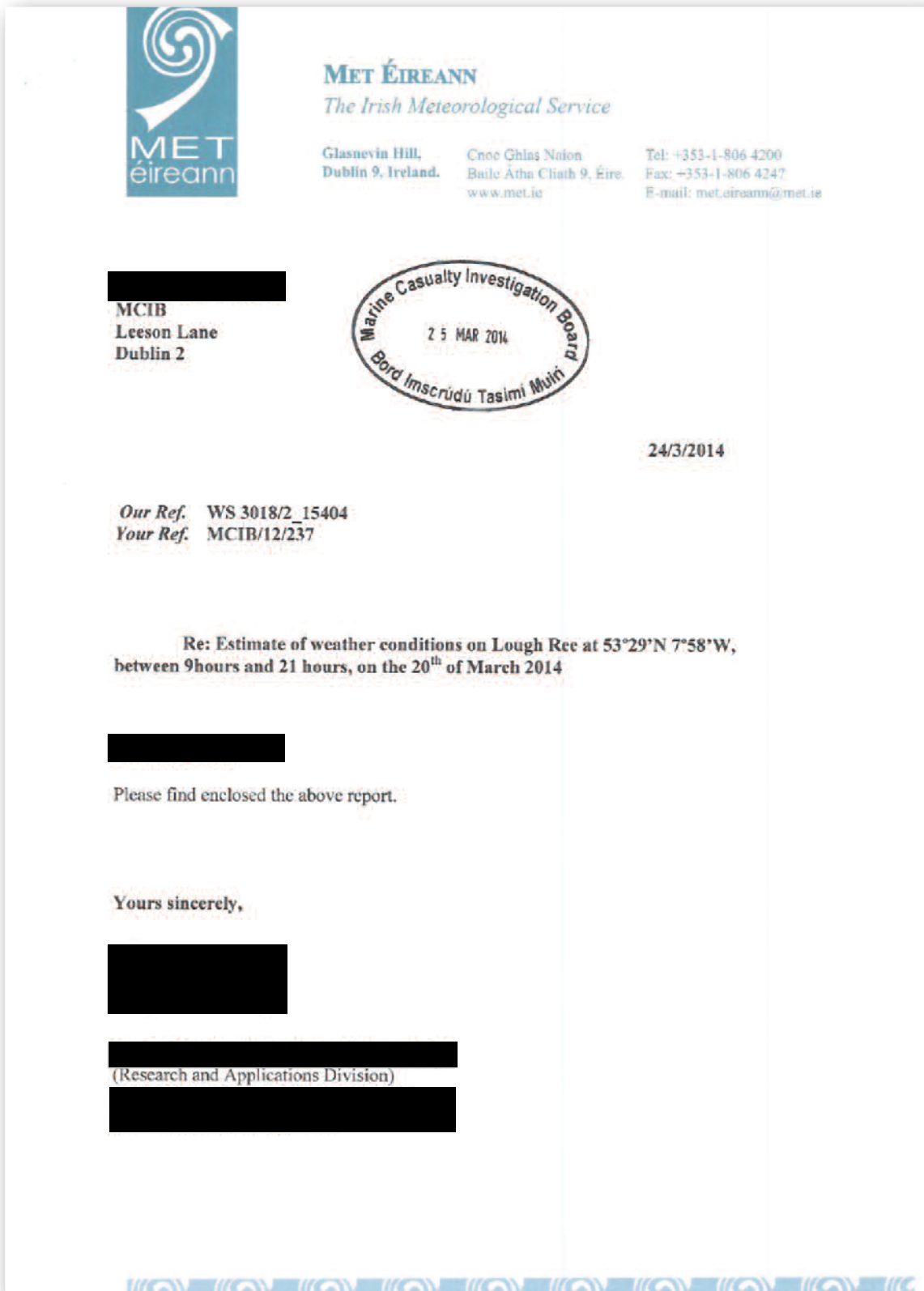
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Appendix 7.1 Aerial overview of the area.



Appendix 7.2 Met Éireann Weather Report.



Appendix 7.2 Met Éireann Weather Report.



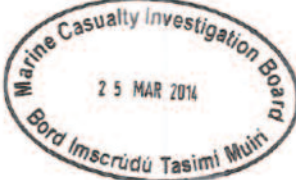
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Our Ref. WS 3018/2_15404
Your Ref. MCIB/12/237



24/3/2014

**Estimate of weather conditions on Lough Ree at 53°29'N 7°58'W,
on the 20th of March 2014, between 9 hours and 21 hours,.**

General Situation

A cold front associated with a deep Low Pressure area in the North Atlantic moved eastwards across Ireland, followed by brighter conditions and blustery showers during the morning.

Details

9-12 hours
Winds: south-south-west Force 3 to 5 but gusting up to 25 knots
Weather: cloudy with heavy rain at first, easing later.
Visibility: moderate
Air Temperatures: 5 to 7°C

12-15 hours
Winds south-west to westerly winds Force 3 to 5, but gusting 35 knots
Weather: good sunny spells and occasional blustery showers, some of hail
Visibility: good apart from showers
Temperatures: 7°C to 10°C

.....continued overleaf

Appendix 7.2 Met Éireann Weather Report.



MET ÉIREANN
The Irish Meteorological Service

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.....continued WS2018/2_15404.....



15-17 hours

Winds: south-west to west Force 4 to 6 but gusting 35 knots

Weather: sunny spells, occasional showers, some of hail

Visibility: good, apart from showers

Air Temperatures: 6°C to 8°C

17-21 hours

Winds: south-west Force 3 to Force 5 gusting 25 knots

Weather: mostly dry, isolated showers

Visibility: good

Air Temperatures: 7°C at first decreased 4°C



Research and Applications Division
Met Éireann

Appendix

Appendix 7.2 Met Éireann Weather Report.



MET ÉIREANN
The Irish Meteorological Service

Glasnevin Hill, Dublin 9, Ireland. Cnoc Ghlas Naíon, Baile Átha Cliath 9, Éire. www.met.ie

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Marine Weather Services Sea Area Map

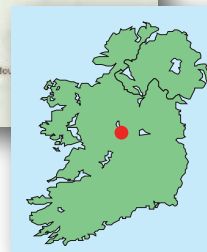
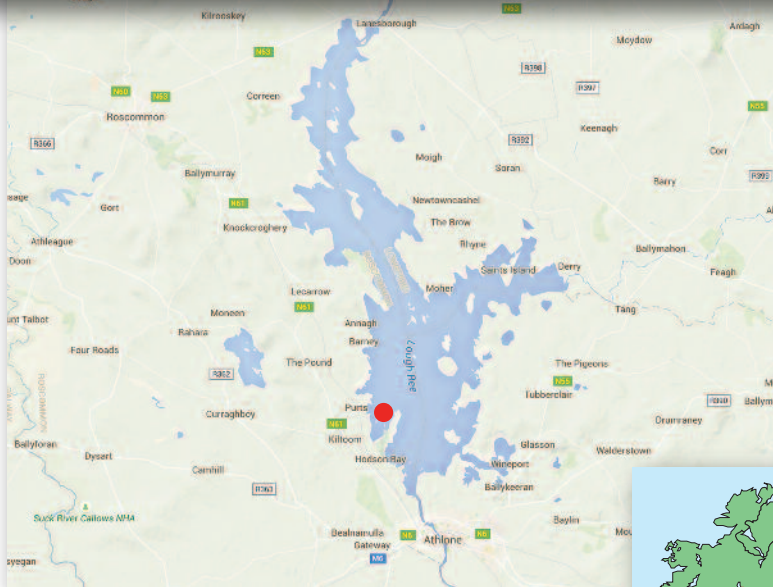
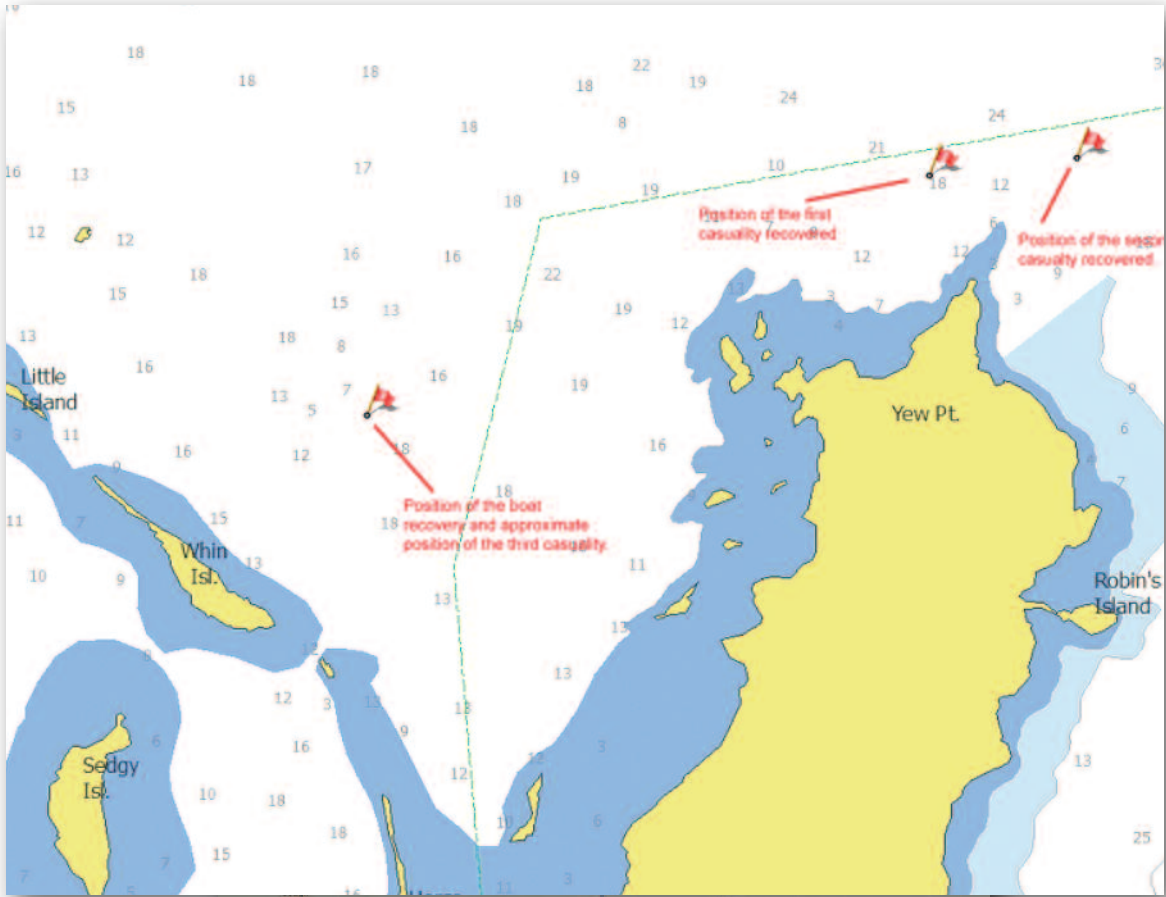


Legend:

- Headlands
- Irish Marine Weather Buoy
- Island Labels
- Land-based Automatic Stations

APPENDIX 7.3

Appendix 7.3 Chart of the incident and search site.



Appendix 7.4 Photographs.



Photograph No. 1 - Boat afloat after it was recovered from the lake



Photograph No. 2 - Boat being lifted out of water after it was recovered

Appendix 7.4 Photographs.



Photograph No. 3 - Transom of the boat draining water after the bung was removed



Photograph No. 4 - Showing the damage to the hull deck joint

Appendix 7.4 Photographs.



Photograph No. 5 - Picture showing holes cut in the inside of the gunwale



Photograph No. 6 - Transom with holes in the gunwale possibly from previous outboard motor brackets

Appendix 7.4 Photographs.



Photograph No. 7 - Boat shortly before departure



Photograph No. 8 - Boat departing Hodson Bay harbour

Appendix 7.4 Photographs.



Photograph No. 9 - Recovered items from the search



Photograph No. 10 - Recovered items from the search


8. CORRESPONDENCE RECEIVED

PAGE

8.1 Correspondence from Waterways Ireland and MCIB response 27

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

Correspondence 8.1 Waterways Ireland and MCIB response.



Waterways Ireland
Liseabhealaí Éireann Waterways Airlann

Our Ref: DL080/2015
Your Ref: MCIB/12/237

24 April 2015

██████████
Marine Casualty Investigation Board
Lesson Lane
Dublin 2
██████████

DRAFT Report of the Investigation into the fatal incident involving Angling Boat on Lough Ree/Hodson Bay on 20 March 2014

Thank you for your letter of 31 March 2015 regarding the above and for the opportunity to comment. I have considered the report and would provide Waterways Ireland's feedback as follows:

Page 6, Para 3.1 & Page 9, para 4.1
Waterways Ireland should be described as the navigation authority as this reflects our statutory remit. Waterways Ireland's statutory remit is to "*manage, maintain, promote and protect primarily for recreational purposes*".

Page 9, para 4.1

Safe Navigation
Waterways Ireland is responsible for the management and maintenance of the Shannon Navigation. Its remit within the management of the navigation is to provide a marine safety framework for boaters. This is achieved by the provision of, inter alia:

- Statutory Navigation and Construction of Vessel Bye-laws per Statutory Instruments Nos 79 and 80 of 1992.
- Numerous safe havens such as harbours, piers, jetties and floating moorings.
- An extensive network of Aids to Navigation such as marks and buoys identifying the safe navigable channels for boaters.
- A "Navigation Guide" covering the full length of the Shannon Navigation from Limerick to Lough Allen showing the buoys, marks, navigable channels including areas with particular navigation hazards.

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MCIB RESPONSE:
The MCIB notes this and has made the necessary amendments.

MCIB RESPONSE:
The MCIB notes points 1 to 4.

Correspondence 8.1 Waterways Ireland and MCIB response.

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24 April 2015

- Danger Area: An extract from the Navigation Guide for the incident area is attached at Encl 1. This clearly shows the foreshore to the East of the Yew Point peninsula including the "Slate Rocks" in the direction of the large red porthand buoy No 1 as a "Danger Area – Forbidden to Boats" per the Guide legend, this is replicated to the West of Yew Point including Bally Bay. On newer publications the area is shown as "Shallow Water / Non-Navigable"
- Marine Notices issued at regular intervals to make boaters aware of current navigation information such as marks missing or buoys off station and available from the Inspector of Navigation's office in Athlone or which may also be viewed on the Waterways Ireland website and can be requested on an individual basis. See attached at Encl 2 copy of Special Marine Notice No 1 of 2014 which was current at the time of the incident and which references:

- **Safety on the Water.**

All users of the navigations are strongly recommended to make themselves aware of safety on the water for whatever activity they are involved in and to read the advice offered by the various governing sports bodies and by:

*The Dept. of Transport, Tourism and Sport, ROI
<http://www.dttas.ie/maritime/publications/english/code-practice-safe-operation-recreational-craft>*

*The Maritime and Coastguard Agency, UK (<http://www.dft.gov.uk/mca/>)
The RNLI
<http://rnli.org/safetyandeducation/Pages/safety-and-education2.aspx>*

also in relation to Lifejackets and Personal Flotation Devices

Lifejackets and Personal Flotation Devices (PFD's)

Lifejackets and PFD's are the single most important items of personal protective equipment to be used on a vessel and should be worn especially when the vessel is being manoeuvred such as entering / departing a lock, anchoring, coming alongside or departing a jetty or quayside.

In the Republic of Ireland all persons on board any craft of less than 7 m (23 ft) must wear a lifejacket or PFD while on board an open craft or on the deck of a decked craft that is not made fast to the shore. This requirement also applies to Personal Watercraft Craft and any vessel or object being towed e.g. waterskier, wakeboarder, doughnut, banana etc.

MCIB RESPONSE:
The vessel was leaving Caragh Bay, and as the chart in Enclosure 1 and Appendix 7.3 shows, sank in clear water between Yew Point and Cribby Islands. It must be noted that the vessel did not sink because of any contact with rocks or running aground but sank because of excessive water aboard and the weight of the crew and their equipment. The vessel sank in clear water at a charted depth of 18 feet (see Appendix 7.3).

MCIB RESPONSE:
Noted, however, examination of the Waterways Ireland website does not feature Special Marine Notice No. 1 of 2014. (at the time of writing).

MCIB RESPONSE:
These are all standard for users of recreational craft whether at sea or on an inland waterway.

MCIB RESPONSE:
These regulations are standard for any users of recreational crafts either at sea or on the inland waterways.

Correspondence 8.1 Waterways Ireland and MCIB response.

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24 April 2015

- A Waterways Inspectorate unit to advise boating customers, inspect the navigations and enforce the navigation bye-laws is based in Athlone, not far from Hodson Bay and would have been open on the day of the incident.

Signs at Hodson Bay.

Harbour identification signs are prominently displayed at Hodson Bay Harbour indicating the navigation authority i.e. Waterways Ireland and the particular navigation i.e. The Shannon Navigation, See Encl 3. Additionally, a large sign is located at the head of the slipway referring to the Shannon Navigation Bye-laws 1992 and in this case drawing attention to Bye-law 13 (2) (b) i.e. the 5kph speed limit. See Encl 4.

Waterways Ireland like other statutory authorities responsible for ways such as road, air and sea ways used by both commercial and private users does not indicate to users at points of arrival and departure i.e. harbours, airports, roadsides, that the mode of transport must be registered.

Safety of Craft

Waterways Ireland's responsibility for "ensuring the safety of recreational craft" is covered by the points laid out above.

It is important to distinguish between Waterways Ireland's responsibilities and the responsibilities of the master for the operation of an individual boat or vessel.

The responsibility for safety under the legislation is that of the individual who is taking the risk – and the individual may be prosecuted under the Regulations for non-compliance by the Department of Transport.

S.I. No. 259/2004 – Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004 are the Regulations providing for the wearing of personal safety devices and lifejackets. The onus / responsibility is placed on the master of pleasure crafts to have sufficient suitable devices for each person on board, and on the persons on board to wear such devices - the relevant articles are as follows:

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

6. (1) A person on a pleasure craft (other than a personal watercraft) of less than 7.0 metres length overall shall wear a suitable personal flotation device or lifejacket while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor.

MCIB RESPONSE:
Noted. However, the MCIB considers that this point has no bearing on the incident.

MCIB RESPONSE:
The MCIB notes this. However, Recommendation 6.2 stands as there was no safety warning signage at Hodson Bay other than a quote from the Bye Laws regarding maximum speeds and there is no evidence that the vessel exceeded this.

MCIB RESPONSE:
The MCIB wishes to draw attention to recent MCIB report No. MCIB/219 which makes a similar Safety Recommendation.

MCIB RESPONSE:
The MCIB considers that Waterways Ireland have a Statutory Remit as per comment 1 above.

MCIB RESPONSE:
The MCIB recognises that S.I No. 259/2004 is a standard Statutory Instrument covering all users of the sea and all waterways.

Correspondence 8.1 Waterways Ireland and MCIB response.

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24 April 2015

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

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

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

Page 9, para 4.2 Registration

The investigation does not establish whether Shannon Navigation Bye-Law 5 (2)(S.I. 80/1992) applied to the boat in question, *Prohibition of unregistered vessels:*

"5. (1) The owner of a vessel shall not keep or navigate or cause to be navigated or authorise permit or assist in the navigation of the vessel unless the vessel is registered.

(2) A vessel registered in a register of vessels maintained by a person who regulates or controls vessels on rivers, canals, lakes or other waterways outside the State shall be deemed to be registered.

That is, if the vessel was registered on another waterway e.g The Erne Navigation System in Northern Ireland, in which case it would have been within the bye-laws to place the boat on the Shannon Navigation."

Page 11, Conclusions

Waterways Ireland does not accept the conclusions as stated:

Para 5.12 – note points raised above re registration under the Shannon Navigation Bye-laws.

Page 14, Safety Recommendations

Waterways Ireland does not accept recommendation 6.2: As previously outlined legislative requirement for safety under the legislation is that of the master or owner of the pleasure craft and/or the individual crew members. The correct legislative authority is the Department of Transport and SI No 259/2004 as referred to previously. Masters of vessels and individual crew members have responsibility for their own safety under Parts 2 and 3 of the Maritime Safety Act 2005.

Page 14, para 6.3

When Authorised Officers of Waterways Ireland observe vessels or boats on the navigations that do not comply with the bye-laws routine enforcement measures are taken such as contacting owners and /or removing vessels from the navigation.

MCIB RESPONSE:

The MCIB has not found any evidence that this vessel was registered on this or any other waterway.

MCIB RESPONSE:

The MCIB stands by this conclusion.

MCIB RESPONSE:

The MCIB stands by Recommendation 6.2.

MCIB RESPONSE:

The MCIB notes this, but stands by Recommendation 6.3. Waterways Ireland should consider enforcement measures to ensure that craft using the waterways are safe. The MCIB makes reference to the powers provided for under the Maritime Safety Act 2005 which allows Local Authorities, including Waterways Ireland, to make Bye Laws regulating the safety of recreational craft.

Correspondence 8.1 Waterways Ireland and MCIB response.

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24 April 2015

Appendix 7.3 Chart of incident and search site

For clarity it should be stated that the chart included in the report is not the official Navigation Guide for the Shannon Navigation and does not show the navigation hazards identified for the recreational user as commented on at 4.1 Danger Area and in Encl 1.

Yours sincerely

[Redacted signature]

[Redacted name]
Chief Executive


MCIB RESPONSE:
Both the chart provided by Waterways Ireland and the Admiralty chart at Appendix 7.3 showed that the incident occurred in open, clear water.

Correspondence 8.1 Waterways Ireland and MCIB response.



Hodson Bay Chart as per Waterways Ireland's response

Correspondence 8.1 Waterways Ireland and MCIB response.



SPECIAL MARINE NOTICE

No. 1 of 2014

General Information and Marine Notices

Masters and owners are strongly recommended to check the Waterways Ireland website at www.waterwaysireland.org for general information about the waterways and in particular the Marine Notices section which gives current operational information about the individual navigations such as works in progress, passage restrictions etc.

Safety on the Water.

All users of the navigations are strongly recommended to make themselves aware of safety on the water for whatever activity they are involved in and to read the advice offered by the various governing sports bodies and by:

The Dept. of Transport, Tourism and Sport, ROI
<http://www.dttas.ie/maritime/publications/english/code-practice-safe-operation-recreational-craft>

The Maritime and Coastguard Agency, UK (<http://www.dft.gov.uk/mca/>),

The RNLI
<http://rnli.org/safetyandeducation/Pages/safety-and-education2.aspx>

Registration of Vessels

All vessels using the Shannon Navigation, which includes the Shannon-Erne Waterways and the Erne System, must be registered. Only open undecked boats with an engine of 15 horsepower or less, on the Shannon Navigation, and vessels of 10 horsepower or less, on the Erne System, are exempt. Registration is free of charge.

Canal Permits

All vessels using the Grand and Royal Canals and the Barrow Navigation must display appropriate valid Permit(s) i.e A Combined Mooring and Passage Permit (€126) and if not intending to move every five days, an Extended Mooring Permit(€152). Permit applications may be had from lockkeepers.

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Correspondence 8.1 Waterways Ireland and MCIB response.

Passage on the Royal and Grand Canals – Dublin Area

For boat passage through the locks east of Lock 12 into / out from Dublin on either the Royal or Grand Canals, Masters are requested to contact the Waterways Ireland Eastern Regional Office (M-F 9.30am-4.30pm) on 353- (0)1- 868-0148 prior to making passage in order to facilitate the necessary lock-keeping arrangements. On the Grand Canal a minimum of two days notice prior to planned passage should be given, and on the Royal Canal four weeks' notice of bridge passage (Newcomen Lifting Bridge) is required for the pre-set lift date, and lock passage will then also be arranged.

Events Held on the Waterways

All organised events taking place on the waterways must have the prior approval of Waterways Ireland. This is a twelve week process and application forms must be accompanied with the appropriate insurance, signed indemnity and risk assessment. The application form may be had from the Inspectorate offices or downloaded from our website.

Berthing in Public Harbours

On the Shannon Navigation and the Shannon-Erne Waterway craft may berth in public harbours for five consecutive days or a total of seven days in any one month.

Winter mooring may be availed of by owners **during the period 1 Nov to 31 Mar** by prior arrangement and payment of a charge of €63.50 per craft otherwise the "5 / 7 Day Rule" will continue to apply.

On the Erne System no vessel may berth at a public mooring for more than 48 hours without a four hour intermission throughout the year.

Pump Out Berths

Masters of vessels should note that it is not permitted to berth at pump out stations.

Smart Cards

Waterways Ireland smart cards are used to operate certain locks, to access the service blocks and to use the pump-outs along the navigations. Electrical Power is also available using smart cards at a number of public mooring locations.

Passenger Vessel Berths

Masters of vessels should not berth on passenger vessel berths where it is indicated that an arrival is imminent. Passenger vessels plying the navigations generally only occupy the berths to embark and disembark passengers and rarely remain on the berths for extended periods or overnight.

Lock Lead-in Jetties

Lead-in jetties adjacent to the upstream and downstream gates at lock chambers are solely for the purpose of craft waiting to use the lock and should not be used for long term berthing.

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Correspondence 8.1 Waterways Ireland and MCIB response.

Vessel Wash

Vessel wash, that is, the wave generated by the passage of the boat through the water, can sometimes be large, powerful and destructive depending on the hull shape and engine power of the vessel. This wash can be detrimental to other users of the navigation when it strikes their craft or inundates the shoreline or riverbank. Masters are requested to frequently look behind and check the effect of their wash particularly when passing moored vessels, on entering harbours and approaching jetties and to be aware of people pursuing other activities such as fishing on the riverbank.

Speed Restriction

A vessel or boat shall not be navigated on the Shannon Navigation at a speed in excess of 5 kph when within 200 metres of a bridge, quay, jetty or wharf, when in a harbour or canal or when passing within 100 metres of a moored vessel or boat.

Vessels navigating the Shannon-Erne Waterway should observe the general 5 kph speed limit which applies along the waterway. This is necessary in order to prevent damage to the banks caused by excessive wash from vessels.

Vessels navigating the Erne System should observe the statutory 5 kt / 6mph/10kph speed limit areas.

A craft on the Royal and Grand canals shall not be navigated at a speed in excess of 6km per hour.

A craft on the Barrow Navigation shall not be navigated at a speed in excess of 11km per hour except as necessary for safe navigation in conditions of fast flow.

Bank Erosion

Narrow sections of all the navigations are particularly prone to bank erosion due to the large wash generated by some craft. Masters are requested to be vigilant and to slow down to a speed sufficient to maintain steerage when they observe the wash of their craft inundating the river banks.

Unusual Waterborne Activity

Unusual waterborne vessels may be encountered from time to time, such as, hovercraft or amphibious aircraft / seaplanes. Masters of such craft are reminded to apply the normal "Rule of the Road" when they meet conventional craft on the water and to allow extra room to manoeuvre in the interest of safety.

Sailing Activity

Mariners will encounter large numbers of sailing dinghies from late June to August in the vicinity of Lough Derg, Lough Ree and Lower Lough Erne. Sailing courses are marked by yellow buoys to suit weather conditions on the day. Vessels should proceed at slow speed and with due caution and observe the rules of navigation when passing these fleets, as many of the participants are junior sailors under training.

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Correspondence 8.1 Waterways Ireland and MCIB response.

Rowing

Mariners should expect to meet canoes and vessels under oars on any part of the navigations, either recreating, in training or in competition but more so in the vicinity of Athlone, Carrick-on-Shannon, Coleraine, Enniskillen and Limerick. Masters are reminded to proceed at slow speed and especially to reduce their wash to a minimum when passing these craft as they can be easily upset and swamped due to their very low freeboard and always be prepared to give way in any given traffic situation.

Canoeing

Canoeing is an adventure sport and participants are strongly recommended to seek the advice of the sport's governing bodies i.e The Irish Canoe Union and the Canoe Association of Northern Ireland, before venturing onto the navigations.

Persons in charge of canoes are reminded of the inherent danger to these craft associated with operating close to weirs, sluice gates, locks and other infrastructure particularly when rivers are in flood and large volumes of water are moving through the navigations due to general flood conditions or very heavy localised precipitation e.g. turbulent and broken water, stopper waves. Shooting weirs is prohibited without prior permission of Waterways Ireland.

Portage is required at all locks, however, a heavily laden canoe may be put through a lock unmanned provided it is attended with a head and stern line.

Fast Powerboats and Personal Watercraft (Jet Skis)

Masters of Fast Powerboats (speed greater than 17kts) and Personal Watercraft (e.g. Jet Skis) are reminded of the inherent dangers associated with high speed on the water and especially in the confines of small bays and narrow sections of the navigations. Keeping a proper look-out, making early alterations to course and /or reducing speed will avoid conflict with slower vessels using the navigation. Personal Watercraft are not permitted to be used on the canals.

Age Restrictions

In the Republic of Ireland you have to be at least 16 years of age to operate a PWC e.g. Jetski and 12 years of age or over to operate a vessel with more than a 5 hp engine.

Prohibition on Swimming

Swimming in the navigable channel, particularly at bridges, is dangerous and is prohibited due to the risk of being run over by a vessel underway in the navigation.

Towing Waterskiers, Wakeboarders, Doughnuts etc

Masters of vessels engaged in any of these activities are reminded of the manoeuvring constraints imposed upon their vessel by the tow and of the added responsibilities that they have to the person(s) being towed. These activities should be conducted in areas which

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are clear of conflicting traffic. It is highly recommended that a person additional to the master be carried to act as a "look-out" to keep the tow under observation at all times.

Lifejackets and Personal Flotation Devices (PFD's)

Lifejackets and PFD's are the single most important items of personal protective equipment to be used on a vessel and should be worn especially when the vessel is being manoeuvred such as entering / departing a lock, anchoring, coming alongside or departing a jetty or quayside.

In the Republic of Ireland all persons on board any craft of less than 7m (23 ft) must wear a lifejacket or PFD while on board an open craft or on the deck of a decked craft that is not made fast to the shore. This requirement also applies to Personal Watercraft Craft and any vessel or object being towed e.g. waterskier, wakeboarder, doughnut, banana etc.

Danger Area

The attention of mariners is drawn to the Irish Defence Forces Firing Range situated in the vicinity of buoys No's 2 and 3, on Lough Ree on the Shannon Navigation.

Shannon Navigation, Portumna Swing Bridge Tolls

No attempt should be made by Masters' of vessels to pay the bridge toll while making way through the bridge opening. Payment will only be taken by the Collector from Masters when they are secured alongside the jetties north and south of the bridge.

Shannon Navigation, Abbey River and Sarsfield Lock, Limerick

The attention of all users of this stretch of the Shannon Navigation is drawn to the published notices regarding navigation. Users are advised to contact the ESB Ardnacrusha Hydroelectric Power station before commencing their passage to ascertain how many turbines are currently running. It is advised NOT to undertake a voyage if more than one turbine is operating, due to the increased velocity of flow in the navigation, which can be dangerous. This situation may also arise when flood conditions prevail. Further, passage of Sarsfield Lock should be booked on 353-87-7972998, on the day prior to travel and it should be noted also that transit is not possible two hours either side of low water.

Lower Bann Navigation

The attention of all users is drawn to the "Users Code for the Lower Bann", in particular to that section covering "Flow in the River" outlining the dangers for users both on the banks and in the navigation, associated with high flow rates when the river is in spate. Canoeists should consult and carry a copy of the "Lower Bann Canoe Trail" guide issued by the Canoe Association of Northern Ireland. Users should also contact the Rivers Agency, who is responsible for regulating the flow rates on the river, for advisory information on the flow rates to be expected on any given day.

Rivers Agency, Coleraine. Tel: 0044 28 7034 2357 Email: Rivers.Coleraine@dardni.gov.uk

Overhead Power Lines (OHPL)

The attention of all is drawn to the dangers associated with overhead power lines in particular sailing vessels, sailing dinghy's and workboats with cranes or large aircrafts.

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Vigilance is required especially in the vicinity of slipways and dinghy parks, while voyage planning is a necessity in order to identify the location of overhead lines crossing the navigations. If the vessel or its equipment comes in contact with an OHPL, do NOT attempt to move the equipment or a person if either is still in contact with, or close to, the OHPL. The conductor may still be alive or re-energise automatically. Maintain a 5 m clearance, if possible, and prevent third parties from approaching you or your vessel because of the risk of arcing. Contact the Coast Guard for assistance. Fishermen are also reminded that a minimum ground distance of 30 metres should be maintained from overhead power lines when using rod and line.

Submarine Cables and Pipes

Masters of vessels are reminded not to anchor their vessels in the vicinity of submarine cables or pipes in case they foul their anchor or damage the cables or pipes. Look to the river banks for signage indicating their presence.

Water Levels - Precautions

Low Water Levels:

When water levels fall below normal summer levels masters should be aware of:

Navigation

- To reduce the risk of grounding masters should navigate on or near the centreline of the channel, avoid short cutting in dog-legged channels and navigating too close to navigation markers.
- Proceeding at a slow speed will also reduce “squat” effect i.e. where the vessel tends to sit lower in the water as a consequence of higher speed.

Slipways

- Reduced slipway length available under the water surface and the possibility of launching trailers dropping off the end of the concrete apron.
- More slipway surface susceptible to weed growth requiring care while engaged in launching boats, from slipping and sliding on the slope. Note also that launching vehicles may not be able to get sufficient traction on the slipway once the craft is launched to get up the incline.

Bank Erosion

- Very dry riverbanks are more susceptible to erosion from vessel wash.

Lock Share.

- Maximising on the number of vessels in a lock will ensure that the total volume of water moving downstream is decreased. Lock cycles should be used for vessels travelling each way.

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High Water Levels:

When water levels rise above normal summer level masters should be aware of:

Navigation

Navigation marks will have reduced height above the water level or may disappear underwater altogether making the navigable channel difficult to discern.

In narrow sections of the navigations water levels will tend to rise more quickly than in main streams and air draft at bridges will likewise be reduced.

There will also be increased flow rates particularly in the vicinity of navigation infrastructure such as bridges, weirs, locks etc where extra care in manoeuvring vessels will be required.

Harbours and Slipways

Due care is required in harbours and at slipways when levels are at or near the same level as the harbour walkways' as the edge will be difficult to discern especially in reduced light conditions. It is advised that Personal Flotation Devices be worn if tending to craft in a harbour in these conditions.

Navigation Maintenance and Works

Waterways Ireland endeavours to carryout as much of its maintenance, refurbishment and new works during the off season in order to minimise disruption to our customers both ashore and afloat. Prior notice may be given on our website, through news media and/ or by Marine Notice of any disruption/ closure/ restricted access associated with work on the navigations. While every effort is made to give as much notice as possible, it may also be necessary for Waterways Ireland to close navigation at very short notice.

Aids to Navigation – Shannon Navigation - Recognition

Masters should consult Waterways Ireland Marine Notices to inform themselves of the roll-out of the change over from the colour black to green for starboard hand marks. Topmarks remain the same i.e square on starboard and circular on port marks. White arrows on markers indicate the safe water side of the mark.

Caution to be Used in Reliance upon Aids to Navigation

The aids to navigation depicted on the navigation guides comprise a system of fixed and floating aids to navigation with varying degrees of reliability. Therefore, prudent mariners will not rely solely on any single aid to navigation, particularly a floating aid to navigation. With respect to buoys, the buoy symbol is used to indicate the approximate position of the buoy body and the ground tackle which secures it to the lake or river bed. The approximate position is used because of the practical limitations in positioning and maintaining buoys in precise geographical locations. These limitations include, but are not limited to, prevailing atmospheric and lake/river conditions, the slope of and the material making up the lake/river bed, the fact that the buoys are moored to varying lengths of chain, and the fact that the buoy body and/or ground tackle positions are not under continuous surveillance. Due to the forces of nature, the position of the buoy body can be

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expected to shift inside and outside the charted symbol. Buoys and perches are also moved out of position by those mariners who use them to moor up to instead of anchoring. Further, a vessel attempting to pass close by always risks collision with a yawing buoy or with the obstruction that the buoy or beacon / perch marks.



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Hodson Bay Signage as per Waterways Ireland's response

