

MCIB

Marine Casualty Investigation Board
Bord Imscrúdú Taisní Muirí



**REPORT OF INVESTIGATION
INTO A FATAL INCIDENT
TEMPLENOE, KENMARE BAY,
CO. KERRY
ON
31st JANUARY 2016**

**REPORT NO. MCIB/252
(No.9 OF 2016)**

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.

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.



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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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1. SUMMARY

On the afternoon of the 31st January 2016 two persons and two dogs departed in a canoe from a strand in the vicinity of the old graveyard, Templenoe, Co. Kerry to go duck shooting on a nearby island. Shortly after departure the boat capsized resulting in the occupants ending up in the water. One person was subsequently rescued; the second person's body was recovered the next day the 1st February 2016.

2. FACTUAL INFORMATION

2.1 Description of Vessel (Canoe)

Type of Vessel:	Coleman RAM X 17 canoe.
Construction:	Traditionally built, double ended, open canoe constructed of low-density polyurethane.
Principal Particulars:	Hull I.D. Number CP2324511889 Serial Number 5907D800.
Length Overall:	5.18 metres (m).
Beam:	1.07 m.
Depth:	0.46 m.

The vessel was fitted with two seats and an aluminium keelson. The vessel was propelled by two 1.5 m long paddles (see Appendix 7.1, photograph Nos. 1, 2, 3 & 5).

The manufacturer no longer has any records for this type of vessel, but stated that it was built in the year 2000. It is noted that the Recreational Craft Directive does not apply to canoes.

2.2 Voyage Particulars

The vessel departed from the strand by the old graveyard Templenoe, Co. Kerry at approximately 14.00 hrs on the 31st January 2016 with two men and two springer spaniel dogs on-board. They were going to an island to go duck shooting. During the passage the vessel capsized resulting in one person saved and one person lost (see appendix 7.2 Location of Incident).

2.3 Type of Casualty

Very serious marine casualty with loss of one life.

2.4 Weather Conditions (see Appendix 7.3 Met Éireann Weather Report).

Met Éireann reports adverse weather conditions in the area at the time of the casualty, with winds from a west-south-west direction, strong to near Gale Force, Force 6 to 7 and gusting to 40 knots at times.

2.5 Weather Forecast (see Appendix 7.4 Met Éireann Weather Forecast)

Met Éireann issued a weather forecast at 18.00 hrs on Saturday the 30th January 2016 for the area which forecast winds west force 4 to 6 backing southwesterly then southerly and decreasing force 3 to 5 for a time that night. Increasing and veering southwest on Sunday morning force 6 or 7.

Met Eireann's 24 hour Sea Area Forecast on Weatherdial issued at 06.00 hrs on the 31st January (see Appendix 7.4 Met Éireann Weather Forecast).

Gale warnings and small craft warnings were in operation.

2.6 Tidal Conditions (UK Hydrographic Office)

Low tide at Dunkerron Harbour (approximately 850 m upstream from incident) 15.24 hrs on the 31st January 2016, height 1.33 m.

High tide at Dunkerron Harbour 21.33 hrs on the 31st January 2016, height 3.28 m.

The tide would be relatively slack at the time of the incident being approximately one hour 20 minutes away from the bottom of the tide. The prominent influence on the tidal conditions being the wind and swell.

2.6 Emergency Response

31st January 2016.

A 999 call was initiated by a passer-by who was walking on the strand and heard a cry for help from the two men in the vessel. The call was timed at 14.18 hrs and lasted one minute and 49 seconds.

For timeline of response see Appendix 7.5 Timeline.

2.7 Cause of Death

The Coroners report established the cause of death of the deceased crewmember as *“Very heavy, hyperinflated lungs with marked pulmonary oedema, in keeping with acute cardio-respiratory failure due to drowning.”*

3. NARRATIVE

- 3.1 Two men with two springer spaniel dogs departed a strand near the old graveyard at Templenoe, Co. Kerry at 14.00 hrs on the 31st January 2016 in a borrowed 5.18 m length overall canoe to go duck shooting on an adjacent island (see Appendix 7.2 Location of Incident).
- 3.2 Both men had cartridge belts around them but neither was wearing any form of lifejacket or Personal Floatation Device (PFD).
- 3.3 After departure from the strand the prevailing weather conditions were pushing the vessel in an easterly direction away from the direction of the intended passage. An alteration of course was made to travel in the desired direction. During the course alteration the dogs became boisterous and the vessel capsized throwing both occupants into the water.
- 3.4 The two dogs subsequently swam back to the shore.
- 3.5 The two men attempted to right the vessel but it kept flipping during their attempts to upright it. They were unable to utilise the technique of righting and re-boarding the canoe.
- 3.6 Witnesses who were walking on the strand, noted two or three persons in a canoe, but paid no great heed to them. They then noticed the canoe had overturned and people were trying to right the canoe. Initially they thought it was an exercise until they heard cries of help.
- 3.7 The survivor saw his colleague drift away from the vessel but was unable to reach him to give assistance. The survivor, shouting for help, eventually managed to make his way to one of the adjoining islands.
- 3.8 On hearing the cries for help one of the witnesses made a 999 call to the emergency services at 14.18 hrs. The call was put through to the fire service and Limerick Fire Control Centre informed Marine Rescue Sub Centre Valentia (MRSC) at 14.20 hrs. The caller informed the emergency service that the incident was in the vicinity of Templenoe Pier. A few minutes later (14.24 hrs) the caller realised that he may have unintentionally caused some confusion as to the exact location of the incident. He redialled the emergency services and informed them that the location was near the old cemetery and not the Pier at Templenoe.
- 3.9 The Kenmare Fire Brigade arrived as first responders at Templenoe, evaluated the situation and decided that the rescue operation required a boat.

- 3.10 One of the fire crew had access to RIBs moored in Kenmare and immediately travelled the 4.5 miles to Kenmare to mobilise a RIB. He returned to the scene of the incident in a borrowed RIB a distance of approximately 3 nautical miles by sea arriving at 15.19 hrs (see Appendix 7.1 Photograph 6).
- 3.11 The RIB picked up the survivor from the island and he was transferred to an ambulance at 15.26 hrs and taken to hospital for medical treatment.
- 3.12 The search, rescue and recover units continued to search for the missing man until 18.12 hrs when all units were stood down due to failing light. For a detailed list of response timelines see Appendix 7.5 Timeline.
- 3.13 On the 1st February at 07.55 hrs, the search resumed for the missing person. A body was recovered at 09.43 hrs by a local diver and Derrynane Coast Guard boat.

4. ANALYSIS

- 4.1 Canoeing has an inevitable element of natural risk. The solution to managing the risk is a combination of experience, techniques and safety. The Code of Practice for the Safe Operation of Recreational Craft sets out the requirements for kayaking in Chapter 7 of the Code and specifically for Sea-Kayaking in Section 7.4 of the Code. The relevant extract from the Code of Practice is set out in Appendix 7.6 of this report.
- 4.2 When canoeing one should always wear a floatation device, never paddle alone and always be aware of weather conditions.
- 4.3 There was a placard in the vessel stating “ALWAYS WEAR YOUR PERSONAL FLOATATION DEVICE” (see Appendix 7.1 photograph 4). In this incident, neither of the men were wearing a floatation device.
- 4.4 The increased activity aboard the canoe, as the dogs became boisterous, would have compromised the stability of the canoe. This would have contributed to the capsize of the canoe.
- 4.5 Adverse weather conditions were forecast and present at the time of the incident. One of the men was very familiar with the area as he lived overlooking it.
- 4.6 The canoe involved in the incident was operating alone.

5. CONCLUSIONS

- 5.1 The voyage was undertaken in adverse weather conditions not suitable for the use of a laden canoe. Due consideration was not given to Met Éireann weather forecasts prior to commencing passage.
- 5.2 The two men did not take the basic precaution of wearing PFDs as required by S.I. 921 of 2005, Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005, and as recommended by the Irish Canoe Union.
- 5.3 Operating the canoe alone without other vessels present considerably reduces the possibility of survival following a capsize.
- 5.4 If due consideration had been given to the weather conditions and flotation devices, the chances of the casualty would have been dramatically minimised.
- 5.5 It is likely that the carriage of two untethered dogs and their increased activity contributed to the capsize.
- 5.6 The Code of Practice for the Safe Operation of Recreational Craft sets out the requirements for canoes in Chapter 7 and specifically for Sea-Kayaking in Section 7.4 of the Code. The requirements of the Code of Practice were not complied with in this incident.

6. SAFETY RECOMMENDATIONS

- 6.1 It is noted that the Minister for Transport, Tourism and Sport as part of the Maritime Safety Strategy Action No. 16 is updating the Code of Practice for the Safe Operation of Recreational Craft and as part of this process the MCIB recommends that the Code of Practice should be publicised on a wider basis.

7. APPENDICES

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Appendix 7.1 Photographs.



Photograph No. 1: General view of vessel internally.



Photograph No. 2: Paddle used for propulsion.

Appendix 7.1 Photographs.

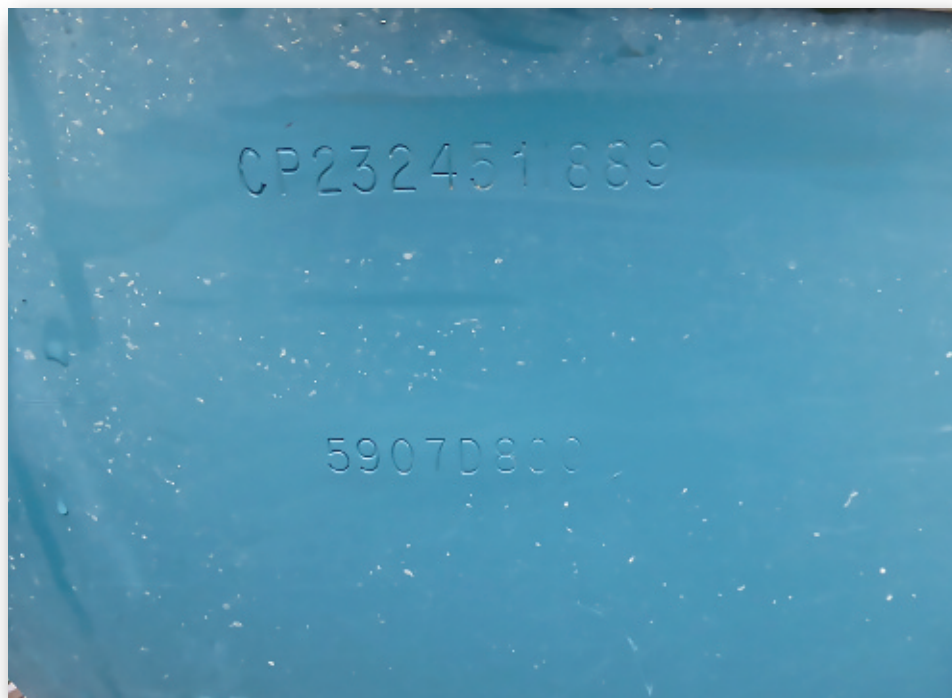


Photograph No. 3: Bottom of vessel.



Photograph No. 4: Notice in Canoe stating "ALWAYS WEAR YOUR PERSONAL FLOATATION DEVICE"

Appendix 7.1 Photographs.

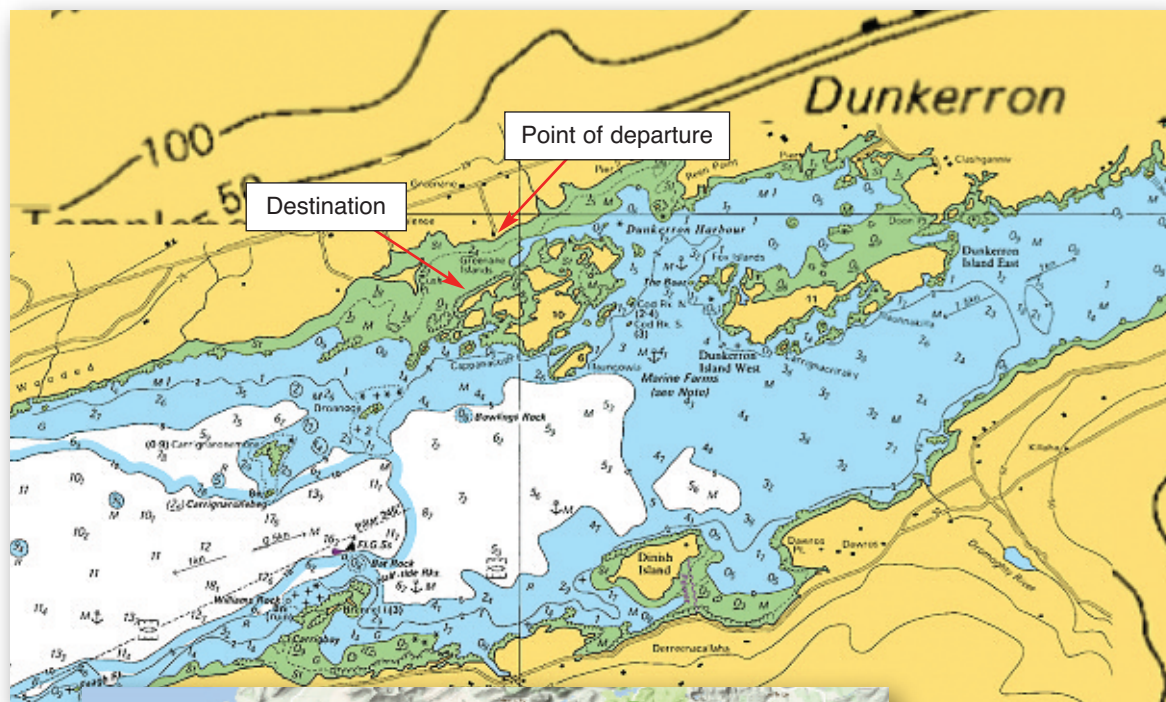


Photograph No. 5: Hull ID No. & Serial No. on the vessel.




Photograph No. 6: Vessel used by Fire Brigade during initial response.

Appendix 7.2 Location of Incident.



Launching Location,
From launching location to destination a distance of approximately 250 m.
Photograph taken at similar tidal conditions to casualty.

Appendix 7.3 Met Éireann Weather Report.



MET ÉIREANN
The Irish Meteorological Service

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www.met.ie E-mail: mct.eireann@met.ie

2/2/2016

Our Ref. WS 3018/2_16170
Your Ref. MCIB/12/252

**Estimate of weather conditions in the Kenmare Bay sea area,
on the 31st January 2016, between 12 and midnight**

General Situation: A blustery westerly airflow over Ireland backed south-westerly ahead of an approaching depression.

Details for Kenmare Bay

12-18 hours
Winds: from a west-south-west direction, strong to near Gale Force, Force 6 to 7 and gusting to 40 knots at times
Weather: frequent showers, some bright spells but mostly dull and cloudy
Visibility: moderate to poor
Seastate: Rough to Very Rough waves at the entrance of the Bay but much reduced further into the Bay. The waves were from a west or west-south-west direction, moving directly up into the Bay

18-24 hours
Winds: from a west-south-west to south-west direction, Fresh to Strong Force 5 to 6, gusting to 30 knots
Weather: isolated showers
Visibility: Moderate to Poor
Seastate: Rough to Very Rough at the entrance of the Bay, directed up into the Bay.

Met Eireann

Appendix 7.4 Met Éireann Weather Forecast.

Appendix 7.4 Weather Forecast.

	<p>WeatherDial Fax Product Code 0021</p> <p>General Forecasting Division</p> <p>Fax : 1570 131 838</p> <p>Sea Area Forecast</p>	
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Sea Area Forecast until 1800 Sunday 31 January 2016**Issued at 1800 Saturday 30 January 2016****1. Gale warning: In operation****Small craft warning: In operation**

2. Meteorological situation at 1500: An unstable westerly airflow covers Ireland. It will gradually ease as a weak ridge of high pressure builds over the country, the airflow will back southerly overnight. A warm front approaches from the southwest and will move up over the country overnight, the flow will veer west to southwesterly on Sunday.

3. Forecast for coasts from Erris Head to Belfast Lough to Carnsore Point and for the Irish Sea:

Wind: West force 6 or 7, occasionally gale force 8 this evening between Bloody Foreland and Belfast Lough and on the Irish Sea north of the Isle of Man. Soon decreasing force 3 to 5 and backing southerly overnight. Veering southwest during Sunday and increasing force 6 or 7 by the end of the period.

Forecast for coasts from Carnsore Point to Mizen head to Erris Head:

Wind: West force 4 to 6 backing southwesterly then southerly and decreasing force 3 to 5 for a time tonight. Increasing and veering southwest on Sunday morning force 6 or 7.

Weather for all sea areas: Showers at first, with a risk of thunder. Rain developing in the southwest tonight and spreading northeastwards overnight.

Visibility for all sea areas: Moderate or poor in showers or rain, otherwise good.

3a. Warning of heavy swell: On southwest, west and north coasts.

4. Outlook for a further 24 hours until 1800 Monday 01 February 2016:

Fresh to strong southwesterly winds, increasing gale to strong gale force overnight and on Monday morning, reaching storm force in northwestern areas on Monday afternoon and evening. Outbreaks of rain.

Appendix 7.4 Met Éireann Weather Forecast.

Warning of heavy Atlantic swell: On southwest, west and north coasts.

Text of Gale Warning

Westerly gales this evening on coasts from Bloody Foreland to Fair Head to Belfast Lough and on the Irish Sea north of the Isle of Man.

Text of Small Craft Warning

- 1) Westerly winds will reach force 6 or 7 this evening and early tonight on coasts from Slyne Head to Erris Head to Bloody Foreland and on coasts from Belfast Lough to Howth Head to Carnsore Point.
- 2) Southerly veering southwesterly winds will reach force 6 or 7 on Sunday on all coasts

Coastal Reports	At 5 Pm Saturday 30 January 2016
Malin Head Automatic	West-Northwest, 37 Knots, Gust 47 Knots, Mod Rain Shower, 5 Miles, 1001, Rising
Buoy M5	Report Not Available, , The Visibility At Tuskar Lighthouse is Greater Than 10 Miles, ,
Roche's Pt Automatic	West-Southwest, 08 Knots, Cloudy, 15 Miles, 1011, Steady
Valentia Automatic	West-Northwest, 10 Knots, Cloudy, 11 Miles, 1011, Falling Slowly
Belmullet Automatic	West, 16 Knots, Gust 26 Knots, Fair, 10 Miles, 1006, Steady
Dublin Airport	West-Southwest, 13 Knots, Gust 26 Knots, Cloudy, 21 Miles, 1008, Rising Slowly
Buoy M1 53° 8'N, 11° 12'W	Report Not Available
Buoy M2 53° 29'N, 5° 26'W	West, 23 Knots, Wave Ht 2.2 M, 1007, Rising
Buoy M3 51° 13'N, 10° 33'W	Report Not Available
Buoy M4 55° 0'N 10° 0'W	West-Northwest, 22 Knots, Gust 33 Knots, Wave Ht Not Available, 1020, Steady
Buoy M5 51° 41'N 6° 42'W	Report Not Available
Buoy M6 53° 4'N 15° 56'W	Wind Direction Not Available, Wind Speed Not Available, Wave Ht 07.4 M, 1007, Falling

Disclaimer: buoy locations are approximate and are not for navigational purposes

Sea Crossings	State of sea until 1600 Monday 01 February 2016
Dublin - Holyhead	Rough, decreasing to slight for a time on Sunday, gradually increasing rough on Monday
Rosslare - South Wales	Rough decreasing moderate overnight, increasing rough to very rough later Sunday and Monday.
Cork - South Wales	Rough decreasing moderate overnight, increasing rough to very rough later Sunday and Monday.
Rosslare - France	Very rough
Cork - France	Very rough

Next update before 0100 Sunday 31 January 2016

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.

Appendix 7.4 Met Éireann Weather Forecast.



Sea Area Forecast until 1800 Sunday 31 January 2016
Issued at 1800 Saturday 30 January 2016

- 1. Gale warning: In operation**
Small craft warning: In operation

2. Meteorological situation at 1500: An unstable westerly airflow covers Ireland. It will gradually ease as a weak ridge of high pressure builds over the country, the airflow will back southerly overnight. A warm front approaches from the southwest and will move up over the country overnight, the flow will veer west to southwesterly on Sunday.

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4. Outlook for a further 24 hours until 1800 Monday 01 February 2016: Fresh to strong southwesterly winds, increasing gale to strong gale force overnight and on Monday morning, reaching storm force in northwestern areas on Monday afternoon and evening. Outbreaks of rain.

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Warning of heavy Atlantic swell: On southwest, west and north coasts.

Text of Gale Warning

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Valentia Automatic	West-Northwest, 10 Knots, Cloudy, 11 Miles, 1011, Falling Slowly
Belmullet Automatic	West, 16 Knots, Gust 26 Knots, Fair, 10 Miles, 1006, Steady
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Buoy M1 53° 8'N, 11° 12'W	Report Not Available
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Buoy M3 51° 13'N, 10° 33'W	Report Not Available
Buoy M4 55° 0'N 10° 0'W	West-Northwest, 22 Knots, Gust 33 Knots, Wave Ht Not Available, 1020, Steady
Buoy M5 51° 41'N 6° 42'W	Report Not Available
Buoy M6 53° 4'N 15° 56'W	Wind Direction Not Available, Wind Speed Not Available, Wave Ht 07.4 M, 1007, Falling

Disclaimer: buoy locations are approximate and are not for navigational purposes

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Cork - South Wales	Rough decreasing moderate overnight, increasing rough to very rough later Sunday and Monday.
Rosslare - France	Very rough
Cork - France	Very rough

Next update before 0100 Sunday 31 January 2016

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.

Appendix 7.5 Timeline.

RESPONSE TIMELINE

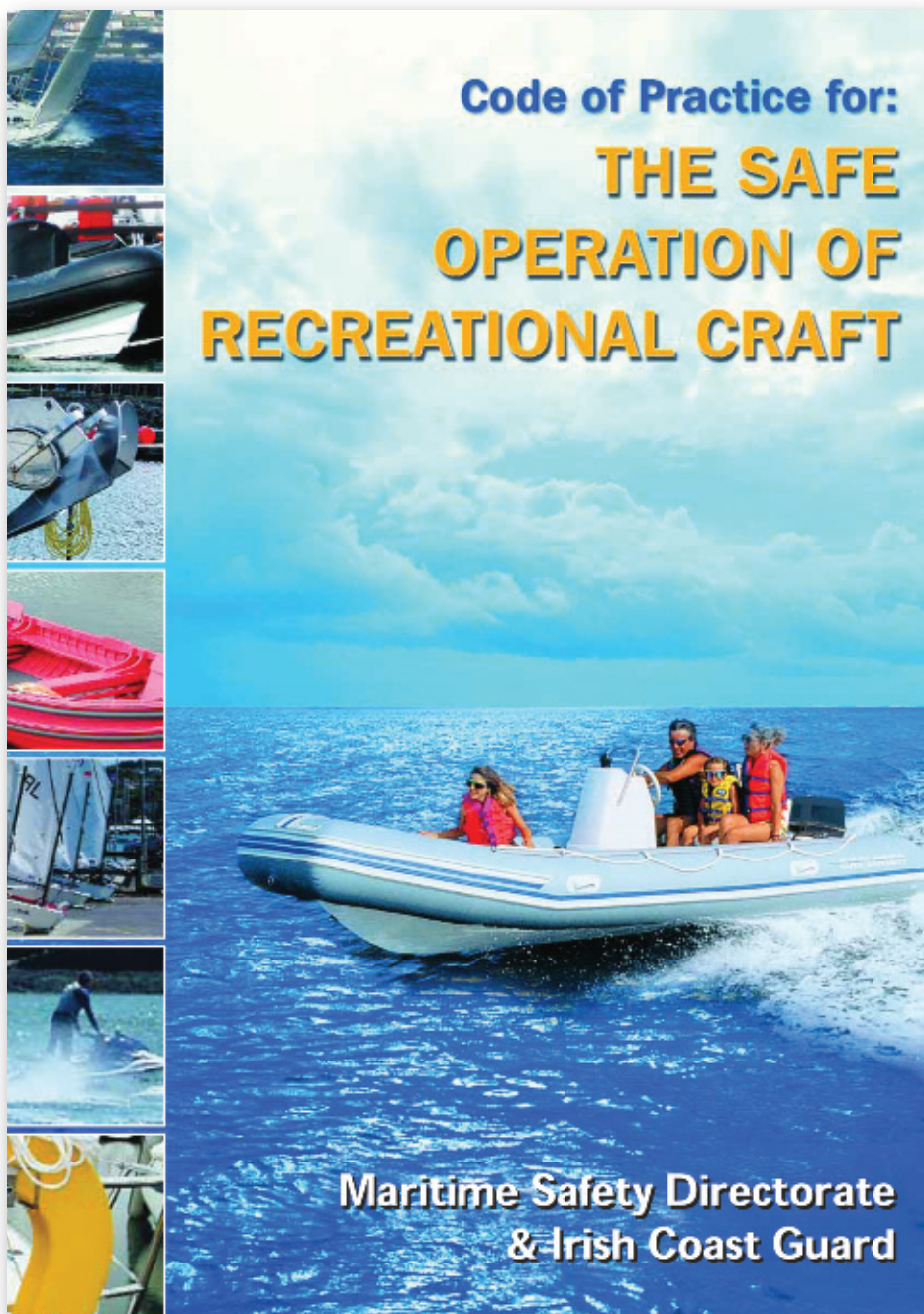
31st January 2016

- 14.19 hrs Kenmare Fire brigade tasked.
- 14.20 hrs Marine Rescue Sub Centre Valentia (MRSC) informed of incident by Limerick Fire Control Centre.
- 14.24 hrs Kenmare Fire Brigade mobilised.
- 14.30 hrs Kenmare Fire Brigade in attendance on shore adjacent to casualty.
- 14.35 hrs Decision made by Fire Brigade to get boat from Kenmare.
- 15.19 hrs Boat from Kenmare with Fire Brigade personnel onboard picks up survivor from island and transferred to ambulance at 15.26 hrs.
- Other assets deployed.
- 15.15 hrs Rescue 115 helicopter on scene.
- 15.30 hrs Derrynane Coast Guard on scene.
- 15.29 hrs Castletownbere Coast Guard on scene.
- 16.44 hrs Castletownbere lifeboat on scene.
- Search for missing man continued until 18.12 hrs when all units were stood down due to failing light.

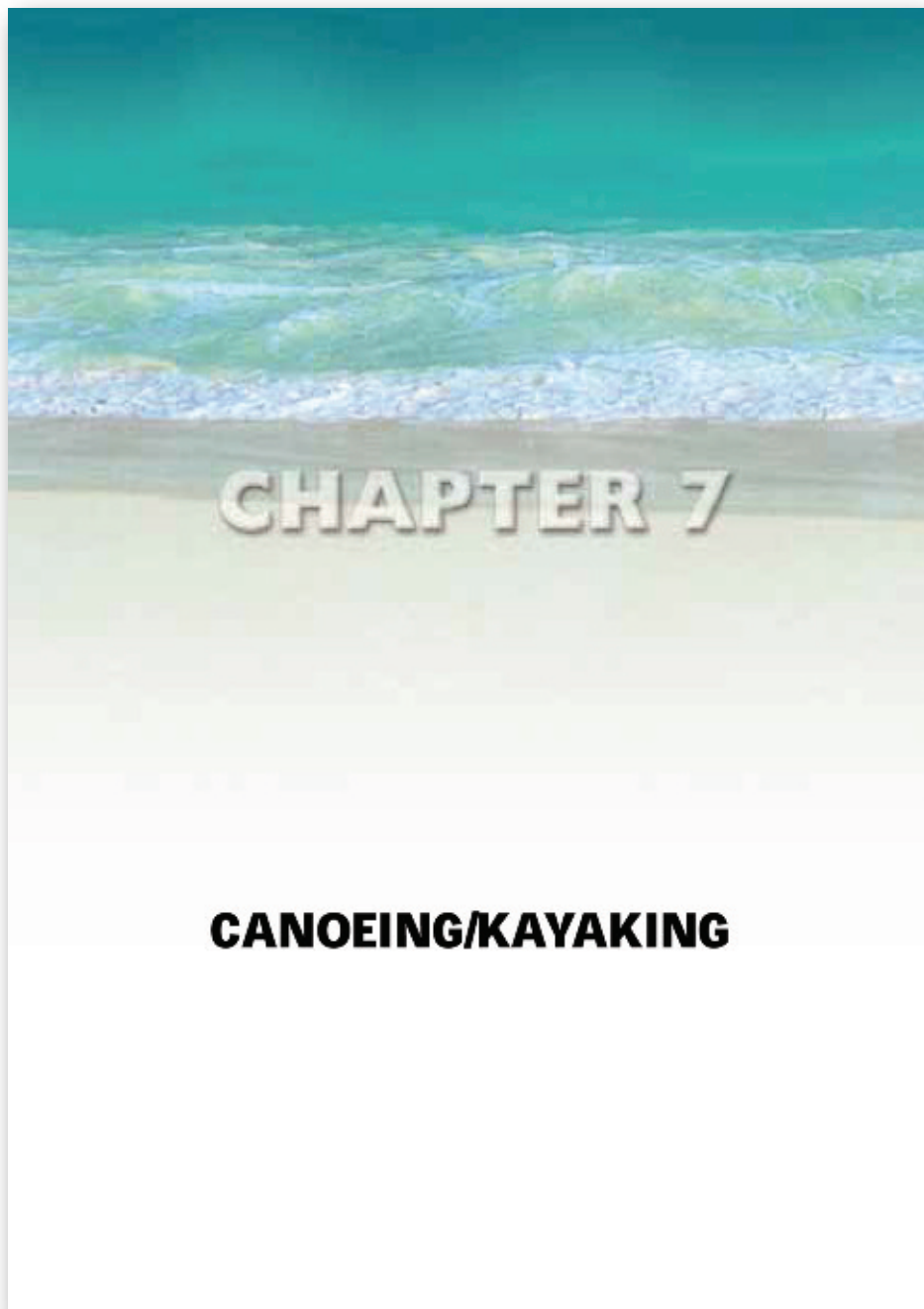
1st February 2016

- 07.55 hrs Search for missing man resumed with the following assets.
- Castletownbere Coast Guard Unit.
 - Derrynane Rescue Boat.
 - Rescue R115 Helicopter on scene 09.05 hrs.
 - Local persons.
- 09.44 hrs Body recovered by local diver.
- 10.43 hrs Body brought ashore to Templenoe Pier.

Appendix 7.6 Chapter 7 of the Code of Practice for the Safe Operation of Recreational Craft.



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Appendix 7.6 Chapter 7 of the Code of Practice for the Safe Operation of Recreational Craft.

07

CANOEING / KAYAKING

Canoeing covers a wide and diverse range of disciplines including sea kayaking, white water kayaking, surf kayaking, polo, slalom, marathon, sprint, freestyle and touring.

There are a number of basic safety precautions that should be applied to any canoeing activity, regardless of its speciality.

7.1 TRAINING

Undertake a recognised training course in the correct use of the specific type of canoe you wish to use. Be completely familiar with relevant rescue/recovery drills, self-righting techniques, e.g. Eskimo roll etc. Practice such drills with fellow members of your group. The Irish Canoe Union have a comprehensive training and accreditation scheme, which covers river, sea kayaking and open canoes (see appendix 9 for details of course providers).

7.2 PRIOR TO ENTERING THE WATER

- Ensure you are a competent swimmer, and capable of surviving in the water in areas you operate in.
- Undertake a basic First Aid Course, and life saving course.

- Never operate alone, always canoe in company.
- Do not operate a canoe if under the influence of alcohol or drugs.
- Inspect your craft and equipment thoroughly, check it is fitted with adequate buoyancy material, and that such buoyancy is correctly distributed and secured within the hull.
- Ensure that the bung is fitted correctly.
- Do not use the canoe, unless you are certain it is watertight. Boats with temporary repairs should not be used.
- Ensure if carrying additional equipment, that the canoe is never overloaded.
- Use a spray deck, with quick release where relevant, and be completely familiar with its use.
- When using a spray deck, ensure that the grab loop is in good condition and is within reach.
- Always ensure that your name / contact address are permanently marked on the hull. The addition of strips of retro-reflective tape to the hull is recommended.
- Check the hull is fitted with grab loops / towing lines. Kayaks over 270cm should have decklines fitted fore and aft, boats less than 270cm should have cowtails fitted.



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Appendix 7.6 Chapter 7 of the Code of Practice for the Safe Operation of Recreational Craft.



- Ensure that a responsible person is aware of your intended departure, locations, and return details.

7.3 PERSONAL SAFETY EQUIPMENT

- Suitable PFD/lifejacket (see appendix 5)
- It should be fitted with a whistle to attract attention, be in a Hi Visibility colour and fitted with retro-reflective strips.
- Ensure you are suitably attired for the type of activity, area of operation, and time of the year. Be aware of the dangers of hypothermia when wet and exposed to the elements.
- If paddling where the risk of head injury exists, a suitable helmet should always be worn.

7.4 SEA KAYAKING

Sea kayakers should observe the following additional precautions:

- Be aware of the weather forecast and sea area forecast. Only ever operate within your limits and ability. Canoeing in a force 4 or above should only be considered for the very experienced.
- Tidal conditions for areas that you are operating in.
- Be aware of the interaction between wind and tide on sea states.

- Carry a chart for area of operation. These can be laminated and attached to the kayak hull.
- Carry a hand held compass.
- Ensure a nominated person ashore is aware of your itinerary, departure and return times.
- Have a passage plan and alternative emergency plans, e.g. safe landing area down wind etc.
- Do not operate alone - kayak in company.
- If capsized and floating outside your craft - remain with it, it offers a better target to rescuers, and has a high buoyancy factor. Do not attempt to swim for shore unless adjacent to it.

The following additional equipment should be considered.

- Flares
- Towrope / throw bag
- Torch
- Suitable knife
- Portable waterproof VHF radio
- Portable GPS unit
- Personal EPIRB
- First Aid Kit
- Spare food / drink
- Paddle float / leash

Essential equipment should be carried on the person, or on an easily recoverable buoyant grab bag.

Appendix 7.6 Chapter 7 of the Code of Practice for the Safe Operation of Recreational Craft.

07

CANOEING / KAYAKING

7.5 RIVER KAYAKING

River kayaking ranges from touring on slow moving Grade 1 water in either open canoes or recreational kayaks, to the more extreme white water river running, which can include whitewater rapid, waterfalls and features such as stoppers and undercuts. Freestyle kayaking is at the more extreme end of the canoeing spectrum. Trained and competent persons only should attempt this activity.

In addition to the basic safety precautions mentioned previously operators should observe the following additional items:

- Hulls are examined for damage each time prior to entering the water.
- Potential courses should be studied for hidden dangers, snags, currents etc, prior to putting boats in the water.
- Boats should never operate alone on a stretch of water.
- In extreme and difficult locations, shore based rescue / recovery personnel should be in attendance, trained and equipped in the rapid recovery of persons in distress.
- Contact numbers for medical assistance / rescue authorities should be available

on site.

- Kayaks should have adequate buoyancy.
- Get First Aid training and carry a First Aid kit on river trips.
- If carrying a throwbag also carry a knife.
- Depending on the rivers difficulty, consider carrying some of the following:
 - o Split paddles
 - o Webbing slings and carabiners
 - o Duct tape
 - o Dry clothes
 - o Group shelter
 - o Food and money
 - o Matches/lighter
- Be aware of the river's grading (1-6), and of the water level before committing. Be particularly cautious during flood water conditions.
- Inspect unknown drops before running them; be aware that drops may change or that new hazards may have formed (e.g. fallen trees etc.). Set up bank based rescue where appropriate.

7.6 NATIONAL ASSOCIATION

The Irish Canoe Union is the national association for canoe and kayak based activities in Ireland (see appendix 8 for contact details).



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NATURAL JUSTICE - CORRESPONDENCE RECEIVED

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

- “36 (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 that is stated beside the relevant observation. When the Board is satisfied that the report has adequately addressed the issue in the observation, then the observation is ‘Noted’ without comment or amendment. The Board may make further amendments or observations in light of the responses from the Natural Justice process.

‘Noted’ does not mean that the Board either agrees or disagrees with the observation.

8. NATURAL JUSTICE - CORRESPONDENCE RECEIVED

There was no correspondence received on foot of the Natural Justice process for this investigation.



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