

**MCIB**

Marine Casualty Investigation Board  
*Bord Imscrúdú Taisní Muirí*



**REPORT OF THE INVESTIGATION  
INTO A FATAL INCIDENT AT  
MALIN BEG HEAD,  
CO DONEGAL  
ON  
9th JULY, 2017**

**REPORT NO. MCIB/274  
(No.1 OF 2019)**

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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INVESTIGATION INTO A FATAL  
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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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Report MCIB/274 published by The Marine Casualty Investigation Board.  
Printed 4th February 2019.



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## 1. SUMMARY

- 1.1 At approximately midday on the 8th of July, 2017 two men departed on an angling trip in a Rigid Inflatable Boat (RIB) from Teelin Pier near Rhannakilla, Co. Donegal. They were observed departing by a local boatman. At 12.40 hrs the boatman encountered the RIB at sea and the two occupants appeared to be fishing using rods and reels. There was no further contact with the occupants of the RIB.
- 1.2 At about 10.30 hrs the following morning a man living close to Malin Beg Head found a body on the shore close to his land. Shortly after 11.00 hrs the boatman who had seen them leave the pier the previous day, noticed that their car was still parked at Teelin Pier and became concerned for their safety. He contacted the Coast Guard to alert them. A search was commenced and several lifeboats, Coast Guard units and the Coast Guard helicopter R118 were tasked to search an area centred at Malin Beg Head. A short time later a second man's body was taken from the sea about 400 metres (m) from where the first casualty was found. The RIB and a debris field were found on the foreshore close to the location of the first casualty.

Note all times are local time = UTC + 1

## 2. FACTUAL INFORMATION

### 2.1 Vessel Details

Type:	Rigid Inflatable Boat (RIB).
Length:	5.2 m.
Maker:	Apex Boats.
Hull Material:	Glass Reinforced Plastic (GRP) Hull fitted with Dupont Hypalon Air Inflated Sponsons.
Engine:	115 hp Four Stroke Mercury Outboard.
Fuel Type:	Petrol.

### 2.2 Vessel Description and Extra Information

2.2.1 The vessel was a RIB, 5.2 m in length with grey Dupont Hypalon Sponson tubing and a white hull manufactured by Apex Boats. The vessel was powered by a 115 hp Four Stroke Mercury Outboard Engine controlled from a central console and was fitted with a stainless steel A-frame aft which was bolted to the transom. It was not registered on the National Register in Ireland.

2.2.2 Safety equipment found on board and in the debris field included:

- Two Personal Flotation Devices (PFD), one recovered with one of the casualties and the second recovered from the debris field (see Appendix 7.1 Photograph No. 1).
- One Inflatable Dan Buoy.
- One Compass.
- One Cobra Marine D.S.C VHF without its hand held microphone.
- One GPS mounting bracket. No GPS was found.
- One Paddle.
- One Boat Hook.

2.2.3 The vessel was found high and dry on the rocks at the approximate High Water mark at the north western foot of Malin Beg Head (see Appendix 7.1 Photograph No. 2).

During the inspection of the vessel the following damage was noted:

- a) The aft port tube was punctured and torn away from the rigid hull (see Appendix 7.1 Photograph No. 3).

- b) The batteries and battery covers on the centre console were broken away (see Appendix 7.1 Photograph No. 4).
- c) The outboard engine cover was torn off and found approximately 15 m away from the boat (see Appendix 7.1 Photograph No. 5).
- d) The propeller guard and propeller were destroyed with the propeller blades broken (see Appendix 7.1 Photograph No. 6).
- e) The A-Frame was broken away from the vessel and was not found.
- f) The vessel's rigid hull was found to be heavily scuffed and to have holes (see Appendix 7.1 Photograph No. 7).
- g) The Very High Frequency (VHF) hand held microphone was missing, as was the jack plug on the end of the cable (see Appendix 7.1 Photograph No. 8).
- h) The vessel's second, centre seat and seat cushions had broken away from the boat and were found within a 150 m radius of the boat (see Appendix 7.1 Photograph No. 9).
- i) The stainless steel back on the centre console seat was bent aft.

## **2.3 Fishing Area, Trip Arrangements and Previous Experiences**

- 2.3.1 Having departed Teelin Pier at around midday the men headed to sea in a north west direction towards Malin Beg Head. The men had planned to be away for the weekend. They had made no arrangements to check in with a person ashore as to their progress during the trip. During the investigation it was established that the same vessel and crew had run out of fuel on the 28th May, 2017 and the Coast Guard had assisted by providing a tow from near Malin Beg Head to Teelin Pier.

## **2.4 Marine Incident Information**

Type: This was a very serious marine casualty resulting in two fatalities.

Time: The incident occurred between 12.40 hrs on the 8th of July and 10.30 hrs on the 9th of July, 2017.

Position: In the vicinity of Malin Beg Head.

Weather and Tidal Information: Wind Force 4 to 5 South Westerly increasing to Force 5 gusting to Force 6 by midnight and veering west. The sea state was 2.5 meters to 2.8 meters at 6 to 7 second period; decreasing 2.0 meters to 2.5 meters by evening of the 9th (see Appendix 7.3 Met Éireann Weather Report).

The Tidal Information for Killybegs:



Saturday 8th	11.11	LW
	17.36	HW
	23.36	LW
Sunday 9th	06.06	HW
	11.42	LW

## 2.5 Emergency Response and Time Line

- 2.5.1 At approximately 10.30 hrs a man living locally to Malin Beg found the body of a male person on the shoreline close to his land. He contacted Letterkenny Gardaí who arrived at the scene at approximately 10.49 hrs. At 10.49 hrs Letterkenny Garda Station contacted the Coast Guard and requested assistance with the recovery of the body from the foreshore. At 10.53 hrs Killybegs Coast Guard was tasked with recovering the body from the foreshore.
- 2.5.2 At 11.09 hrs the boatman who had witnessed the launch called the Coast Guard to report two men had failed to return to their car and trailer at Teelin Pier having put to sea the day before. At 11.10 hrs R118 Search and Rescue (SAR) helicopter was tasked to search for the second missing man. Other resources were also requested to assist with the search - Aranmore Royal National Lifeboat Institution (RNLI) Lifeboat at 11.16 hrs and Bunbeg Coast Guard at 11.28 hrs.
- 2.5.3 At 11.34 hrs Aranmore RNLI Lifeboat was launched and commenced a search of the area. At 11.37 hrs Killybegs Coast Guard were stood down from the search as their boat was deemed unsuitable for the prevailing weather conditions at that time. Assistance was then requested from the Bundoran Lifeboat, which was tasked at 11.48 hrs and was on the scene at 11.56 hrs. The crew then commenced a systematic search in the area of Roaninis.
- 2.5.4 At 12.22 hrs R118 (SAR) located the second Casualty about 400 m to the north of the location where the first Casualty had been located. The second Casualty was subsequently picked up by the Bundoran RNLI Crew at 12.40 hrs, and was pronounced dead at 13:25 hrs.
- 2.5.5 The search continued until it was ascertained there were no further casualties involved in the incident. The search operation was stood down at 13.38 hrs.

## 2.6 Post Mortem and Toxicology Findings

The autopsy report on both casualties states that ‘cause of death was drowning to water’. The accompanying toxicology reports state that the first Casualty had a post mortem blood alcohol level of 268 mg. The second Casualty had a post mortem blood alcohol level of 214 mg. The Coroner’s Post Mortem Report conclusions and the accompanying toxicology report are provisional at the time of publication of this report. It is the role of the Coroner’s Office to determine the cause of death.

## 3. NARRATIVE

- 3.1 On the morning of the 8th July at approximately 11.00 hrs the two men arrived at Teelin Pier with a car and RIB secured on a road trailer. They began to launch the rib at the slipway running adjacent to the pier.
- 3.2 The men released the boat from the trailer into the water and experienced some difficulty controlling the RIB. Local people ashore tended the lines and assisted them to come alongside and tie the RIB to the harbour wall.
- 3.3 By noon the two men were able to start the engine and set out to sea. They were last seen heading in a north westerly direction towards Malin Head.
- 3.4 At 12.40 hrs a boatman, who had seen the men launch the RIB at Teelin Pier, sighted the two men fishing from their boat using fishing rods and reels. The outboard engine was idling and both men were wearing PFDs. They did not appear to him to be in distress at this stage. The plastic trailer board for road use while towing the boat was still attached to the boat's A Frame (See Appendix 7.1 Photograph No. 10).
- 3.5 At some time after 12.40 hrs on the 8th of July, 2017 and before 10.30 hrs on the 9th of July, 2017 it appears that both individuals ended up in the water and became separated from each other and their boat.
- 3.6 On the morning of the 9th of July a man, who lived close to Malin Beg Head, was walking the coast line near the headland. He found the body of the first Casualty in an inaccessible spot on the shoreline at the north-western foot of Malin Beg Head. He returned to his house and called the Gardaí to report finding the body. At 10.49 hrs the Letterkenny Garda Station contacted the Coast Guard requesting assistance recovering the body from the foreshore.
- 3.7 At 11.09 hrs the boatman, who had seen the boat with the two men fishing from it the previous day, noticed their car and trailer were still parked on Teelin Pier and contacted the Coast Guard.
- 3.8 At 11.10 hrs the Coast Guard tasked several assets and helicopter R118 and the search for the individuals began. At 12.22 hrs R118 located the second Casualty in the sea, approximately 400 m north of the location where the first Casualty was found.
- 3.9 The vessel was found at the High Water mark on the foreshore. There were two successive High Waters (17.36 hrs on the 8th July, 2017 and 06.06 hrs on the 9th July, 2017) between when the men were last seen and the bodies found. Appendix 7.1 Photograph No. 4 shows the position of the control box for the outboard engine which is in neutral with the ignition switched off, however, the engine 'lanyard/kill cord' is still located attached to the control box.

- 3.10 The autopsy report on both casualties states that ‘cause of death was drowning to water’. The accompanying toxicology reports state that the first Casualty had a post mortem blood alcohol level of 268 mg. The second Casualty had a post mortem blood alcohol level of 214 mg. The Coroner’s Post Mortem Report conclusions and the accompanying toxicology report are provisional at the time of publication of this report. It is the role of the Coroner’s Office to determine the cause of death.

## 4. ANALYSIS

- 4.1 There were no witnesses to the actual incident which caused the individuals to exit the boat or their drowning. From the evidence available both men appeared to be amateur anglers.
- 4.2 The Department of Transport, Tourism and Sport provides both legal requirements and best practice for voyages such as that undertaken on this day. The Code of Practice for the Safe Operation of Recreational Craft, (hereafter known as the Code), that was applicable at the time of the voyage, sets out the statutory requirements in Part A and recommendations and best practice guidelines in Part B of the Code. Some of the main mandatory requirements referred to in Part A include The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005), as amended by the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012). A new Code of Practice for the Safe Operation of Recreational Craft was launched on 9 November, 2017.
- 4.3 Under Section 2.1 of the Code, it is recommended that *“persons participating in sailboat and motorboat activities undertake appropriate training.”* The men had trouble launching the boat and had difficulty starting the outboard engine. It is not known if this was a fault with the engine or the crew’s unfamiliarity with the procedure required for starting an outboard engine. It is not known if either of the men had certified in a powerboat course where launching and start up procedures would be on the basic syllabus.
- 4.4 As noted in paragraph No. 3.4, the RIB was launched with the trailer board still attached to the vessel’s A Frame fitted to the stern. The five core cable and plug which connects to the towing vehicle can be seen in Appendix 7.1 Photograph No. 4 coiled around the back of the seat frame attached to the rear of the centre console. This would have presented an additional trip hazard within the boat.
- 4.5 Although the engine control lever was in neutral and the ignition switched off, the Marine Casualty Investigation Board (MCIB) cannot establish if the engine was running at the time of the incident as the control may have been moved by someone after the vessel was washed ashore. The RIB suffered substantial damage with debris spread over an area of approximately a 150 m radius. The damaged propeller suggests the engine may have been running for sometime whilst the vessel was in shallow water.
- 4.6 The lanyard/killcord was not attached to one of the crew as recommended in Section 5.2 of the Code of Practice for the Safe Operation of Recreational Craft.
- 4.7 Section 2.2 of the Code states that *‘All voyages, regardless of their purpose, duration or distance, require some element of voyage planning. SOLAS V (see Marine Notice No. 9 of 2003) requires that all users of recreational craft going to sea consider the following:*

- *Weather forecasts (see Appendix 7.3)*
- *Tidal information*
- *Capability of boat and crew on board*
- *Planned route utilising charts and pilotage information as required.*

*In addition, it is important to always ensure that a designated person ashore is aware of the intended voyage, departure and return times and to have a procedure in place to raise the alarm if the need arises.'*

- 4.8 The weather deteriorated over the afternoon and evening after they left Teelin Pier. The weather was at its worst at about 19.00 hrs (about an hour and a half after High Water) on the 8th July, 2017 with gusts of 23/24 kts recorded at Buoy M4 with the wind being generally south west to westerly in direction.
- 4.9 The shoreline around Malin Beg Head is not steep-to but has several reefs and islets extending seaward. Some of the reefs dry at low water. Large breakers are common over the reefs in strong westerly winds. It is not known whether the men were familiar with the area nor whether the route had been planned with charts and pilotage information.

The RIB suffered substantial damage with debris spread over an area of approximately a 150 m radius. No anchor or anchor tackle was found on the vessel or within the debris field.

- 4.10 Both casualties had CO2 canister inflated PFDs and were seen wearing them shortly after they departed Teelin Pier. However, only the first Casualty was wearing one, the second Casualty was recovered from the sea without a PFD. This second PFD was subsequently located in the debris field.
- 4.11 The RIB was equipped with a VHF radio which was damaged when found. It is not known if it was functioning correctly at the time of launching. No Mayday call appears to have been made. The use of mobile phones is not recommended as a communication method at sea. Mobile phone coverage was poor in the area.
- 4.12 The alarm was not raised until the morning of the 9th July when the first Casualty was found and it was noted that the men's car was still at Teelin Pier. This was almost 20 hours after the last time the men had been sighted. The men do not appear to have made contact with anyone during the voyage and contrary to recommended practice no one familiar with the men on shore appears to have been aware of departure and return times.

- 4.13 Section 1.2.6 of the Code states:

*' - The master or owner of a pleasure craft must not operate or control or allow another person to operate or control the craft while under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol.*

*- Any person on board a pleasure craft must not consume alcohol or drugs or any combination of drugs or of drugs and alcohol in circumstances that could affect the safety of persons on board or others using Irish waters, or create a disturbance on board the craft or be a nuisance to others using Irish waters.'*

- 4.14 The toxicology accompanying the Coroner's Post Mortem reports state that first Casualty had a post mortem blood alcohol level of 268 mg. The second Casualty had a post mortem blood alcohol level of 214 mg. It is not the role of the MCIB to determine the effect of alcohol on the casualties, though the use of alcohol is known to have an effect on a person's cogitative function. The Coroner's Post Mortem Report conclusions and the accompanying toxicology report are provisional at the time of publication of this report.

## 5. CONCLUSIONS

- 5.1 The incident happened sometime between 12.40 hrs on the 8th of July, 2017 and 11.00 hrs on the 9th of July, 2017.
- 5.2 It is unknown if the men were in the vessel when it finally came ashore or if they had entered the water earlier. The 400 m distance between the location of the wreck and the second Casualty suggests that the men entered the water before it came ashore.
- 5.3 The severity of the damage to the vessel and the spread of the debris suggest the vessel came hard ashore in large breaking waves. The height above the sea where it came to rest suggests it came ashore before High Water.
- 5.4 From the photograph evidence taken by the boatman (see Appendix 7.1 Photograph No. 10) it would appear that the men were wearing their PFDs during the day. However, only one of the men had his PFD on when he was recovered. This suggests his entry to the water was involuntary rather than planned.
- 5.5 It is clear from witness statements that the crew had difficulty with the outboard engine. The wind direction was westerly and the vessel on a lee shore. Without an anchor and with an unreliable engine in such a situation a vessel would quickly find itself in difficulties. It is likely, given the above, that the vessel drifted into an area of surf and breaking waves. It may have been swamped or capsized throwing the occupants overboard.
- 5.6 No distress call was heard. This may have been due to a failure to realise the severity of the situation early enough. It is unclear if the VHF on the RIB was functioning. The use of mobile phones is not recommended as an appropriate emergency communication method. The mobile phone coverage in the area was poor.
- 5.7 The alarm was not raised by anyone familiar with the men, which suggests that the men did not inform someone on shore of their plans for the voyage, or the proposed return time in particular.
- 5.8 The toxicology accompanying the Coroner's Post Mortem reports state that the casualties had a post mortem blood alcohol level of 268 mg and 214 mg respectively. It is not the role of the MCIB to determine the effect of alcohol on the casualties, though the use of alcohol is known to have an effect on a person's cognitive function and is contrary to the legislative provisions referred to in the Code. The Coroner's Post Mortem Report conclusions and the accompanying toxicology report are provisional at the time of publication of this report.

## 6. SAFETY RECOMMENDATIONS

- 6.1 We recommend that the Minister for Transport, Tourism and Sport issue a Marine Notice reminding individuals of their obligations to comply with the Code of Practice for the Safe Operation of Recreational Craft.



7. APPENDICES

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## APPENDIX 7.1

### Appendix 7.1 Photographs.



Photograph No. 1: PFD recovered in debris field.



Photograph No. 2: Vessel as found after the incident.

Appendix 7.1 Photographs.



Photograph No. 3: Aft port tube torn away from hull.



Photograph No. 4: Battery cover in console broken out.

Appendix 7.1 Photographs.



Photograph No. 5: Engine cover in debris field.



Photograph No. 6: Propeller blades damage.

Appendix 7.1 Photographs.



Photograph No. 7: Rigid hull damage.



Photograph No. 8: VHF without hand held microphone.

Appendix 7.1 Photographs.



Photograph No. 9: Extra centre seat found in debris field.



Photograph No. 10: Photo of the men fishing.

Appendix 7.2 Chart of incident area.



## Appendix 7.3 Met Éireann Weather Report.



**MET ÉIREANN**  
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3 October 2017

*Our Ref.* WS1730/1710\_2  
*Your Ref.* MCIB/12/274

**Re: Estimate of weather conditions in Malinbeg Head, at position 54 40.25N 008 47.06W from 12:00 on the 8<sup>th</sup> to 18:00 hours on the 9<sup>th</sup> of July 2017.**

*General Meteorological Situation: A weak ridge declined over Ireland on the 8<sup>th</sup>. A frontal system approached and crossed the area slowly on the 9<sup>th</sup>.*

**1200 to 2400 on the 8<sup>th</sup> July 2017**

**Wind:** Southwest (from 230 to 240 degrees), 16 to 19 knots (Beaufort force 5) with infrequent gusts up to 25 knots (Force 6).

**Weather:** Fair. Mostly cloudy.

**Temperatures:** The air temperature was 13 to 14 degrees Celsius; Sea temperature 13.5 to 14 degrees.

**Visibility:** Good (Greater than 10 km).

**Sea States** Significant height: 2.3 to 2.5 meters from the west (mostly Atlantic swell). The combined swell and sea direction was from the west (270 degrees).



Appendix 7.4 Met Éireann Weather Report.



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**0000 to 18:00 on the 9<sup>th</sup> July 2017.**

**Wind:** Winds were mainly from the southwest - 240 to 250 degrees during the early morning 14 to 17 knots (Beaufort force 4 to 5) with occasional gusts of 23 knots (Force 5 to 6). Winds veered west – 270 degrees during the forenoon 10 to 12 knots (Force 4); winds further veered to the north – 010 degrees 7 to 10 knots during the evening (Force 3).

**Weather:** Outbreaks of rain commenced circa 03:00 hours and recurred through the rest of the period. Rain/drizzle persistent during late forenoon/early afternoon.

**Temperatures:** Air temperature 12 to 13 degrees; Sea temperature 13 to 14 degrees.

**Visibility:** Generally moderate (5 to 10 km), but it did decrease to 3000 to 3500 meters during the period of continuous rain.

**Sea States** Significant height: 2.5 to 2.8 meters, but decreased 2.0 to 2.3 meters during the evening (from the west). The average period was 6 to 7 seconds throughout.

**Appended Beaufort wind Scale.**

Beaufort Scale of Wind					
Force	Description	Speed*		Specification	Wave height**
		knots	km/hr	-sea	(metres)
0	Calm	<1	<1	Sea like mirror	
1	Light air	1-3	1-5	Ripples	0.1 (0.1)
2	Light breeze	4-6	6-11	Small wavelets	0.2 (0.3)
3	Gentle breeze	7-10	12-19	Large wavelets, crests begin to break	0.6 (1)
4	Moderate breeze	11-16	20-28	Small waves becoming longer, frequent white horses	1 (1.5)
5	Fresh breeze	17-21	29-38	Moderate waves, many white horses, chance of spray	2 (2.5)
6	Strong breeze	22-27	39-49	Large waves, white foam crests, probably some spray	3 (4)
7	Near gale	28-33	50-61	Sea heaps up, streaks of white foam	4 (5.5)
8	Gale	34-40	62-74	Moderately high waves of greater length	5.5 (7.5)
9	Strong gale	41-47	75-88	High waves, dense streaks of foam, spray may reduce visibility	7 (10)
10	Storm	48-55	89-102	Very high waves, long overhanging crests, visibility affected	9 (12.5)
11	Violent storm	56-63	103-117	Exceptionally high waves, long white foam patches cover sea	11.5 (16)
12	Hurricane	64+	117 & over	Air filled with foam and spray, sea completely white	14 (-)

\*Speed = mean speed at a standard height of 10 metres.  
\*\*Wave height is only intended as a guide to what may be expected in the open sea.  
Bracketed figures indicate the probable maximum wave height.

Appendix 7.3 Met Éireann Weather Report.



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Sea States.

**Wave Heights / State of Sea**  
The wave height is the vertical distance between the crest and the preceding or following trough. The table below gives a description of the wave system associated with a range of significant wave heights. The Significant wave height is defined as the average height of the highest one-third of the waves. (It is very close to the value of wave height given when making visual observations of wave height.)

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

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

Visibility Descriptions of visibility mean the following:

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

Note:

If there are no measurements or observations available for an exact location, these estimated conditions are based on all available meteorological measurements and observations which have been correlated on the routine charts prepared by Met Éireann.

Appendix 7.3 Met Éireann Weather Report.



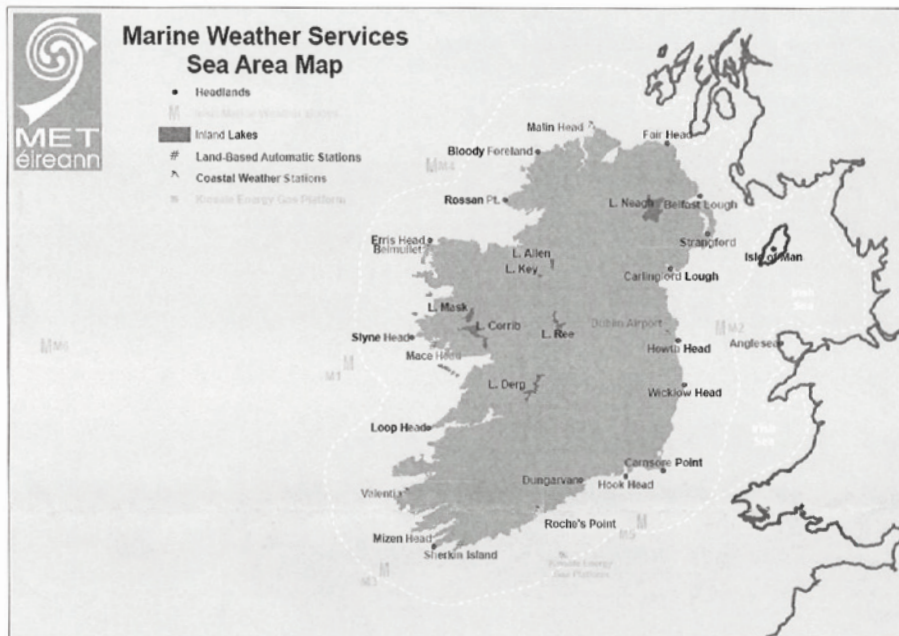
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Sea area Map



## 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**

**PAGE**

- 8.1 Correspondence from the Irish Coast Guard and MCIB response. 28

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

## CORRESPONDENCE 8.1

### Correspondence 8.1 Irish Coast Guard and MCIB response.

An Roinn Iompair,  
Turasóireachta agus Spóirt  
Department of Transport,  
Tourism and Sport



12<sup>th</sup> December 2018

[REDACTED]  
Chairman MCIB

Dear [REDACTED]

Your letter dated 15<sup>th</sup> Nov to Director IRCG, re DRAFT report into a fatal accident at Malin Beg Head 9 July 2017 refers

The Coast Guard acknowledges the opportunity to comment on the report and has one observation in relation to paragraph 2.3.1.

1. Coast Guard considers that the intervention outlined in 2.3.1 possibly refers to an incident that occurred on 28<sup>th</sup> May 2017 and not 17<sup>th</sup> May as referenced in the report. On 28<sup>th</sup> May, MRSC Malin Head coordinated a request for assistance to a RIB, reported to be in difficulty off Rathlin O'Birne. The vessel was subsequently towed to Teelin. At the time the vessel was reported to have 4 POB.

MCIB RESPONSE: Noted.  
The report has been amended.

2. Interventions of this type, unlike assistance provided to larger vessels, are not in accordance with standing arrangements reported to the Marine Survey Office.

MCIB RESPONSE: Noted.

Coast Guard has NO other observations on the report.

[REDACTED]

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