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**REPORT OF THE
INVESTIGATION INTO
THE COLLISION BETWEEN
THE MFV "BARA SEGAL"
AND THE MV "SEAHOPE"
ON THE 14TH AUGUST 2002**

The Marine Casualty Investigation Board was established on the 5th, June 2002 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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1. SYNOPSIS.

- 1.1 The steel hulled stern trawler "Bara Segal" sailed from Howth on 13th August 2002. The bulk carrier "Seahope" was on passage from Cork to Dublin. At 0312 hours on 14th August they collided with one another approximately 9 miles South East of Tuskar Rock.
- 1.2 There were no fatalities or injuries and no pollution was observed.

2. FACTUAL INFORMATION

2.1 MFV "Bara Segal"

Owners:	R. & B. McEvoy, Clogherhead, Co. Louth
Description:	Steel Stern Trawler
Registered Length:	20.48 Metres
Length Overall:	23.48 Metres
Depth:	3.7 Metres
Beam:	6.7 Metres
Gross Registered Tonnage:	130 Tonnes
Engine Capacity:	360 Kilowatts
Built:	1983, France
Radar:	1 x Koden MD-3630
GPS:	1 x Valsai 02L, 1 x MLR DGPS FX 412

2.2 MV "Seahope"

Managers:	Thenamaris Ship Management, Athens Greece.
Flag:	Malta
Port of Registry:	Valletta
Description:	Dry Bulk Carrier
Length Overall:	170.52 Metres
Breadth:	24.60 Metres
Depth:	14.20 Metres
Gross Tonnage:	16,021 Tonnes
Deadweight:	27,139 Tonnes
Built:	1981, Japan
Radars:	1 x Sperry MK127E, 1 x JRC ARPA JMA 8000
GPS:	1 x JRC Jlr-4110MK, 1 x Furuno GP-36
Course Recorder:	1 x Tokyo Keiki CR-1

2.3 Crew Lists Required"

MFV "BARA SEGAL"

Name	Rank / Rating
Mr. Raymond (Laurence Philip) McEvoy	SKIPPER
Mr. Philip McEvoy (son of Skipper)	
Mr. Philip McEvoy (brother of Skipper)	
Mr. Barry Holcroft	•
Mr. Darren O'Brien	•
1 x Chinese National	•

- These 3 crew members were believed to have been asleep at the time of this incident and are understood not to be significant to the investigation.

MV "SEAHOPE"

Name	Rank / Rating	Nationality
Mr. Domingo Bernabe	Master	Filipino
Mr. Renato Mabilangan	Chief Mate	Filipino
Mr. Norberto Bragado	2nd Mate	Filipino
Mr. Arturo Magcaling	3rd Mate	Filipino
Mr. Cesar Cobo	Chief Engineer	Filipino
Mr. Jeoffrey Ani	2nd Engineer	Filipino
Mr. Noel Guerra	3rd Engineer	Filipino
Mr. Isidro Batacan	4th Engineer	Filipino
Mr. Roberto Nery	Electrician	Filipino
Mr. Domingo Gelera	Boatswain	Filipino
Mr. Reno Magallanes	Able Seaman	Filipino
Mr. Rodel Agresor	Able Seaman	Filipino
Mr. Jerwin Abut	Ordinary Seaman	Filipino
Mr. Eugene Lim	Ordinary Seaman	Filipino
Mr. Joy Sumatra	Deck Cadet	Filipino
Mr. Angelino Hiponia	Oiler	Filipino
Mr. Reynante Del Rosario	Oiler	Filipino
Mr. Rodrigo Bonilla	Oiler	Filipino
Mr. Marlo Boquiren	Chef / Cook	Filipino
Mr. Adam Castillo	Messman	Filipino
Mr. Ric Deankinay	Messman	Filipino

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The skipper of the vessel "Bara Segal" went to bed at about midnight on 13th August 2002 leaving his son as watchkeeper. The vessel was off the coast of County Wexford and proceeding almost due south to the fishing grounds
- 3.2 All bridge equipment, engine and steering gear were said to be in good working order on both vessels.
- 3.3 The watchkeeper on the "Bara Segal" says that he saw the lights of a vessel about four miles away, namely: two masthead lights and a green sidelight. He thought it was going to go clear to starboard. He pulled the vessel "Bara Segal" away to port a few degrees at a time.
- 3.4 The second mate on the "Seahope" was in charge of the navigational watch. He had a lookout on duty with him. The second mate took over the watch at midnight and the vessel was on a course of approximately 050 degrees and doing approximately 14 knots when the vessel entered the northeast bound traffic lane off Tuskar Rock.
- 3.5 The second mate on the "Seahope" states that he observed a vessel visually and checked by radar and notes that it was about ten miles distance on the port bow. He also states that when the other vessel was about seven miles off he tried to contact it by VHF to find out its intentions. The Watchkeeper on the "Bara Segal" stated that at no time did he hear any call on VHF.
- 3.6 The second mate on the "Seahope" states that he tried to alert the "Bara Segal" by Aldis signaling lamp when the vessel was approximately two miles distance. The watchkeeper on the "Bara Segal" stated that at no time did he see the light of a signal lamp.
- 3.7 When the "Bara Segal" was about 1.5 miles off the second mate on board the "Seahope" said he noticed that the "Bara Segal" had altered course visually and that the ARPA vector had changed to port. The second mate said he put the "Seahope" in manual steering.
- 3.8 The Watchkeeper on the "Bara Segal" at the time of the collision was twenty years old and had no formal seagoing qualifications. He had about five years seagoing experience.
- 3.9 The Skipper of the "Bara Segal" has a Certificate of Service as Second Hand Special.
- 3.10 The "Seahope" complied with the Safe Manning Document issued by the Malta Maritime Authority (MMA). All officers had appropriate certificates of competency.
- 3.11 The "Bara Segal" complied with Irish manning regulations, which require one certificated officer on a vessel of this registered length.

4. THE INCIDENT

- 4.1 The Vessels collided within a few minutes of the second mate of the "Seahope" putting the helm in the manual mode. This occurred at approximately 0312 hrs on the 14th August 2002, approximately 8.7 nautical miles southeast of Tuskar Rock lighthouse in position 52 Degrees 05.29' North and 006 Degrees 03.78' West.
- 4.2 Both the Watchkeeper and the engineer of the "Bara Segal" were in the wheelhouse at the time of the collision. Neither of them saw the "Seahope" immediately prior the collision and the first indication to them that anything was amiss was the impact of the collision.
- 4.3 The port bow of the "Seahope" made contact with the starboard quarter of the vessel "Bara Segal". The "Bara Segal" was holed below the waterline.
- 4.4 The "Bara Segal" is well subdivided and despite initial concern the ingress of water was confined to the compartment in the accommodation where the vessel was holed.
- 4.5 The "Bara Segal" broadcast a Mayday message at 0318 Hrs.

5. EVENTS FOLLOWING INCIDENT

- 5.1 The "Seahope" was the first vessel to come to the assistance of the Bara Segal and remained in close proximity to same until directed by the coast guard to proceed on her interrupted voyage.
- 5.2 Rosslare Lifeboat was tasked and arrived at the "Bara Segal" at approximately 0440 Hrs.
- 5.3 Rosslare Lifeboat towed this vessel into Rosslare Harbour.
- 5.4 The "Seahope" did not stop after the collision and proceeded for approximately 30 minutes before establishing radio contact at which time the "Seahope" informed the Coast Guard that it was involved in an incident and was returning to offer assistance.

6. CONCLUSIONS AND FINDINGS

- 6.1 This collision involved two vessels in open sea. The weather according to both vessels was not a factor. According to both vessels visibility was good. (See Appendix I - weather report from Met Eireann.)
- 6.2 According to the second mate and the lookout on watch on the "Seahope" the second mate tried on several occasions prior to the collision to contact the 'other' vessel on VHF. There is no recording on the Irish Coast Guard archive disc of transmissions between 0101 and 0318 local time of any call by the vessel "Seahope" on VHF channel 16.
- 6.3 The second mate did not call the master of the "Seahope" before the incident. The Master was called a few minutes after the incident.
- 6.4 The "Seahope" did not have a copy of the largest scale chart on board, BA Chart 1787 'Carnsore Point to Wicklow Head'. The Chart in use at the time of the collision was BA 2049. BA 2049 is a general chart for the southeast coast of Ireland.
- 6.5 The "Bara Segal" was not using a chart at the time of collision and no positions were recorded.
- 6.6 The VTS recordings from Rosslare indicate that the "Seahope" made a large alteration to starboard at the approximate time of the collision. The course recorder printout on the "Seahope" shows this also. The "Seahope" entered the radar coverage sector of the VTS at approximately the same time as the collision. The "Bara Segal" being a relatively small target did not appear on the VTS screen. (It should be noted that the VTS in Rosslare is used for monitoring vessel movement to and from Rosslare port and the VTS has no function in monitoring or controlling through traffic within the VTS radar coverage)
- 6.7 The second mate on the "Seahope" was unsure as to whether a collision had taken place. The vessel "Seahope" did not take action initially and proceeded for approximately thirty minutes before establishing radio contact. The vessel did not reply to the initial mayday broadcast from the "Bara Segal". The Master on the "Seahope" states that at approximately 0327 Hrs he heard the Mayday Message from the Coast Guard and responded at this time informing the Coast Guard that he was involved in an incident and was returning to offer assistance.
- 6.8 The statements of the second mate and the Master of the "Seahope" have inconsistencies when compared to VHF transcripts. There is no record of the 'attempts' made by the second mate to contact the "Bara Segal" on VHF Channel 16 prior the collision. The second mate on the "Seahope" said that he tried to contact the 'other' vessel by VHF when it was approximately seven miles off. With no other traffic to complicate matters it is difficult to understand why a relatively slow moving target should cause the second mate such concern. The Master said that he responded to the Mayday at 0327Hrs. The first recording of any radio broadcast from the "Seahope" was at 0353 Hrs.

- 6.9 The "Bara Segal" tried to contact the "Seahope" immediately after the collision on VHF Channel 16 at approximately 0314 Hrs. The wording of the transmission indicates that it would have been difficult for any vessel to understand who the "Bara Segal" was trying to call.
- 6.10 Both vessels maintain that visibility was good. However, Rosslare lifeboat, when proceeding to the scene, estimated visibility at two miles approximately. The Met Eireann weather report states that visibility was moderate to poor.
- 6.11 The Watchkeeper on the "Bara Segal" said that he saw a green sidelight on the "Seahope" when it was approximately four miles away. This would indicate that the "Bara Segal" had already crossed the course line ahead of the "Seahope" and it is difficult to understand how a collision would have then occurred unless the "Seahope" had only seen the "Bara Segal" at a late stage and decided to make a large alteration of course to starboard without properly assessing the situation. The "Bara Segal's" estimation of the distance off of the "Seahope" would then also have to be questioned. The Watchkeeper and the engineer on the "Bara Segal" state that they were in the wheelhouse at the time of the collision and did not see the "Seahope" approaching. This would indicate that when the "Seahope" struck it was coming up on the "Bara Segal" from abaft their beam.
- 6.12 It is possible that the second officer on the "Seahope" may have lost sight of the "Bara Segal" and took action when he saw the ARPA vector altering to port.
- 6.13 The "Bara Segal" failed to comply with Rule 5, Look-Out. The Watchkeeper on the "Bara Segal" did not see the "Seahope" collide with his vessel.
- 6.14 The "Bara Segal" failed to comply with Rule 15, Crossing Situation. It is likely the "Bara Segal" crossed too close ahead of the "Seahope"
- 6.15 The "Bara Segal" failed to comply with Rule 7, Risk of Collision. The Watchkeeper on the "Bara Segal" indicated that he "pulled the vessel away to port". This indicated some concern on his behalf but there is no indication that the Watchkeeper determined if risk of collision existed in this case.
- 6.16 The "Bara Segal" failed to comply with Rule 8, Action to avoid collision. The Watchkeeper on the "Bara Segal" indicated that he "pulled the vessel away to port a few degrees". Rule 8 states that any action taken to avoid a collision shall, if the circumstances of the case admit be positive, made in ample time and with due regard to the observance of good seamanship.
- 6.17 The "Bara Segal" did not comply with Rule 10, Traffic Separation Schemes. The "Bara Segal" did not take into account the Traffic Separation Scheme off Tuskar Rock when plotting course to the fishing grounds and proceeded as if the scheme did not exist.

CONCLUSIONS

- 6.18 The "Seahope" may have failed to comply with Rule 5. Had the "Seahope" kept a good lookout and made a full appraisal of the situation it is difficult to understand why this collision occurred.
- 6.19 The "Seahope" failed to comply with Rule 8, Action to avoid collision. The action the "Seahope" took was not made in ample time.
- 6.20 The "Seahope" may have failed to comply with Rule 17, Action by Stand On Vessel. The stand on vessel may take action if the give way vessel is not taking appropriate action in compliance with Rules.
- 6.21 Neither of the vessels made appropriate whistle signals as per Rule 34.
- 6.22 Whether or not the second mate on the "Seahope" tried to use the VHF to contact the "Bara Segal" prior the collision is in doubt. However, there is no indication in the International Regulations for Preventing Collisions at Sea that VHF may be used for Collision avoidance.
- 6.23 There is some confusion regarding action on board the "Seahope" after the collision but in any event the vessel failed to reply to a Mayday Broadcast initially and continued on her voyage despite being unsure as to whether or not a collision occurred.

7. RECOMMENDATIONS

- 7.1 All persons taking charge of a navigational watch should have a good knowledge of the International Regulations for Preventing Collisions at Sea. At present fishing vessels of 17 metres to 24 metres registered length are required to carry one certificated deck officer. Where a fishing vessel is proceeding to sea for more than a 24-hour period at least two certificated deck officers should be carried.
- 7.2 It is recommended that the Malta Maritime Authority be advised that the "Seahope" did not respond to a distress broadcast as required by SOLAS and a copy of this Report be forwarded to them.
- 7.3 The use of VHF to assist in collision avoidance in open seas outside port limits should be avoided. (VHF can be used effectively by suitably trained VTS personnel and by Pilot to Pilot in congested waters) The International Regulations for Preventing Collisions at Sea are required to be complied with at all times.

8. APPENDICES

8.1: Weather Report from Met Eireann

8.2: International Regulations for preventing collisions at Sea mentioned in the report.

8.3 Correspondence:

(a) Letter Philip Wm Bass & Co. dated 28th July 2003

8.1: Weather Report from Met Éireann



MET ÉIREANN
The Irish Meteorological Service

APPENDIX 8.1

Glasnevin Hill,
Dublin 9, Ireland.

Cnoc Ghlas Naíon,
Baile Átha Cliath 9, Éire.
www.met.ie

Tel: +353-1-806 4200
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**Weather Report for the sea area off the south-east coast of Ireland
near Tuskar Rock
on the 14th August 2002
between 0 and 3 hours UTC(GMT).**

Winds: south-south-west Force 4 to 6
Weather: cloudy, some mist and drizzle
Visibility: moderate to poor
Seastate: Moderate – approximately 1.5 metres significant wave height.

APPENDIX 8.1

CONTD.

BEAUFORT SCALE OF WIND

BEAUFORT NUMBER	DESCRIP-TIVE TERM	VELOCITY EQUIVALENT AT A STANDARD HEIGHT OF 10 METRES ABOVE OPEN FLAT GROUND				SPECIFICATIONS			Probable wave height* in metres	Probable wave height* in feet
		Mean velocity in knots	m s ⁻¹	km h ⁻¹	m.p.h.	Land	Sea	Coast		
0	Calm	< 1	0-0.2	< 1	< 1	Calm; smoke rises vertically	Sea like a mirror	Calm	—	—
1	Light air	1-3	0.3-1.5	1-5	1-3	Direction of wind shown by smoke drift but not by wind vanes	Ripples with the appearance of scales are formed, but without foam crests	Fishing smack just has steerage way	0.1 (0.1)	¼ (¼)
2	Light breeze	4-6	1.6-3.3	6-11	4-7	Wind felt on face; leaves rustle; ordinary vanes moved by wind	Small wavelets, still short but more pronounced; crests have a glassy appearance and do not break	Wind fills the sails of smacks which then travel at about 1-2 knots	0.2 (0.3)	½ (1)
3	Gentle breeze	7-10	3.4-5.4	12-19	8-12	Leaves and small twigs in constant motion; wind extends light flag	Large wavelets; crests begin to break; foam of glassy appearance; perhaps scattered white horses	Smacks begin to careen and travel about 3-4 knots	0.6 (1)	2 (3)
4	Moderate breeze	11-16	5.5-7.9	20-28	13-18	Raises dust and loose paper; small branches are moved	Small waves, becoming longer; fairly frequent white horses	Good working breezes, smacks carry all canvas with good list	1 (1.5)	3½ (5)
5	Fresh breeze	17-21	8.0-10.7	29-38	19-24	Small trees in leaf begin to sway; crested wavelets form on inland waters	Moderate waves, taking a more pronounced long form; many white horses are formed (chance of some spray)	Smacks shorten sail	2 (2.5)	6 (8½)
6	Strong breeze	22-27	10.8-13.8	39-49	25-31	Large branches in motion; whistling heard in telegraph wires; umbrellas used with difficulty	Large waves begin to form; the white foam crests are more extensive everywhere (probably some spray)	Smacks have double reef in main-sail; care required when fishing	3 (4)	9½ (13)
7	Near gale	28-33	13.9-17.1	50-61	32-38	Whole trees in motion; inconvenience felt when walking against wind	Sea heaps up and white foam from breaking waves begins to be blown in streaks along the direction of the wind	Smacks remain in harbour and those at sea lie to	4 (5.5)	13½ (19)
8	Gale	34-40	17.2-20.7	62-74	39-46	Breaks twigs off trees; generally impedes progress	Moderately high waves of greater length; edges of crests begin to break into the spindrift; the foam is blown in well-marked streaks along the direction of the wind	All smacks make for harbour, if near	5.5 (7.5)	18 (25)
9	Strong gale	41-47	20.8-24.4	75-88	47-54	Slight structural damage occurs (chimney pots and slates removed)	High waves; dense streaks of foam along the direction of the wind; crests of waves begin to topple, tumble and roll over; spray may affect visibility	—	7 (10)	23 (32)
10	Storm	48-55	24.5-28.4	89-102	55-63	Seldom experienced inland; trees uprooted; considerable structural damage occurs	Very high waves with long overhanging crests; the resulting foam, in great patches, is blown in dense white streaks along the direction of the wind; on the whole, the surface of the sea takes on a white appearance; the tumbling of the sea becomes heavy and shock-like; visibility affected	—	9 (12.5)	29 (41)
11	Violent storm	56-63	28.5-32.6	103-117	64-72	Very rarely experienced; accompanied by wide-spread damage	Exceptionally high waves (small and medium-sized ships might be for a time lost to view behind the waves); the sea is completely covered with long white patches of foam lying along the direction of the wind; everywhere the edges of the wave crests are blown into froth; visibility affected	—	11.5 (16)	37 (52)
12	Hurricane	64 and over	32.7 and over	118 and over	73 and over	—	The air is filled with foam and spray; sea completely white with driving spray; visibility very seriously affected	—	14 (→)	45 (→)

* This table is only intended as a guide to show roughly what may be expected in the open sea, remote from land. It should never be used in the reverse way; i.e., for logging or reporting the state of the sea in enclosed waters, or when near land, with an off-shore wind, wave heights will be smaller and the waves steeper. Figures in brackets indicate the probable maximum height of waves.

Wave Heights:

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 systems associated with a range of significant wave heights. The significant 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 by an experienced seaman when making visual observations of wave height.

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.

STATE OF SEA

Descriptive terms	Height* in metres
Calm	0 - 0.1
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

8.2: International Regulations for preventing collisions at Sea mentioned in the report.

Annex II

International Regulations for Preventing Collisions at Sea mentioned in this report

Rule 5

Lookout

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and or the risk of collision.

Rule 7

Risk of collision.

- (a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there as any doubt such risk shall be deemed to exist.
- (b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observations of detected objects.
- (c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.
- (d) In determining if risk of collision exists the following considerations shall be among those taken into account.
 - § (i) Such risk shall be deemed to exist it the compass bearing of an approaching vessel does not appreciably change.
 - § (ii) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

Rule 8

Action to avoid a collision.

- (a) Any action taken to avoid a collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.
- (b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.
- (c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- (d) Action taken to avoid a collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel in finally past and clear.
- (e) If necessary to avoid collision of allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.
- (f)
 - § (i) A vessel which, by any of these Rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.
 - § (ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Rules of this part.
 - § (iii) A vessel, the passage of which is not to be impeded remains fully obliged to comply with the Rules of this part when the two vessels are approaching one another so as to involve risk of collision.

Rule 10

Traffic separation schemes.

(a) This rule applies to traffic separation schemes adopted by the organisation and does not relieve any vessel of her obligation under any other Rule:

(b) A vessel using a traffic separation scheme shall:

§ (i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

§ (ii) so far as practicable keep clear of a traffic separation line or separation zone;

§ (iii) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.

(d)

§ (i) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20m in length, sailing vessels and vessels engaged in fishing may under all circumstances use inshore traffic zones.

§ (ii) Notwithstanding subparagraph (d) (i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

(e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

§ (i) In cases of emergency to avoid immediate danger.

§ (ii) to engage in fishing within the separation zone.

(f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g) A vessel shall as far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as practicable.

(i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j) A vessel of less than 20m in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k) A vessel restricted in her ability to manoeuvre when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this rule to the extent necessary to carry out the operation.

(l) A vessel restricted in her ability to manoeuvre when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.

Rule 15

Crossing situations.

When two power-driven vessel are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

Rule 17

Action by stand-on vessel.

(a)

§ (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

§ (ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with sub-paragraph

(a) (ii) of this rule to avoid collision with another power-driven vessel shall, if the circumstances at the case admit, not alter course to port for a vessel on her own port side.

(d) This rule does not relieve the give-way vessel of her obligation to keep out of the way.



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APPENDIX 8.3

8.3 Correspondence:

(a) Letter Philip Wm Bass & Co. dated 28th July 2003

<p>9 SOUTH MALL CORK IRELAND</p>	<p><i>Philip Wm. Bass & Co.</i> <i>Solicitors</i> <i>Established 1828</i></p>	<p>Telephone (021) 4270952 Facsimile (021) 4277882 email pwbass@iol.ie Fax (021) 4277882 100, South Mall, Cork, St.</p>
<p>Marine Casualty Investigation Board, 29-31 Adelaide Rd., Dublin 2.</p>		
<p>28th July 2003</p>		
<p>Our Ref: JBOC/MMacS/S.1414</p>		<p>Your Ref: MCIB 9</p>
<p>RE: DRAFT REPORT INTO THE COLLISION BETWEEN THE M.V. 'BARA SEGAL' AND MV 'SEAHOPE'.</p> <hr/>		
<p>Dear Sirs,</p>		
<p>We enclose herewith observations on behalf of the owners and master of the M.V. 'Seahope'.</p>		
<p>Yours faithfully,</p>		
<p> Philip Wm. Bass & Co.</p>		
<hr/> <p>M.J. O'KANE B.A., A.C.I.Arb., J.B. O'CONNOR B.C.L., P.CLUNE B.C.L., J. MURPHY B.C.L. R. Ó CATHÁIN, B.A., LL.B.</p>		

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OBSERVATIONS ON BEHALF OF THE OWNERS OF THE 'M.V. SEA HOPE'
ON THE DRAFT REPORT OF THE M.C.I.B. INTO THE COLLISION BETWEEN
THE M.V. 'BARA SEGAL' AND THE M.V. 'SEA HOPE' 14/08/2002.

Our Ref: JBOC/MMacS/S.1414

28th July 2003

The courses speeds and relevant positions of the two vessels in the 30 minutes or so before the collision indicate that the vessels were crossing and that a close-quarters situation was developing.

Throughout the period that the situation was developing Seahope was showing Bara Segal a red side light and yet those on Bara Segal apparently never observed a red side light. Bara Segal's blatant disregard for rule 5, the most fundamental of all the Collision Regulations, was the cause of that vessel's failure to comply with rules 7,8, 15 and 16 of the Regulations. Ultimately it was the primary cause of the collision.

The report does not make clear that the Seahope was the first vessel to come to the assistance of the Bara Segal and remained in close proximity to same until directed by the coast guard to proceed on her interrupted voyage.

Owner's note the recommendation at paragraph 7.2 of the report. Given the gravity of the allegation contained therein Owners would like confirmation from the MCIB that Owners can have access to the evidence upon which it is based, together with other details of the investigation relevant to this particular issue. Obviously Owners will require such confirmation before publication of the report together with the opportunity to comment further on this aspect. In the absence of such confirmation Owners reserve the right to bring this matter to the attention of any Marine Administration, Marine Organization or other body as Owners deem necessary to ensure that the principles of Natural Justice are complied with.

J B O'C.

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MCIB RESPONSE TO PHILIP WM. BASS & COMPANY, SOLICITORS, LETTER DATED 28TH JULY, 2003

The points raised in the first three paragraphs of this letter have been dealt with in this report (see paragraphs 5.1 and 6.13).

As regards the final paragraph, the MCIB has complied with the requirements of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. The principles of natural justice have been complied with.