



Leeson Lane, Dublin 2.  
Telephone: 01-6782460.  
Fax: 01-6783129.  
email: [info@mcib.ie](mailto:info@mcib.ie)  
[www.mcib.ie](http://www.mcib.ie)

**THE LOSS OF  
MR. PATRICK McCABE  
OVERBOARD FROM  
THE “BOYNE HARVESTER”  
ON 1ST NOVEMBER 2006**

The Marine Casualty Investigation Board was established on the 25<sup>th</sup> March, 2003 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

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**REPORT No. MCIB/132**



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## 1. SYNOPSIS

- 1.1 On 1st November 2006 the FV “Boyne Harvester” had left Dunmore East to fish for cockles off Credan Head in the Waterford estuary. Mr. Patrick McCabe, a crewman on the “Boyne Harvester”, slipped and fell over the stern of the vessel and was drowned.

**2. FACTUAL INFORMATION**

2.1 Registered: Drogheda  
Id Number: DA46  
Steel Hull  
Single Screw

2.2 Engine Details  
6 Cylinder Diesel  
60 kw  
Speed 8kts  
Manufactured by Ford Motor Company  
Date of Manufacture 1986

	Feet	Tenths
Length overall	33	6.5
Length from fore part of stem to the fore side of the rudder stock	30	3.5
Main breadth to outside of plating-	13	1.0
Depth in hold from tonnage deck to ceiling amidships	4	6.5
Round of beam on upper deck	0	0.0
Length of engine room (if any)	9	7.5

Gross Tonnage: - -14.19- tons (-40.16- cubic metres)  
Register Tonnage: - -6.39- tons (-18.08- cubic metres)

2.3 Crew List

2.3.1 Mr. Vincent Mulligan, Bellurgan, Dundalk, Co. Louth (Part owner);

2.3.2 Mr. Peter Mulligan, Bellurgan, Dundalk, Co. Louth (Part owner);

2.3.3 Mr. Patrick McCabe, (Deceased) Bellurgan, Dundalk, Co. Louth.

## EVENTS PRIOR TO THE INCIDENT

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### 3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The “Boyne Harvester” had been moored alongside at Dunmore East at completion of fishing on the previous tide.
- 3.2 At approximately 23.00 hours on the 1st November the vessel had left Dunmore East to fish the night tide. Fishing had begun to improve and they were looking forward to a good catch.
- 3.3 The sea was slight and it was a clear night.
- 3.4 The vessel was being steered to the fishing ground by Mr. Peter Mulligan (part owner). Mr. Vincent Mulligan and Mr. Patrick McCabe were off watch.
- 3.5 Mr. McCabe made his way on deck and to the after end of the boat. Mr. Vincent Mulligan who followed him out onto the deck thought he might be checking the mechanical dredge, which was a new piece of equipment that had been put on the boat after local cockle fishermen objected to the use of the suction dredge.
- 3.6 Mr. McCabe had been taken on as an extra crewman to help manage the heavier mechanical dredge equipment.
- 3.7 The vessel was just to the North of Credan Head, a large rocky outcrop to the west of the Waterford estuary and North of Dunmore East. There is adequate water for a vessel with a shallow draft to pass very close inshore at the headland.
- 3.8 Mr. McCabe was wearing jeans and a builder’s yellow padded jacket.
- 3.9 None of the crew were wearing personal flotation devices (PFD’s).

#### 4. THE INCIDENT

- 4.1 Mr. Vincent Mulligan observed Mr. McCabe topple into the sea from the stern of the boat.
- 4.2 Mr. Vincent Mulligan ran to the stern and shouted to Mr. Peter Mulligan to reverse.
- 4.3 Vincent Mulligan could see Mr. McCabe in the water and heard him shout “Vincent! Hurry”
- 4.4 As he put the boat into reverse Mr. Peter Mulligan saw Vincent throw a rope at Mr. McCabe but it fell short.
- 4.5 Peter stopped the engines fearing that Mr. McCabe would be caught in the propeller but continued to go astern when he saw that Mr. McCabe was clear of the stern.
- 4.6 Peter again stopped the engines and as Vincent was recoiling the rope to make a second throw Peter ran to the stern and threw a lifebelt at Mr. McCabe. It fell within three to five feet of Mr. McCabe but he appeared to make no attempt to reach it.
- 4.7 Mr. Vincent Mulligan threw the rope a second time and it fell across Mr. McCabe as he sank below the water.
- 4.8 The Mulligan’s could see Mr. McCabe sinking vertically with his arms raised over his head and making no body movement.

### 5. EVENTS AFTER THE INCIDENT

- 5.1 Mr. Peter Mulligan quickly returned to the wheelhouse and broadcast a Mayday.
- 5.2 Both men put PFD's on at this time.
- 5.3 The Irish Coast Guard received the Mayday at 23.48 hours.
- 5.4 Rescue Helicopter R117 was tasked to the area and a Mayday Relay was broadcast.
- 5.5 An extensive search was begun in the area around Credan Head initially.
- 5.6 The "Boyne Harvester" returned to Dunmore East at 04.22 hours on the 2nd November.
- 5.7 This search area was broadened over the coming days to take in most of the East Waterford and Wexford coast. No trace of Mr. McCabe was found.
- 5.8 On the 26th November 2006 a body was recovered at Pwllheli on the coast of Wales and identified as Mr. McCabe.



## 6. CONCLUSIONS

- 6.1 Mr. McCabe had no basic survival training and was not wearing a lifejacket or a PFD.
- 6.2 None of the crew of the “Boyne Harvester” were wearing personal flotation devices at the time of the incident.
- 6.3 Mr. McCabe could not swim and was wearing clothing that had no buoyancy properties.
- 6.4 At an inquest held in the United Kingdom, it was deemed that death was as a result of drowning but could possibly have been caused by heart failure due to cold-water shock.

## 7. RECOMMENDATIONS

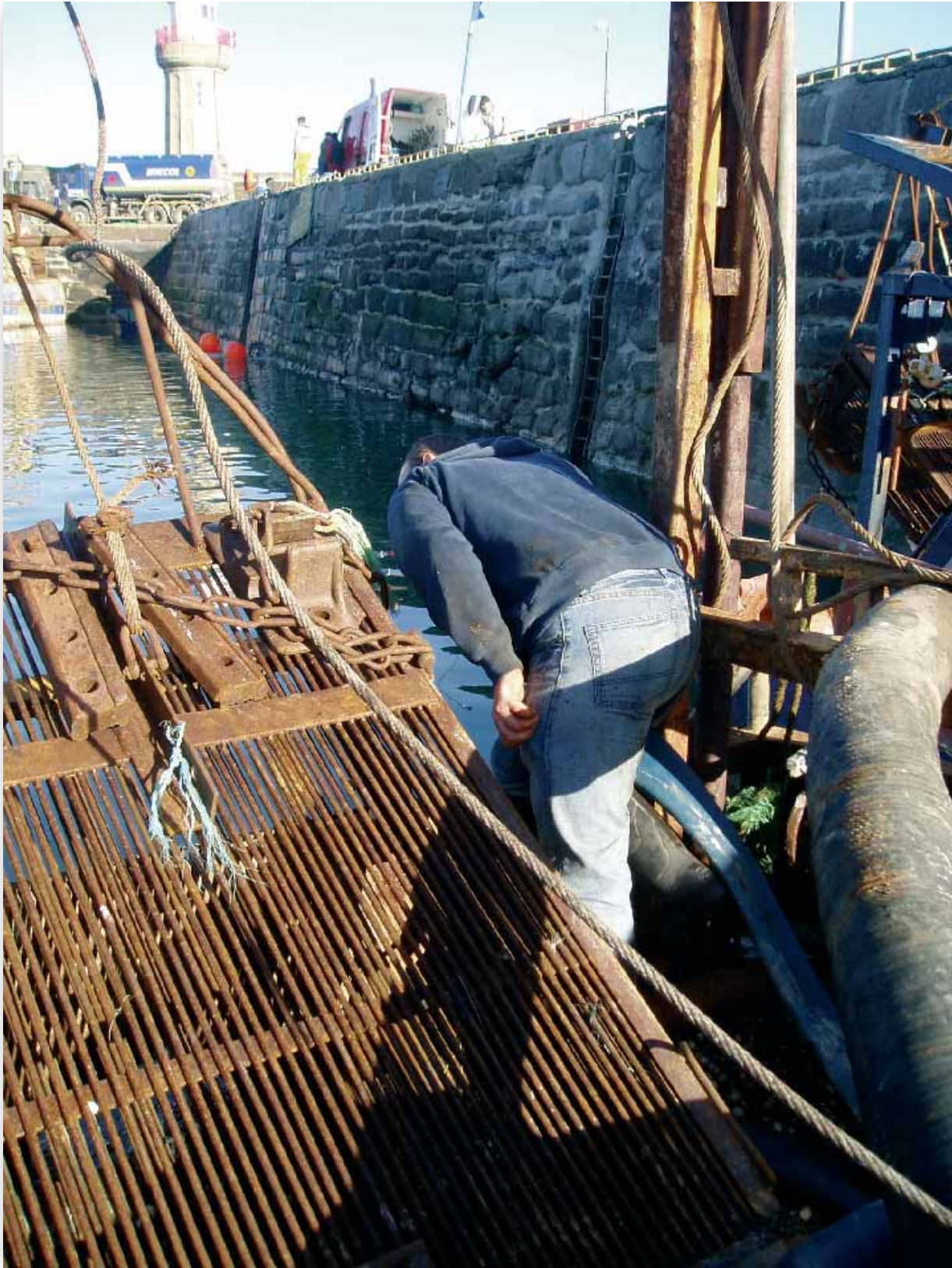
- 7.1 There needs to be enforcement of the Fishing Vessel (Personal Flotation Devices) Regulations 2001, S.I. 586 of 2001 and Fishing Vessel (Basic safety Training) Regulations 2001, S.I. 587 of 2001.

**8. LIST OF APPENDICES**

- 8.1 Photograph showing Mr. McCabe's location before he fell overboard.
- 8.2 Photograph showing the height of the guard rail on the starboard side of the "Boyne Harvester".
- 8.3 S.I. No 586 of 2001 - Fishing Vessel (Personal Flotation Devices) Regulations.
- 8.4 S.I. No. 587 of 2001 - Fishing Vessel (Basic Safety Training) Regulations.

## APPENDIX 8.1

Appendix 8.1 Location of Mr. McCabe just before he fell overboard.





Appendix 8.2 Starboard side aft of Boyne Harvester showing the height of the guard rail on the starboard side and the comparatively low gunwale on the stern of the vessel.



### Appendix 8.3. S.I. No. 586 of 2001

#### S.I. No. 586 of 2001

##### Fishing Vessel (Personal Flotation Devices) Regulations, 2001

I, FRANK FAHEY, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by [section 19 of the Merchant Shipping Act, 1992](#), as amended by section 44 of the Merchant Shipping (Investigation of Marine Casualties) Act, and the Marine (Alteration of Name of Department and Name of Minister) Order 1997 ([S.I. No. 301 of 1997](#)), hereby make the following Regulations:

##### Citation and commencement

1. (1) These Regulations may be cited as the Fishing Vessel (Personal Flotation Devices) Regulations, 2001.
- (2) These Regulations come into operation on 1 March 2002.

##### Interpretation

2. (1) In these Regulations, unless the context otherwise requires:
  - *crew member*” means the skipper or any other person gainfully employed or engaged by the owner or skipper in any capacity on board a fishing vessel;
  - “*fishing vessel*” means any vessel designed, equipped or used commercially for catching or taking fish or other living resources of the sea (including the sea bed) but does not include a boat that is registered under the law of any State, other than the State;
  - *suitable personal flotation device*□ means a flotation device —
    - (a) sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered where the vessel on which it is required to be used is reasonably likely to be,
    - (b) which is appropriate to the body weight of the person who is to wear it and also to the type of work being done, and
    - (c) which has on it the CE conformity marking consisting of the initials □CE□ taking the form of the specimen given in Annex IV of Council Directive 89/686/EEC of 21 December 1989<sup>1</sup> (as amended by Council Directive 93/68/EEC of 22 July 1993<sup>2</sup> and Council Directive 96/58/EC of the European Parliament and the Council of 3 September 1996<sup>3</sup>).

Appendix 8.3 (cont). S.I. No. 586 of 2001

**Application**

3. These Regulations apply to all crew members of fishing vessels.

**Selection, Carriage and Wearing of Personal Flotation Devices**

4. Every fishing vessel shall carry a suitable personal flotation device for every person on board. The personal flotation device shall be worn at all times by the crew of the fishing vessel, when on the exposed deck of the vessel, or, in the case of open undecked vessels, on board the vessel, whether at sea, in harbour or coming to and from moorings.
5. The skipper of a fishing vessel shall take all reasonable steps to ensure that all crew members wear a personal flotation device when on deck of the vessel, or, in the case of open undecked vessels, on board the vessel, whether at sea, in harbour or coming to and from moorings.



GIVEN under my Official Seal

this 14<sup>th</sup> day of December 2001

Frank Fahey

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Minister for the Marine and Natural Resources

Pn No. 10942

Price £0.60 \_ 0.76

### Appendix 8.3 (cont). Explanatory Note

#### EXPLANATORY NOTE

**(THIS NOTE IS NOT PART OF THE INSTRUMENT AND DOES NOT PURPORT TO BE A LEGAL INTERPRETATION)**

These Regulations require all crew members of a fishing vessel to wear a personal flotation device at all times when on the deck of any fishing vessel or boat irrespective of its size, whether at sea, in harbour or coming to and from moorings.

O.J. No. L.399, 30.12.89, p.18

O.J. No. L.220, 30.8.93, p. 1

O.J. No. K.236, 18.9.96, p.44

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Appendix 8.4. S.I. No. 587 of 2001

**S.I. No. 587 of 2001**

**Fishing Vessel (Basic Safety Training) Regulations, 2001**

I, FRANK FAHEY, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 19 of the Merchant Shipping Act, 1992, as amended by section 44 of the Merchant Shipping (Investigation of Marine Casualties) Act, and the Marine (Alteration of Name of Department and Name of Minister) Order 1997 (S.I. No. 301 of 1997), hereby make the following Regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Fishing Vessel (Basic Safety Training) Regulations, 2001.
- (2) These Regulations come into operation on 1 March 2002.

**Interpretation**

2. (1) In these Regulations, unless the context otherwise requires:

*basic safety training* shall be construed in accordance with Regulation 4;

*BIM* means Bord Iascaigh Mhara;

*BIM Commercial Fishing Training Record Book* means a book, as approved by the Minister and issued by BIM, containing a record of all fisheries-related certificates and qualifications awarded;

*crew member* means the skipper or any other person gainfully employed or engaged by the owner or skipper in any capacity on board a fishing vessel;

*fishing vessel* means any vessel designed, equipped or used commercially for catching or taking fish or other living resources of the sea (including the sea bed) but does not include a vessel that is registered under the law of any State, other than the State;

*new entrant* means a person who is for the first time gainfully employed or engaged as a crew member;

*servicing crew member* means a crew member who is not a new entrant.

### Appendix 8.4 (cont). S.I. No. 587 of 2001

- (2) In these Regulations, unless otherwise indicated-
  - (a) a reference to a Regulation is a reference to a Regulation of these Regulations;
  - (b) a reference to a paragraph is to a paragraph of the Regulation in which the reference occurs.

#### **Application**

- 3. (1) Subject to paragraph (2), these Regulations apply to all crew members of fishing vessels.
- (2) These Regulations do not apply to a crew member who can provide evidence of having completed approved training in Personal Survival Techniques, First Aid and Fire Fighting required for fishing vessel officer certificates of competency issued under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988 (S.I. No. 289 of 1988).
- (3) Crew members complying with (2) of this Regulation are eligible for the issuance of a BIM Commercial Fishing Training Record Book on completion of an application form signed by the applicant, the details of which are verified by an authorised BIM official.

#### **Basic Safety Training**

- 4. (1) Every crew member of a fishing vessel shall undertake basic safety training as set out in this Regulation.
- (2) Basic safety training shall consist of the following 3 training units-
  - (a) personal survival techniques, including man overboard techniques,
  - (b) elementary first aid, and
  - (c) fire prevention, health and safety training,and shall be held in such establishments, to such standards, under such conditions and for such duration as BIM may approve and determine.
- (3) The dates by which basic safety training must have been completed by each crew member are specified in the Table to this Regulation.
- (4) A crew member who has not successfully completed basic safety training by the date specified in the Table shall not work on board a fishing vessel.

Appendix 8.4 (cont). S.I. No. 587 of 2001

**TABLE**

<b>Category of crew members</b>	<b>Date by which the safety training must be completed before going to sea</b>
New entrants	
Serving crew members born on or after 1 March 1982	Before 1 March 2003
Serving crew members born between 1 March 1976 and 28 February 1982 inclusive	Before 1 March 2004
Serving crew members born between 1 March 1971 and 29 February 1976 inclusive	Before 1 March 2005
Serving crew members born between 1 March 1966 and 28 February 1971 inclusive	Before 1 March 2006
Serving crew members born between 1 March 1961 and 28 February 1966 inclusive	Before 1 March 2007
Serving crew members born before 1 March 1961	Before 1 March 2008

**BIM Commercial Fishing Training Record Book**

5. (1) On successful completion of the basic safety training defined in paragraph 4(2), a Commercial Fishing Training Record Book shall be issued to each participant by BIM on completion of an application form signed by the applicant, the details of which are verified by an authorised BIM official.
- (2) All fisheries-related certificates and qualifications issued by the appropriate authorities shall be verified and recorded in the BIM Commercial Fishing Training Record Book by an authorised BIM official.

(L.S.)

GIVEN under my Official Seal

this 14<sup>th</sup> day of December 2001

Frank Fahey

Minister for the Marine and Natural Resources

Pn No. 10942  
Price £0.60 \_ 0.76

### Appendix 8.4 (cont). Explanatory Note

#### EXPLANATORY NOTE

**(THIS NOTE IS NOT PART OF THE INSTRUMENT AND DOES NOT PURPORT TO BE A LEGAL INTERPRETATION)**

These Regulations require all crew members of a fishing vessel to undertake basic safety training before going to sea for the first time and also require all serving crew members to undertake basic safety training on a phased basis between 2003 and 2008.