



**REPORT INTO THE CAPSIZE OF  
A 4.6 METRE ANGLING BOAT  
AT FERMOYLE BEACH,  
BRANDON BAY, CO. KERRY  
ON THE  
23RD SEPTEMBER 2003,  
WITH THE LOSS OF ONE LIFE.**

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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## 1. SYNOPSIS.

- 1.1 On the 23rd September 2003, at around midday, Mr. David Ward, Mr. Timothy Ward and Mr. John Callaghan backed a new O'Sullivan Marine angling boat onto the beach at Fermoy House, Brandon Bay, Co. Kerry. The Boat was detached from the towing trailer and pushed into heavy surf by the crew. The boat had made a short distance from the beach when she was turned and an attempt was made to return to shore. The vessel capsized a short distance from the beach and with some difficulty David Ward and John Callaghan made it ashore but Timothy Ward was lost.

## 2. FACTUAL INFORMATION

- 2.1 The vessel was a 4.6 meter long O'Sullivan Marine 460 day angler. She had a beam of 1.6 meters and a shallow draft of 0.5 meters or less. She was a new boat having been purchased in March by Mr. John Callaghan direct from O'Sullivan Marine.
- 2.2 The boat had a Tomatsu 9.8 hp petrol outboard motor steered from the after seat.
- 2.3 The vessel had an anchor attached to 2 meters of chain, detachable petrol fuel tank (almost full), two Valeria Giorgia Hurricane 150n inflatable lifejackets (both inflated at time of examination) and 20 meters of good quality 10mm nylon line.
- 2.4 The vessel was fitted with a permanent buoyancy compartment between the floor and keel.
- 2.5 The boat had a cuddy bolted to the forepart of the structure. This had been broken from the hull after the capsized but had been recovered with the boat.
- 2.6 Mr. Callaghan had purchased a portable VHF radio but it was faulty and had been returned to the dealers for repair or replacement and was not in the boat on that day. The boat was not supplied with oars or rowlocks.

### 2.7 Boat Crew

The boats owner  
Mr. John Callaghan

Mr. Timothy Ward

Mr. David Ward

### 2.8 Witnesses

Mr. Vincent McKiernan

Mr. Tony Murch

Mrs. Mary Murch

## EVENTS PRIOR TO THE INCIDENT

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### 3. EVENTS PRIOR TO THE INCIDENT

- 3.1 John Callaghan had no boating experience prior to purchasing the O'Sullivan Marine 460. Subsequent to buying the boat it had been launched 2 to 3 times a week prior to the events of the 23rd September 2003.
- 3.2 Mr. Callaghan could swim but did not swim regularly.
- 3.3 Timothy Ward was a friend and neighbour of Mr. Callaghan. He had been a sea angler for about 15 years and fished regularly from angling boats operating off the Kerry coast. He had no formal training in seamanship or survival but probably had the most experience of small boats in the group. He had accompanied Mr. Callaghan on all expeditions since the purchase of the O'Sullivan 460. He could not swim.
- 3.4 David Ward was a nephew of Timothy Ward and a keen angler. David Ward is physically fit and a good swimmer. He can only communicate in sign language, as he is deaf and mute. David Ward has no training in seamanship or survival at sea.
- 3.5 The trio arrived at Fermoy beach at about 1200 hours. The boat and trailer were towed by van, and various items of clothing and mobile phones were left in the van which was driven clear of the beach prior to launching.
- 3.6 The wind was NWly Force 4, which caused a high swell in Brandon Bay. Surf of 2 meters in height was predicted but eyewitness statements indicate that surf of 3 meters was experienced close to the beach. Conditions further out to sea clear of the surf line were moderate.
  - 3.6.1 Brandon Bay is open to the North and is exposed to the full violence of Atlantic swell but affords good shelter for small boats in winds from SW to W (ref. Admiralty Sailing Directions, Irish Coast Pilot, 9.14).
- 3.7 To launch the boat it was necessary to push the boat out into the swell, which necessitated boarding the boat while she was underway.
- 3.8 Timothy Ward wore hip waders while assisting in this manoeuvre. John Callaghan wore wellingtons and David Ward runners. Outer clothing worn by all three during the launching consisted of jean type trousers and pullovers.
- 3.9 David Ward boarded first followed by John Callaghan and then Timothy Ward.
- 3.10 John Callaghan took control of the outboard and steering of the boat.

## 4. THE INCIDENT

- 4.1 The boat was immediately subjected to violent motion and a discussion appears to have taken place between Timothy Ward and John Callaghan about the putting on of the two lifejackets. David Ward stated that it was not possible to reach the jackets, which were in a fish box in the forward section, due to the extremely violent motion of the boat.
- 4.2 The boat hit two particularly large waves, which caused it to be thrown high into the air and clear of the waves on each occasion. During one of these gyrations the forward window of the cuddy was smashed and David Wards head was struck by debris, opening a superficial wound in his forehead.
- 4.3 Timothy Ward and John Callaghan decided to return to shore and in a lull in the sea the vessel was turned about. Halfway through this action, with the vessel broadside on to the weather it was again caught by a large wave and capsized throwing all three men into the water.
- 4.4 John Callaghan and Timothy Ward found themselves clinging to the upturned boat while David Ward was trapped for a short time under the hull. John Callaghan struck out for the shore to raise the alarm leaving Timothy Ward with the boat.
- 4.5 Timothy Ward was joined on the upturned hull by David Ward who had managed to extricate himself from underneath the boat. Both men were finding it very difficult to hold on due to the turbulence of the water and at some point Timothy Ward lost his hold on the boat. David Ward was unable to support him.
- 4.6 Timothy Ward was last seen alive by David Ward, who described him as attempting to swim and then disappeared beneath the waves.

## EVENTS AFTER THE INCIDENT

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### 5. EVENTS AFTER THE INCIDENT

- 5.1 John Callaghan was assisted from the water by a group of beach anglers who subsequently pulled David Ward from the sea. David Ward tried to direct other beach users as to the possible location of the third member of the group. Mr. Callaghan was described as being in a bad way when rescued, while David Ward was very agitated and tried to get back into the water. The rescuers were unaware at this time of David Ward's physical disability but later surmised that he was trying to tell them about the third man.
- 5.2 The launching of the boat had been observed by Vincent McKiernan, Tony Murch and Mary Murch who were beach casting (fishing with rods and line into the surf) at the time. They witnessed the boat being thrown into the air and subsequently disappearing from view and Mr. McKiernan immediately rang the Coast Guard on his mobile phone. All three made their way quickly along the strand and waded into the surf to first pull John Callaghan and subsequently David Ward to safety.
- 5.3 Valentia Coast Guard logged the initial mobile call from Vincent McKiernan at 12.33 hours with an on scene report of the recovery of Timothy Ward at 12.58 hours.
- 5.4 Vincent McKiernan and Tony Murch waded into the surf with a third unidentified man to search under the hull of the upturned boat believing that Timothy Ward was trapped beneath. They were frustrated in this enterprise by the force of the waves and the depth of water, which caused the upturned boat to surge dangerously.
- 5.5 Timothy Ward's body was recovered from the sea shortly thereafter approximately 100 meters down the beach from where the two survivors were recovered.
- 5.6 Timothy Ward's body was pulled from the water by a group of young American tourists and was brought ashore just as an ambulance and paramedics arrived. They attempted to resuscitate Mr. Ward. This proved unsuccessful.
- 5.7 The body of Timothy Ward was transported to Tralee General Hospital by ambulance and the two survivors were flown to Tralee General Hospital by helicopter R115. Both were suffering from mild hypothermia and while David Ward made a rapid recovery John Callaghan was admitted to hospital suffering from pneumonia.
- 5.8 Dingle Coast Guard Unit recovered the boat and trailer and brought it to Castlegregory Garda Station. During the next few days various items of clothing, equipment and fishing gear were recovered from the beach.



## 6. CONCLUSIONS AND FINDINGS

- 6.1 The Sullivan 460 is a light dinghy type fishing boat suitable for use in sheltered or calm conditions close to shore. The boat was never intended for use in heavy surf.
- 6.2 Launching boats into surf is a very hazardous undertaking requiring great skill and experience. It was a matter of pure luck that on this occasion the three crew were initially even able to get clear of the beach.
- 6.3 Fermoyle Beach is a broad expanse of sand with a shallow gradient. Swell rolling into the beach increases in height rapidly as it reaches the shallows losing its energy suddenly in violent surf. Once clear of the surf line the sea conditions are calmer. Had the boat proceeded further from the shore it might have turned in relative safety. However beaching the vessel would have been extremely hazardous particularly as the boat had no oar (a prerequisite for beaching a boat in surf) with which to augment steering.
- 6.4 Timothy Ward was wearing thigh waders when he was thrown into the water. These would have filled with water and pulled the wearer under, however experienced anglers are practiced at kicking off waders when they become immersed in water. When Timothy Ward's body was recovered from the water the waders were not attached to his feet. This indicates that he had managed to kick them off. Nevertheless they would have created a drain on his physical reserves until they were removed.
- 6.5 All three men would have suffered cold water shock on entering the water and as a consequence inhaled sea water.
- 6.6 Lifejackets were not worn by any occupant of the boat at any stage. Once in the water it would not have been possible to put the lifejackets on. There were only two lifejackets onboard.
- 6.7 David Ward stated that he would not have survived had he let go of his hold on the vessels forward fender. He still found it necessary to take heroic steps to breathe in the surf then surging about the upturned hull. The reserve buoyancy in the hull of the boat was a major factor in David Ward's survival.
- 6.8 The absence of a VHF radio had no bearing on this incident as the progress of the boat was being watched by people on the beach who phoned the Irish Coast Guard immediately the vessel was seen to disappear. When the boat capsized the radio would almost certainly have been lost. Mr. Callaghan had no radio licence (VHF) but was aware of the use of the VHF radio to obtain weather forecasts and general safety messages.
- 6.9 The presence and quick reaction of Mr. and Mrs. Murch and Mr. Vincent McKiernan were significant in the saving of David Ward and John Callaghan and enabled the fast response of the Irish Coast Guard.

## 7. RECOMMENDATIONS

7.1 It is recommended that persons taking a boat into open water, including lakes, rivers and estuaries should have received appropriate instruction and be competent in navigation, seamanship and survival at sea. \*

7.2 A minimum equipment standard for all pleasure craft should be established, adhered to and monitored. \*

7.3 No craft should proceed to sea without a radio capable of transmitting on the marine wavebands. \*

\* The MCIB notes that the Minister for Communications, Marine and Natural Resources has recently introduced a Draft Code of Safety Practice for Recreational Craft.

7.4 All vessels should have sufficient suitable lifejackets or personnel flotation devices for all passengers. Such lifejackets or PFD's should be worn by all people on board at all times. \*\*

\*\* The MCIB notes that the Minister for Communications, Marine and Natural Resources has recently introduced draft legislation covering the compulsory wearing of lifejackets and/or personal flotation devices (PFD's).



7.5 It is recommended that persons launching small craft from slipways or from the shore should pay attention to, and take account of, swell, breaking surf and weather.

**8. LIST OF APPENDICES**

- 8.1 Weather Report from Met Eireann.
- 8.2 Photographs of the angling boat.

## Appendix 8.1

Weather Report from Met Eireann.

	<p>WeatherDial Fax Product Code 0021 General Forecast Division Fax: 1570 131 838 Sea Area Forecast</p>	
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Sea Area Forecast until : 1200 hours Wednesday, 24-Sep-2003  
Issued at 1200 hours Tuesday, 23-Sep-2003

[NB: Met Eireann's Small Craft Warning service for 2003 ends on September 30th]

**1. Gale warning: NIL**

Small Craft warning: in operation

**2. Meteorological Situation at 11am :** A Northwesterly airflow over Ireland will ease as an anticyclone moves along the South coast later today. A weak warm front will brush the North coast.

**3. Forecast for coasts from Slyne Head to Malin Head to Belfast Lough:**

Wind : Northwest force 4 or 5. Decreasing Westerly force 4 this afternoon. Increasing Southwest force 5 or 6 tonight.

**Forecast for coasts from Belfast Lough to Howth Head to Hook Head and including the Irish Sea:**

Wind : Northwest force 5 decreasing West to Southwest force 3 or 4 by early tonight. Veering Southwest tomorrow.

**Forecast for coasts from Hook Head to Mizzen Head to Slyne Head:**

Wind : Northwest force 4 decreasing West or Variable force 2 or 3 this afternoon. Becoming Southerly tomorrow and increasing force 3 or 4.

**Weather for all sea areas :** Isolated showers dying out, but some drizzle developing along Northern coasts.

**Visibility for all sea areas:** Moderate in drizzle, otherwise good.

**4. Outlook for a further 24-hours until 1200 hours, Thursday, 25-Sep-2003 :**

Moderate to fresh Southerly winds with mainly fair weather.

12  
15

**Warning of heavy Atlantic swell : NIL**

**Text of Gale warning**

**NIL**

**Text of Small Craft Warning**

The following Small Craft Warning has been issued by Met Éireann at 11:00 hours on 23-Sep-2003  
 Southwest winds will reach force 6 at times tonight and tomorrow on coasts from Slyne Head to Malin Head to Belfast Lough.

Coastal Reports	at 12 Noon
Malin Head	Northwest, 18 Knots, Gust 36 Knots, Fair, 24 Miles, 1022, Rising
Rosslare	North-Northwest, 14 Knots, Fine, 32 Miles, 1025, Rising
Roches Pt (Automatic)	North, 10 Knots, Greater than 10 Miles, 1026, Rising slowly
Valentia	North-Northwest, 06 Knots, Fair, 21 Miles, 1027, Rising slowly
Belmullet	West, 02 Knots, Recent rain shower, 16 Miles, 1025, Rising slowly
Dublin Airport	Northwest, 12 Knots, Fair, 26 Miles, 1024, Rising
Buoy M1 53.1N, 11.2W	West-Northwest, 09 Knots, WAVE HT 04.3 m, 1027, Rising slowly
Buoy M2 53.5N, 5.4W	Northwest, 15 Knots, WAVE HT 01.8 m, 1023, Rising
Buoy M3 51.2N, 10.50W	North, 07 Knots, WAVE HT 03.4 m, 1027, Rising slowly
Buoy M4 54.7N 9.1W	West, 12 Knots, WAVE HT 03.3 m, 1024, Rising slowly

Sea Crossings	State of sea for the next 48 hours
Dublin - Holyhead	Moderate decreasing slight
Rosslare - South Wales	Moderate decreasing slight
Cork - South Wales	Moderate to rough decreasing slight to moderate
Rosslare - France	Rough decreasing moderate
Cork - France	Rough decreasing moderate

**Next update before 1900 hours**

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.  
 Calls cost € 0.73 per minute (Incl. VAT).

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WeatherDial Fax Product Code 0021

General Forecast Division

Fax : 1570 131 838

Sea Area Forecast

06<sup>03</sup> ✓  
WEATHERDIAL

09<sup>03</sup> ✓

**Sea Area Forecast until : 0600 hours Wednesday, 24-Sep-2003**

**Issued at 0600 hours Tuesday, 23-Sep-2003**

1. Gale warning: Nil

Small Craft warning: in operation

2. **Meteorological Situation at 03 hours:** An unstable northwest airflow is continuing to weaken as an anticyclone approaches Ireland from the Atlantic. The centre of the anticyclone is expected to move eastwards close to the south coast of the country during this evening and early night.

3. **Forecast for coasts from :** Erris Head to Fair Head to Howth Head and the North Irish Sea

**Wind :** Northwest force 5 or 6, with higher gusts. Decreasing Northwest to West force 4 or 5 by this afternoon. Gradually backing southwest this evening.

**Forecast for coasts from :** Howth Head to Carnsore Point to Mizen Head and the South Irish Sea

**Wind :** Northwest force 5, with some higher gusts, decreasing Northwest to West force 3 or 4 this afternoon. Becoming variable force 3 or less this evening and later southwest to south.

**Forecast for coasts from :** Mizen Head to Slyne Head to Erris Head

**Wind :** Northwest force 4 or 5. Gradually backing west to southwest force 2 to 4 during the day. Further backing Southwest to South this evening and tonight force 3 or 4.

**Weather for all coasts and the Irish Sea :** Scattered showers gradually dying out and becoming mainly fair.

**Visibility for all coasts and the Irish Sea :** Moderate in showers, otherwise good.

3a. **Warning of Heavy Swell :** For a time today on west and north coasts

4. **Outlook for a further 24-hours until 0600 hours, Thursday, 25-Sep-2003 :** Light or moderate South to Southwest winds, fresh at times on western and northern coasts. Mainly fair weather.

CQ Note re Navtex.

**Warning of heavy Atlantic swell : For a time today on west and north coasts**

**Text of Gale warning**

Nil

**Text of Small Craft Warning**

Northwest winds will occasionally reach force 6 for a time this morning on Irish coasts from Rossan Point to Fair Head to Carlingford Lough.

Coastal Reports	at 5 AM
Malin Head	West-Northwest, 23 Knots, Gust 35 Knots, Rain shower, 7 Miles, 1017, Rising
Rosslare	West-Northwest, 11 Knots, Fine, 26 Miles, 1019, Rising slowly
Roches Pt (Automatic)	West-Northwest, 09 Knots, Greater than 10 Miles, 1022, Rising slowly
Valentia	North, 10 Knots, Fair, 12 Miles, 1023, Rising slowly
Belmullet	Northwest, 16 Knots, Gust 28 Knots, Fair, 24 Miles, 1021, Rising slowly
Dublin Airport	West, 12 Knots, Fine, 21 Miles, 1018, Rising slowly
Buoy M1 53.1N, 11.2W	North-Northwest, 17 Knots, WAVE HT 05.0 m, 1023, Rising slowly
Buoy M2 53.5N, 5.4W	Northwest, 28 Knots, Gust 38 Knots, WAVE HT 02.1 m, 1016, Rising slowly
Buoy M3 51.2N, 10.50W	North, 20 Knots, WAVE HT 03.2 m, 1023, Rising slowly
Buoy M4 54.7N 9.1W	North-Northwest, 23 Knots, Gust 34 Knots, WAVE HT 04.3 m, 1020, Rising slowly

Sea Crossings	State of sea for the next 48 hours
Dublin - Holyhead	Moderate to rough decreasing slight.
Rosslare - South Wales	Rough slowly decreasing to slight
Cork - South Wales	Moderate to Rough slowly decreasing to slight
Rosslare - France	Rough decreasing slight to moderate
Cork - France	Rough decreasing slight to moderate

Next update before 1300 hours Tuesday

A detailed forecast may be obtained by dialling *Weatherdial* on 1550 123 855.  
Calls cost € 0.73 per minute (Incl. VAT).

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## APPENDIX 8.2

### Appendix 8.2

Photographs of the angling boat.



Sullivan 460 from stern with damaged cuddy in the well of the boat.





The Sullivan 460 viewed from forward with the fishbox used for storing the PFD's aft. Note the damaged section of the cuddy.



Viewed from right ahead with recovered PFD on foredeck



View from Fermoyle beach looking North



View from Fermoyle beach looking West

**9. LIST OF CORRESPONDENCE RECEIVED**

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MCIB Response	23

## An Garda Síochána

Oifig an Choimisinéara,  
An Garda Síochána,  
Páirc an Fhionnuisce,  
Baile Átha Cliath 8,  
Éire.

Tel/Teileafón: (01) 666 0000 / 2026

Fax/Facs: (01) 666 2013

Please quote the following ref. number:



Office of the Commissioner,  
Garda Headquarters,  
Phoenix Park,  
Dublin 8,  
Ireland.

Web site: www.garda.ie

E-mail: comstaff@iol.ie

Date:

P.A. 2.1.  
MCIB 75.

Mr. John G. O'Donnell,  
Chairman,  
Marine Casualty Investigation Board,  
Leeson Lane,  
Dublin 2.



**RE: DRAFT REPORT INTO THE CAPSIZE OF A 4.6 METER ANGLING BOAT AT FERMOYLE BEACH, BRANDON BAY, CO. KERRY ON THE 23<sup>RD</sup> SEPTEMBER 2003, WITH THE LOSS OF ONE LIFE.**

Dear Mr. O'Donnell,

I am directed by the Commissioner to reply to your correspondence dated the 11<sup>th</sup> March 2004 in the above.

The primary objective of An Garda Síochána in this matter, was to gather all evidence necessary to meet the requirements under the Coroners Legislation. In this regard, it is understood that a date for an inquest is still awaited by local Garda officers.

It is considered that the recommendations contained in Section 7 of the draft report, (points 7.1 to 7.4 inclusive), should have a legislative basis which, when coupled with a strict enforcement policy, and a properly structured education and awareness campaign, would reduce the occurrence of such incidents. It is unlikely that self regulation will address the concerns expressed in the report.

Yours sincerely,

**DAVID H. ROCHE**  
CHIEF SUPERINTENDENT  
PERSONAL ASSISTANT  
TO COMMISSIONER

21<sup>st</sup> April, 2004

Mission Statement:

To achieve the highest attainable level of Personal Protection, Community Commitment and State Security.

**MCIB RESPONSE**

The MCIB notes the contents of this letter.



Vincent McKernan  
19 Drummaul Park  
Randalstown  
Antrim  
BT41 3AR  
Tel: 028 9447 3506

15<sup>th</sup> March 2004

Mr Dick Heron  
Secretary  
Marine Casualty Investigation Board  
Leeson Lane  
Dublin 2

Dear Sir

**Ref MC1B75**

Thank you for the copy of your report Ref MC1B75. I find that it is an accurate account of what happened on that day. My only comments are; it was sad I was unable to save Mr Timothy Ward.

I would also like to see your recommendations become a law of the land in the future.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Vincent McKernan'.

Vincent McKernan

## MCIB RESPONSE

The MCIB notes the contents of this letter.

Your Ref: MCIB 75



42 Rathoonane  
Monavalley  
Tralee  
Co. Kerry

23.03.2004

Dear Mr. Heron,

Thank you for the MCIB letter of March 11<sup>th</sup> 2003 and the draft report into the capsizing of a fishing boat at Fermoyle Beach, Bandon, Co. Kerry in which my husband was a crew member, and which resulted in his drowning.

I have read the report carefully and I accept that it gives a true and fair representation of the events surrounding the tragedy. I do not wish to make any comments or observations on the report.

However I hope that the recommendations made in the report with regard to the minimum safety training requirements, as well as those relating to equipment standards are heeded, so that hopefully, other families will not have to suffer the grief and loss which I and my family have had to endure.

Yours Sincerely.

\_\_\_\_\_  
Mrs. Timothy Ward

**MCIB RESPONSE TO THE LETTER FROM MRS. TIMOTHY WARD  
DATED 23RD MARCH, 2004.**

The MCIB notes the contents of this letter and wishes to express our sympathy on the tragic and untimely passing of Mrs. Ward's husband Timothy.

The function of the MCIB is to investigate marine casualties and to make recommendations to avoid further similar casualties.

Since the formulation of this report the Minister for Communications, Marine and Natural Resources has issued a draft Code of Practice for Recreational Craft for consultation and draft legislation covering the wearing of lifejackets.

Mr. Tony & Mrs Mary March.  
11<sup>1/2</sup> BACON DRIVE

TAUNTON

SOMERSET

TAI 2LQ

TEL - 01823 279745

IS-3-04


Ref No MCIB 75

Dear Mr Heron

Thankyou for sending the draft  
report on the tragic incident on 23-9-03 at  
Kermoyle Beach.

We have read this report and have  
no additional comment to add.

Yours Sincerely

M. A. Nichol 

**MCIB RESPONSE**

The MCIB notes the contents of this letter.