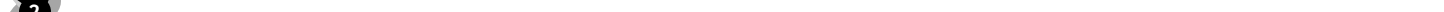


**REPORT OF THE
INVESTIGATION INTO THE
CASUALTY INVOLVING
MR. RONNIE O'CONNOR
OFF CULLENSTOWN BEACH,
CO. WEXFORD ON
THE 21ST AUGUST 2005.**

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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2nd June 2006



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1. SYNOPSIS

- 1.1 On the 21st August 2005 at about 21.30 hours, Mr. Ronnie O'Connor returned alone by boat to the Ballyteige burrow off the south Wexford coast to continue fishing for bass. He had dropped home his brother Michael, who had been fishing with him earlier. At about 22.30 or 22.45 hours, Mr. Michael O'Connor had a telephone conversation with his brother, who informed him that he was returning home. Mr. Ronnie O'Connor failed to return and his upturned boat was found about six hours later.
- 1.2 There were spring tides around the time of the incident and there was a severe ebb tide running in the river at the time Mr. O'Connor went missing. On 31st August 2005, Mr. Ronnie O'Connor's body was recovered close to the area where his boat had been located. No personal flotation device (PFD) or lifejacket was worn.

All times given are local

2. FACTUAL INFORMATION

2.1 Particulars of the boat:

Length:	2.86 metres.
Breadth:	1.35 metres.
Depth:	0.48 metres
Owner:	Mr. Michael O'Connor, Duncormick, Co. Wexford.
Engine:	Suzuki 3.7 kW. Mass 27-28 kg.
Description of boat:	Open boat of fibreglass construction with one timber thwart and buoyancy chambers fore and aft. Photographs of the boat are given in Appendix 8.1.

2.2 The following gear is believed to have been in the boat at the time of the incident:

- 1 Aqualux beachcaster in green holder 3.90 metres long in 3 sections (maroon).
- 1 Shakespeare Mustang beachcaster 3.60 metres long in 3 sections (black).
- 1 tripod for beach use.
- 1 fork.
- 1 torch.
- 1 flask.
- 1 bag of assorted fishing parts.
- 1 petrol fuel tank.
- 1 blue rain mac.
- 1 anchor and length of rope.
- Two oars
- Two rowlocks

2.3 The lone person on the boat at the time of the incident was Mr. Ronnie O'Connor aged 44 years from Co. Wexford.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 On the afternoon of Sunday 21st August 2005, Mr. Ronnie O'Connor together with his brother, Mr. Michael O'Connor, went from Michael's house on the boat down river towards the area known as "Bar of Lough" and they stopped and beached the boat about 50 metres from the end of the sand spit, which is known as the Ballyteige burrow. They walked across the gravel and sand to the other side of the burrow and arrived there at about 17.45 or 18.00 hours BST. (See copy of chart of area at Appendix 8.2).
- 3.2 Mr. Michael O'Connor was spinning for trout and bass and Mr. Ronnie O'Connor was fishing on the seabed for bass. They remained fishing until about 21.30 hours and both travelled back by boat to Michael O'Connor's house where Mr. Ronnie O'Connor dropped off his brother and returned to Ballyteige burrow. Mr. Ronnie O'Connor was an experienced boatman.
- 3.3 Mr. Michael O'Connor recalls that high water in the area was close to 21.30 hours and that there was a slight fog and a slight breeze at this time. (See Appendix 8.3 for the Met Eireann weather report on conditions pertaining in the area at the time of the incident).

4. THE INCIDENT

- 4.1 At about 22.30 or 22.45 hours, Michael O'Connor rang his brother and asked him how he was doing. He was informed that Mr. Ronnie O'Connor had caught a 4 or 5 lb bass and was coming home at that time. Mr. Michael O'Connor could hear his brother walking across the gravel towards the boat during the telephone conversation. Mr. Ronnie O'Connor rang his partner, Geraldine, around this time in order to arrange to be picked up at his brother Michael's house.
- 4.2 At about 23.15 hours there was no sign of Mr. Ronnie O'Connor coming ashore. It was raining heavily at this time. Mr. Michael O'Connor then searched the river with a torch but there was no sign of his brother. Mr. Michael O'Connor and Geraldine tried on a number of occasions to contact Mr. Ronnie O'Connor by telephone, without success.
- 4.3 They also went to Cullenstown Strand to search for him. Mr. Michael O'Connor recalls that there was a severe ebb tide running at this time and it was also raining.
- 4.4 They returned to Mr. Michael O'Connor's house and checked the river again. Shortly afterwards they contacted the rescue services.

5. EVENTS AFTER THE INCIDENT

- 5.1 The rescue services responded immediately and a search of the area commenced.
- 5.2 At 05.00 hours on 22nd August 2005 the upturned boat, was located in position 52 12.73 North 006 42.84 West in a position off Cullenstown Beach. Shortly afterward the upturned boat with engine, petrol tank and a flask were recovered. The boat was found attached by a rope to the anchor that was lying on the seabed. A buoy was attached to the anchor in order to mark the position.
- 5.3 At about 17.30 hours on the same day the two fishing rods and other gear from the boat were recovered, about 100 metres away from the marker buoy, by naval divers who were assisting in the search.
- 5.4 The search continued each day until 31st August 2005 when at 07.19 hours a fishing vessel found the body of Mr. Ronnie O'Connor in position 52 12.30 North 006 43.05 West. The Kilmore Quay Lifeboat recovered the body from the water and landed the remains at Kilmore Quay.

6. CONCLUSIONS

- 6.1 There were spring tides around the time of the incident and there was a severe ebb tide running at the time Mr. Ronnie O'Connor went missing. It would appear that the boat was carried out to sea in the severe ebb tide and it was upturned in the very turbulent waters that existed where the very strong ebb tide entered the sea. There appears to be little doubt but that the boat was upturned in the area where it was located and that its anchor held it there. Also fishing and other gear belonging to the boat were found on the seabed nearby. The upturned boat was located about six hours after the incident.
- 6.2 It is known that the engine on the boat was temperamental. It had to be started on full choke and half throttle. As soon as the engine started, the choke had to be put almost full in. When the engine was recovered it would appear that the choke was fully open. Ronnie O'Connor was very familiar with the operation of the engine. However it would appear that the engine might not have been running immediately prior to the incident.
- 6.3 It cannot be established with certainty when Mr. Ronnie O'Connor entered the water. He may have fallen in during his attempts to start the engine. If the engine failed to start then he may have attempted to row the boat onto the riverbank. If this failed or if, for some reason, he lost an oar or oars then the boat would have been carried out on the ebb tide and Mr. Ronnie O'Connor may have been in the boat when it reached the area where it was upturned. He does not appear to have tried to use his mobile phone either through lack of time or for some other reason.
- 6.4 When going to the bar on a high tide it was the practice to go in a bigger boat and to avoid going on the ebb tide.
- 6.5 Mr. Ronnie O'Connor was not wearing any personal flotation device during the trip. S.I. No. 259 of 2004 Merchant Shipping (pleasure craft) (lifejackets and operation) (safety) Regulations 2004, requires the occupants of a pleasure craft of less than 7.0 metres length overall to wear suitable personal flotation devices or lifejackets while on board an open craft when not made fast to the shore or at anchor. However it does appear to have been the practice that lifejackets were worn and also a spare engine was carried when proceeding past the bar.
- 6.6 If Mr. Ronnie O'Connor had been wearing a suitable personal flotation device or lifejacket, it would have greatly increased his chances of being rescued from the water alive.

7. RECOMMENDATIONS

- 7.1 It is noted that revised regulations S.I. No. 921 of 2005 have been issued updating the requirement of S.I. No. 259 of 2004. It is recommended that a Marine Notice is published advising of the requirements of S.I. No. 921 of 2005 (Merchant Shipping) Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005, and detailing the various flotation devices available and considerations to be taken into account by the person in charge of a pleasure craft when selecting what is a suitable personal flotation device for the occupants of a boat taking into account area of operation, weather conditions etc.
- 7.2 No matter how experienced a person may be, it is recommended that all persons, before putting to sea, fully evaluate the weather and tidal conditions present, taking into account the limitations of their craft, including engine performance and possible associated engine problems, in the weather conditions. No matter how familiar they are with the area, persons should refrain from taking any risk in extreme weather or tidal conditions as should something go wrong their chances of being rescued alive will be severely reduced. All persons using boats alone should wear PFD's or lifejackets at all times regardless of weather conditions.
- 7.3 Engines on all boats should be maintained in a good operational condition and they should be serviced on a regular basis and also when any problems are experienced with their safe operation.
- 7.4 A Marine Notice pointing out the above two matters should be published and distributed to the appropriate sectors.

8. LIST OF APPENDICES

8.1 Photographs of the boat

8.2 Chart extract of Area

8.3 Met Eireann weather report

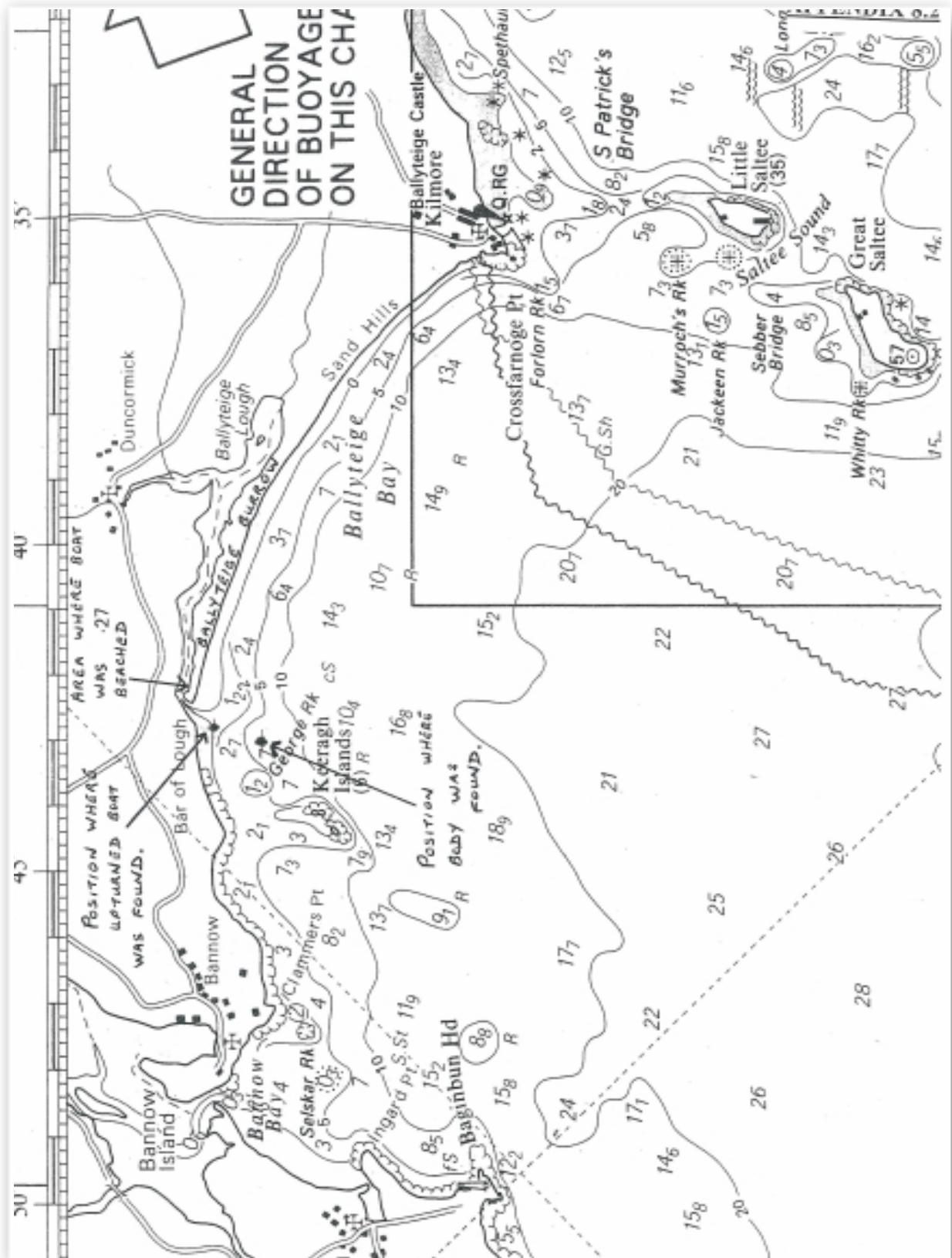
8.4 S.I. No. 921 of 2005 (Merchant Shipping) Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005

APPENDIX 8.1

Appendix 8.1 Photographs of the boat.



Appendix 8.2 Chart extract of area.



Appendix 8.3 Met Éireann weather report.

**General Forecast Division**

Glasnevin, Dublin 9

Fax : (01) 8064275 Tel : (01) 8064255

**Report for the MCIB on weather conditions pertaining off
Cullenstown Beach, Co. Wexford at 23.00 hrs BST on 21-
Aug-05**

18-October-05

Our ref:

Marine Survey Office,
Dept. Communications, Marine and Natural Resources,
Leeson Lane,
Dublin 2.

Dear Sir, the following is a report on weather conditions at the aforesaid area in approximate position 52 12.7N 06 42.8W, between 22.00 hrs and 23.59 hrs on 21-Aug-2005

Meteorological situation: An active cold front traversed the area between 23.00 and 24.00 hrs on the night in question. A moist and mild southwest flow was replaced by a less humid northwest flow.

The following is an estimation of conditions in the area during the period 22.00 to 24.00 BST: Information is derived by extrapolated from Met Éireann's synoptic network, with special emphasis on the nearest station, namely Rosslare (10 km to the northeast).

Cloudy conditions prevailed through the day, with moderate southwest winds (12 to 15 knots) and mainly dry weather until 21.00 hrs. A period of showery rain occurred between 21.30 and 00.30, in which approximately 4 mm was deposited. Visibility was also reduced, with the local station reporting 900 meters between 22.00 and 23.00 hrs. The surface wind (8 to 11 knots) veered sharply from southwest to northwest between 23.00 and 24.00 hrs, but decreased lighter soon thereafter. Visibility had also improved to 10 km by 24.00 hrs.

Radar and Satellite archived imagery would confirm the above analysis of events during the period in question. No SFERIC's (thunder or lightning) were reported in the vicinity during the period.

Wind history: Winds were light and variable (4 to 11 knots) during the preceding day 20-Aug-05, in mostly dry sunny conditions. Predominantly southwest winds prevailed during 21-Aug-05 prior to the incident, but did reach 15 knots during mid afternoon. I conclude that sea conditions, could only be slight southerly swell at time of incident, with small wavelets superimposed on this swell...ie. Combined sea and swell of less than 0.4 meters.

Yours Sincerely,

Vincent O' Shea, Meteorologist

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Appendix 8.4 Statutory Instruments.

STATUTORY INSTRUMENTS

S.I. No. 921 of 2005

Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005

DUBLIN: PUBLISHED BY THE STATIONERY OFFICE

To be purchased directly from the GOVERNMENT PUBLICATIONS OFFICE, SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2 or by mail order from GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION, 51 ST. STEPHEN'S GREEN, DUBLIN 2. (Telephone 01-6476834/35/36/37; Fax 01-6476843) or through any bookseller.

(PRN. A5/2359)

Price: €2.54

Appendix 8.4 Statutory Instruments.**S.I. No. 921 of 2005****Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005**

I, Pat the Cope Gallagher, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by sections 20 (as amended by section 47(1) of the Maritime Safety Act 2005 (No. 11 of 2005)) and 27 (as amended by section 47(2) of that Act) of the Merchant Shipping Act 1992 (No. 2 of 1992), the Marine (Delegation of Ministerial Functions) (No. 2) Order 2004 (S.I. No. 703 of 2004) and the Marine (Delegation of Ministerial Functions) (No. 2) Order 2005 (S.I. 346 of 2005), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005.

Definitions

2. In these Regulations -

“fast power craft” means a pleasure craft, other than a personal watercraft, the principal means of propulsion of which is derived from a mechanical power source and which attains or can attain a speed through or over water equal to or exceeding 17 knots;

“decked craft” means a pleasure craft which is not an open craft;

“length overall” means the overall length of a craft, extending from the most extreme point aft to a similar point at the forward end, incorporating any overhang of stern, or rake of stem;

Appendix 8.4 Statutory Instruments

"open craft" means a pleasure craft which does not have a cabin or below deck facilities for the use of persons and where seating, or any place on the craft used for seating, is exposed or partially exposed to the elements;

"pleasure craft" includes personal watercraft and fast power craft;

"suitable personal flotation device" means a personal flotation device—

(a) which has on it the CE conformity marking consisting of the initials "CE" taking the form of the specimen set out in Annex IV to Council Directive 89/686/EEC of 21 December 1989¹ (as amended by Council Directive 93/68/EEC of 22 July 1993² and Council Directive 96/58/EC of the European Parliament and the Council of 3 September 1996³).

(i) which is 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 or to be available for use is reasonably likely to be,

(ii) which is appropriate to the body weight of the person who is to wear it,

and/or

¹ OJ. No. L 399, 30.12.89, p. 18

² OJ. No. L 220, 30.8.93, p. 1

³ OJ. No. L 236, 18.9.96, p. 44

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(b) which has on it the mark of conformity which must take the form of the specimen set out in Annex D to Council Directive 96/98/EC of 20 December 1996⁴ (as amended by Commission Directive 98/85/EC of 11 November 1998⁵, Commission Directive 2001/53/EC of 10 July 2001⁶, Commission Directive 2002/75/EC of 2 September 2002⁷, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002⁸ corrected by Corrigendum of 10 September 1997⁹ and Corrigendum of 29 August 1998¹⁰).

Application

3. (1) These Regulations apply to pleasure craft being operated in Irish waters and to –
- (a) any person on board such craft, and
 - (b) any person being towed by such craft or on board a vessel or object of any kind, being towed by such craft.
- (2) These Regulations (other than Regulations 8 and 9) do not apply to a pleasure craft being used for rescue or other emergency purposes or for law enforcement purposes.
- (3) These Regulations (other than Regulations 8 and 9) do not apply to rowers in boats which are –
- (a) designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union,

⁴ OJ. No. L 46, 17.2.1997, p. 25

⁵ OJ. No. L 315, 25.11.98, p. 14

⁶ OJ. No. L 204, 28.7.2001, p. 1

⁷ OJ. No. L 254, 23.9.2002, p. 1

⁸ OJ. No. L 324, 29.11.2002, p. 53

⁹ OJ. No. L 246, 10.9.1997, p. 7

¹⁰ OJ. No. L 241, 29.8.1998, p. 27

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and

(b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.

Age restrictions on operation or control of pleasure craft

4. (1) The master or owner of a personal watercraft or a fast power craft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years does not operate or control the craft.

(2) The master or owner of a pleasure craft powered by an engine with a rating of more than 5 horse power or 3.7 kilowatts shall take all reasonable steps to ensure that a person who has not attained the age of 12 years does not operate or control the craft.

Carriage of personal flotation devices on pleasure craft (other than personal watercraft)

5. The master or owner of a pleasure craft (other than a personal watercraft) shall ensure, that there are, at all times, on board the craft, sufficient suitable personal flotation devices for each person on board.

Wearing of personal flotation devices on pleasure craft (other than personal watercraft)

6. (1) A person on a pleasure craft (other than a personal watercraft) of less than 7 metres length overall shall wear a suitable personal flotation device while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor.

Appendix 8.4

(2) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.

(3) The master or owner of a pleasure craft (other than a personal watercraft), which is not a craft referred to in paragraph (1) of this Regulation, shall take all reasonable steps to ensure that a person who has not attained the age of 16 years wears a suitable personal flotation device while on board an open craft or while on the deck of a decked craft, other than when it is made fast to the shore or at anchor.

(4) The master or owner of a pleasure craft (other than a personal watercraft) shall take all reasonable steps to ensure that a person wears a suitable personal flotation device, at all times while –

- (a) being towed by the craft, or
- (b) on board a vessel or object of any kind which is being towed by the craft.

(5) This Regulation does not apply to a person on board a pleasure craft (other than a personal watercraft), which is not under way, when the person-

- (a) is wearing, putting on, or taking off, scuba diving equipment,
- or
- (b) is about to engage in, or has just completed swimming (including snorkelling) from the craft.

Wearing of personal flotation devices on personal watercraft

7. (1) Every person on a personal watercraft shall wear a personal flotation device at all times while on board, or being towed in any manner by a personal watercraft.

Appendix 8.4

(2) The master or owner of a personal watercraft shall take all reasonable steps to ensure that a person who has not attained the age of 16 years complies with paragraph (1) of this Regulation.

Prohibition on operating pleasure craft while under influence of alcohol or drugs

8. The master or owner of a pleasure craft, shall not, or shall not allow another to, operate or control or attempt to operate or control the craft while he or she or the other is under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol to such an extent as to be incapable of having proper control of the craft.

Control of consumption of alcohol or drugs on board pleasure craft

9. (1) A person on a pleasure craft shall not consume alcohol or drugs or any combination of drugs or of drugs and alcohol while on board the craft in circumstances which could affect the safety of persons or create a disturbance on board the craft or affect the safety of other persons using Irish waters or constitute a nuisance to such persons.

(2) A person being towed or on board a vessel or object of any kind which is being towed by a pleasure craft shall not consume alcohol or drugs or any combination of drugs or drugs and alcohol.

(3) The master or owner of a pleasure craft shall take all reasonable steps to ensure that all persons comply with paragraphs (1) and (2) of this Regulation.

Application of section 27 of Merchant Shipping Act 1992

10. (1) Section 27 (as amended by section 47(2) of the Maritime Safety Act 2005 (No. 11 of 2005)) of the Merchant Shipping Act 1992 (No. 2 of 1992) applies to these Regulations.

Appendix 8.4

(2) The form set out in the Schedule to these Regulations is prescribed as the form of the notice to be served on a person in relation to an alleged offence under section 20 of the Merchant Shipping Act 1992 for contravening these Regulations.

Revocation

11. The Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004 (S.I. No. 259 of 2004) are revoked.

Appendix 8.4

Schedule *Regulation 10(2)*

FIXED PAYMENT NOTICE IN RELATION TO AN ALLEGED OFFENCE UNDER SECTION 20 OF THE MERCHANT SHIPPING ACT 1992.

To:

Address:

.....

.....

It is alleged that you have committed an offence under section 20 of the Merchant Shipping Act 1992 Act at

.....

on.....

A description of the alleged offence is given at reference number overleaf

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice, and if during that period you pay to:

.....

.....

.....¹

the sum of €150² accompanied by this notice, a prosecution in respect of the alleged offence will not be instituted.

SIGNED:

.....

Authorised Officer

DATE:

.....

¹ Insert name of statutory authority to be paid and address where payment is to be made.

² Insert other amount if different amount is prescribed

Appendix 8.4

Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations

(S.I. No. 921 of 2005)

Regulation	Description of Alleged Offence	Ref. No.
4(1)	Permitting a person who has not attained the age of 16 years to operate or be in control of a personal watercraft or a fast power craft.	1
4(2)	Permitting a person who has not attained the age of 12 years to operate or be in control of a pleasure craft powered by an engine with a rating of greater than 5 horse power or 3.7 kilowatts.	2
5	Operating a pleasure craft (other than a personal watercraft) without sufficient suitable personal flotation devices for each person on board.	3
6(1)	Failing to wear a suitable personal flotation device while on board an open craft or on the deck of a decked craft (other than personal watercraft) of less than 7 metres in length overall which is not made fast to the shore or at anchor.	4
6(2)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board an open craft or whilst on the deck of a decked craft (other than a personal watercraft) of less than 7 metres in length overall which is not made fast to the shore or at anchor.	5
6(3)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board an open craft or while on the deck of a decked craft (other than a personal watercraft) which is not made fast to the shore or at anchor.	6
6(4)(a)	Permitting a person not to wear a personal flotation device while being towed by a pleasure craft (other than a personal watercraft).	7
6(4)(b)	Permitting a person not to wear a suitable personal flotation device while on board a vessel or object of any kind which is being towed by a pleasure craft (other than a personal watercraft).	8
7(1)	Failing to wear a suitable personal flotation device while on board, or being towed in any manner by, a personal watercraft.	9
7(2)	Permitting a person who has not attained the age of 16 years not to wear a suitable personal flotation device while on board, or being towed in any manner by, a personal watercraft.	10
8	Operating or controlling or attempting to operate or control a pleasure craft or permitting a person to operate or control or attempt to operate or control a pleasure craft while under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the craft.	11
9(1)	Consuming alcohol or taking of drugs on a pleasure craft in circumstances which could affect the safety of persons, or create a disturbance, on board the craft, or could affect the safety of others using Irish waters or constitute a nuisance to such others.	12
9(2)	Consuming alcohol or taking drugs while being towed by, or on board a vessel specifically designed to be towed or on an object of any kind which is being towed by, a pleasure craft.	13
9(3)	Permitting a person to consume alcohol or take drugs on a pleasure craft in circumstances which could affect the safety of persons, or create a disturbance, on board the craft, or could affect the safety of others using Irish waters or constitute a nuisance to such others or permitting a person to consume alcohol or take drugs while being towed by, or on board a vessel specifically designed to be towed or on an object of any kind which is being towed by, a pleasure craft.	14

Appendix 8.4

GIVEN, under my hand,

22 December 2005

Pat the Cope Gallagher,

Minister of State at the Department of
Communications, Marine and Natural Resources.

Appendix 8.4

Explanatory Note

(This Note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations replace the Merchant Shipping (Pleasure Craft) (Lifejacket and Operation) (Safety) Regulations, 2004 (S.I. No. 259 of 2004), so as to provide for an increase (from €127 to €150) in the fixed payment in lieu of prosecution, if appropriate, in relation to an alleged contravention of the Regulations. IMO SOLAS/EU Marine Equipment Directive (MED) marked personal flotation devices are included under the definition of a "suitable personal flotation device" in these Regulations.

Otherwise, the new Regulations continue in force the existing national provisions governing the operation of pleasure craft including personal watercraft, including provisions relating to age restrictions, the carriage and use of personal flotation devices and restrictions on the use of alcohol and drugs.

Section 47(2) of the Maritime Safety Act 2005 (No. 11) provides for a fixed payment of €150, or such other amount as may be prescribed by Ministerial Regulations, in relation to an alleged contravention of Regulations under section 20 of the Merchant Shipping Act 1992 (No. 2) (as amended by section 47(1) of the 2005 Act), in lieu of prosecution, if appropriate.

