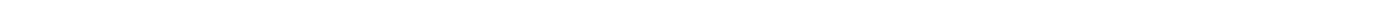


**REPORT OF THE
INVESTIGATION INTO THE LOSS
OF THE MSY "INIS MIL"
ON 8TH SEPTEMBER, 2004
WHILE ON PASSAGE FROM
KENMARE TO THE SCILLY ISLES**

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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29th November 2006



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1. SYNOPSIS

- 1.1 The motor sailing yacht "Inis Mil" departed Kenmare on the 6th September, 2004 bound for Cherbourg via St. Marys in the Scilly Isles. On the evening of the 8th September, 2004 the vessel was abandoned by the five person crew.

After 8 days in a six man liferaft the crew were rescued by the UK Coastguard off the North Cornish Coast (See Photographs of life raft at Appendix 8.1).

2. FACTUAL INFORMATION

2.1 The Vessel:

Built: 1949 Macduffs, Scotland
 Construction: Wooden, carvel
 Length: 61 feet
 Breadth: 18 feet 6 inches
 Engine: LL Gardner 120 (kw)
 Fuel: 2200 litres in two plastic tanks
 Gross tonnage: 49.33
 Registered Tonnage: 22.2
 Converted to Bermudian Ketch around 1993

Navigational equipment:

Garmin GPS
 Raytheon radar
 Shoreline VHF
 NASA Weatherfax
 Two magnetic compasses on board but not emplaced
 Charts
 Navigation lights
 Wind measurement instruments were fitted to the main mast just prior to sailing.

Stores:

1400 litres diesel
 1000 litres fresh water
 200 litres bottled water
 16 litres orange juice
 Food for 8 days (5 persons)

A 6-man Seago liferaft was purchased prior to sailing.

2.2 Ms. Stephanie Preux, owner, sailing experience 78280 Guyancourt, France

Mr. David Faulkner, Skipper, RYA Ocean Yachtmaster
 Surbiton, KT6 4HG UK

Mr. Juergen Hensel, crew, former owner operator
 Killarney, Co. Kerry

Mr. Ian Faulkner, RYA Powerboat Level 2
 Surbiton, KT6 4HG UK

Mr. Bjorn Bjorseth, Australian Power Boat Licence
 Queensland 4572, Australia

EVENTS PRIOR TO THE INCIDENT

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 The vessel had been purchased from Messrs. Juergen and Alfred Hensel by Ms. Stephanie Preux.
- 3.2 The new owner required the vessel to be registered and the Marine Survey Office in Cork was contacted to measure the vessel.
- 3.3 A measurement survey was carried out by the Department of Communications, Marine and Natural Resources (DCMNR) on 5th July 2004. This was a survey solely for tonnage measurement for the purpose of registration of the vessel (See Appendix 8.2). A number of obvious structural defects were noted:
- (1) The engine space protruded into the accommodation.
 - (2) The vessel had no transverse bulkheads.
 - (3) The fuel tanks were of the plastic central heating type.
 - (4) None of the vessels doors or hatches were watertight.
 - (5) The accommodation structure was very lightly constructed.
 - (6) An exceptional amount of concrete ballast was clearly visible in the lower part of the vessel.
- 3.4 The owners were advised to have the vessel independently surveyed for sea worthiness.
- 3.5 Mr. David Faulkner informed DCMNR that he was considering taking the boat to Baltimore for the purpose of survey.
- 3.6 Mr. David Faulkner had carried out an out of water survey of the vessel himself and was satisfied that the vessel was sound.
- 3.7 The vessel was re-visited on the 2nd September by an Engineer and Ship Surveyor from the Department of Communications Marine and Natural Resources.
This Engineer was present to sign the carving note.
- 3.8 On being informed that the vessel was shortly to depart on a voyage to France the owner was advised that in addition to safety equipment he should not proceed to sea without having an inflatable liferaft on board.
- 3.9 Sailing was planned for the 6th September and departed at 16.30 hours.
- 3.10 No traffic report was sent to the Irish Coast Guard prior to departure and no contact was made with the Irish Coast Guard during the voyage.
- 3.11 The only contact procedure that had been agreed during the course of the voyage was an informal arrangement between Mr. Juergen Hensel and his wife, Michaela Vitting.

- 3.12 Within an hour of departure the alternator began to give trouble. This was initially rectified but later that evening it failed completely.
- 3.13 Mr. Hensel and Mr. David Faulkner discussed the prospect of the vessel's return to an Irish port but this option was declined by the skipper who was confident the vessel had sufficient battery power to complete the voyage and maintain all systems.
- 3.14 On the first day an ingress of water was detected in the bilges and one of the vessels three pumps was engaged to deal with this.
- 3.15 The vessel had three pumps two electric of 1000 and 3500 litres per hour capacity and a Jabsco diaphragm hand pump.
- 3.16 With the failure of the alternator the electric pump was switched off during the night to conserve battery power and switched on the following morning. During the night one of the fuel tanks had begun to leak and most of the contents were deposited in the bilges. The source of the leak was not identified.
- 3.17 The weather was described as moderate but the crew were beginning to suffer from seasickness on the Tuesday morning. The seasickness was exacerbated by the heavy smell of diesel in the accommodation.
- 3.18 During the freshening weather on Tuesday the ingress of water became more pronounced.
- 3.19 Mr. Juergen Hensel reported large amounts of water entering through the open anchor ports directly into the accommodation. He sealed one port but was unable to seal the other and by this stage his companions were either too exhausted to help or otherwise occupied.
- 3.20 Two mast stays had parted on Tuesday evening.

4. THE INCIDENT

- 4.1 The main pump failed during the morning of the 7th September, 2004 and a second electric pump was switched on.
- 4.2 The second pump failed after a short period of time and the crew now began bailing using the Jabsco hand pump.
- 4.3 It was reported that this pump was in a very awkward position - situated overhead at the entrance to the accommodation from the deck and was difficult and tiring to use.
- 4.4 This also failed after about 90 minutes.
- 4.5 A decision was made to use the main engine cooling pump to pump out the bilges.
- 4.6 The cooling system was adapted under difficult conditions by Mr. Hensel and Mr. Ian Faulkner.
- 4.7 The modified pump worked well for about an hour and then it failed. The impeller was removed and pieces of wood were found in the casing.
- 4.8 Attempts to fit a new impeller failed and the vessel was now without main engine cooling.
- 4.9 The main engine began to overheat. Revolutions were decreased and sails hoisted to attempt to navigate as a sailing vessel.
- 4.10 An attempt was made to send a Pan Pan message by VHF at 1600 hours Tuesday afternoon, 7th September, 2004. During the transmission there was no indication that the message had actually been sent. Repeated attempts to send a mayday were made until the batteries were shorted out by the rising water.
- 4.11 Other than being connected to an electrical supply the crew had no reason to believe the VHF set was working.
- 4.12 No traffic had been heard while the set was in stand by mode but the transmission light was observed when the transmit button was depressed. The set had not been tested prior to sailing.
- 4.13 An attempt was made to contact a fishing vessel reportedly observed by Mr. David Faulkner at a distance of about 500 yards by VHF but no response was received from that vessel and it turned away and steamed off.
- 4.14 As night fell bailing stopped and the crew slept except for watch periods. Mr. David Faulkner spent long periods in the wheelhouse during this period.

- 4.15 By Wednesday morning the amount of water had become alarming and bailing was continued using buckets through the accommodation skylight.
- 4.16 By mid morning it had become apparent that the vessel was sinking.
- 4.17 The crew were exhausted from physical effort and seasickness. The fumes from the leaked diesel added to their distress. Their ability to continue to bail and operate the vessel was failing.
- 4.18 A plan was formulated to abandon the vessel in a controlled manner before darkness fell.
- 4.19 The skipper agreed the tasks for each crewmember and preparations were made to leave the vessel.
- 4.20 The vessel was initially equipped with two dinghies, one a rubber inflatable, the other a rigid aluminium boat. However during Tuesday afternoon the aluminium boat had broken away and been lost.
- 4.21 Food, water and orange juice were loaded into the rubber dinghy.
- 4.22 As the time for abandoning the "Inis Mil" approached the crew donned warm clothing and exposure suits. Sufficient clothing was carried on board for this purpose.
- 4.23 The crew then inflated the six man Seago liferaft and all but two men, the skipper and Mr. Hensel, boarded the liferaft.
- 4.24 Part of the abandon ship plan had been to set fire to the mother ship in the hope that this would attract the attention of any vessel in the area.
- 4.25 The skipper sprinkled petrol that had been carried as fuel for the dinghy outboard engine around the wheelhouse and ignited it with a match. This caused a blow back of ignited petrol and the skipper was blown backwards onto the aft deck and suffered slight burns to his face and clothing.
- 4.26 The last two men then boarded the liferaft and the crew attempted to clear the vessel. Initially they were held alongside by the wind and there was some concern that the liferaft would catch fire as the ships sails ignited.
- 4.27 The fire decreased in intensity rapidly and the liferaft was worked clear of the vessel.
- 4.28 The "Inis Mil" was heard by the crew to sink during the night in an estimated position given as lat. 50 12N, long. 007 30W.

5. EVENTS AFTER THE INCIDENT

5.1 The Liferaft

The liferaft supplied to the "Inis Mil" was a six man liferaft marketed by Seago Yachting Ltd.

The liferaft was not SOLAS approved but incorporated many of the features of an approved liferaft.

The raft had two flotation chambers and a fully enclosed canopy.

The floor was not pumped up to provide insulation but had insulating material built into the floor.

The liferaft had a sea anchor (drogue) attached by a nylon line.

It had four stabilising ballast bags.

The liferaft did not contain any food or water.

It did not contain a heliograph (mirror) for daylight signalling.

Three hand held flares were provided.

There were no survival instructions or equipment operating instructions.

A full inventory of equipment is given in Appendix 8.4.

5.2 The Survivors

The rubber dinghy containing additional stores was tied alongside the raft.

The survivors at first thought that rescue would occur quite quickly and no restrictions were placed on the amount of water and food consumed.

A domestic radio receiver had been brought into the boat and this proved a means of determining by the strength of signal from local radio stations where the raft was drifting and also provided weather forecasts.

An additional medical kit was also salvaged from the mother vessel. This contained seasickness tablets in addition to those supplied with the raft. The crew were adequately catered for in this regard.

The first two days passed with the crew eating and drinking without restrictions. Weather reports on the Saturday warned of deteriorating conditions and it was decided to cut loose the inflatable dinghy in case it caused damage to the liferaft.

The orange juice stored in the tetra packs in the dinghy was transferred to an empty water bottle and tied outside the liferaft. This was lost in the bad weather of Saturday and Sunday.

The liferaft was subjected to violent movement during the storms on Sunday 12th September.

The survivors were subjected to the stress of both the storm and the ingress of water into the raft. The raft had aligned itself such that the access door was towards the weather and water was pouring in through the zip.

At times during heavy rain the occupants felt they were suffocating. The survivors were also trying to maintain pressure in the liferafts chambers, which had been losing air through leaks caused by a sharp object in the first aid kit and shoes rubbing the protective material off the air chambers.

Part of the floor insulation was removed in an attempt to fashion a heliograph by wrapping it around a paddle. This was ineffective but the survivors felt it necessary to keep their shoes on to retain heat.

The air pump proved of such an awkward design that it took three people to operate and the connection to the raft chambers was of such a bad design that it is a credit to the occupants that they were able to use it at all.

Nonetheless throughout the ordeal the raft remained level and upright.

Inspection of the raft after the rescue indicated that the ballast bags beneath the raft were structurally sound and had withstood the violent motion with little apparent damage.

By the evening of the 12th September, 2004 Michaela Vitting, wife of Mr. Juergen Hensel had become concerned that she had not heard from her husband and notified the Irish Coast Guard.

She had delayed raising the alarm until the 12th September, 2004 because of an alternative sailing plan that had the vessel sailing directly to France, by passing the Scilly Isles, if the weather permitted. She thought that this was the reason she had not heard from her husband earlier.

The Irish Coast Guard alerted both the UK Coastguard and the French Coastguard that the vessel was overdue and helicopters were tasked from Ireland and France to begin a search.

Extensive enquiries were made along the British, Irish and French coasts by the respective rescue services to determine if the vessel had arrived at any port .

On the 13th September, 2004 Valentia MRSC upgraded the alert to a Pan message.

Onboard the liferaft the survivors felt that they were closing with the coast and during the night of the 14th September they observed shore lights and a lighthouse thought to be Trevoise Head.

A soft drink was shared between the survivors on the 14th September, 2004. This was the last liquid and nourishment available to them on the raft.

On the morning of the 15th September, 2004 the shore could be seen but the raft was again drifting out to sea.

On abandoning the "Inis Mil" Bjorn Bjorseth had wrapped his mobile phone in plastic. On the morning of the 15th Bjorn turned on his phone.

While a weak signal was observed on this phone no network was available .

The card from Mr. Ian Faulkner's phone was inserted into Bjorn's phone and contact was made with the UK Coastguard at 0839 hours.

EVENTS AFTER THE INCIDENT

cont.

The rescue services located the liferaft 3 miles Northwest of Trevoze Head, Cornwall at 0850 hours and the survivors were recovered from the sea shortly afterwards.

While all the survivors made an apparent rapid recovery, the youngest and fittest members of the crew took a week to fully recover their strength. Other crewmembers still suffered physically as a result of their ordeal for some months afterwards.

6. CONCLUSIONS

- 6.1 No information on the proposed voyage was forwarded by the Master or crew to the Irish Coast Guard, UK Coastguard or French Coastguard.
- 6.2 With the exception of the informal arrangement between Mr. Hensel and his wife (who raised the alarm) nobody ashore was likely to be concerned at the vessel being overdue.
- 6.3 Despite the recommendation of the DCMNR Surveyor the owners did not carry out an independent survey to establish the vessels seaworthiness prior to this journey.
- 6.4 No request for a safety equipment or a safety construction survey was made to the DCMNR by either the former owner or the new owner prior to departure.
- 6.5 No consideration was given by either the former owner or the new owner to the statutory requirements for a vessel of this class (XII) to comply with the relevant Lifesaving Appliance Rules and Fire Fighting Equipment Rules.
- 6.6 No test was carried out on the vessel VHF radio in preparation for the voyage or on departure from Kenmare.
- 6.7 Water entered the vessel through hull planking as the vessel began working in open water and through openings in the hull, in particular the anchor pipes, which allowed the access of seawater directly into the accommodation and engine room spaces.
As the vessel continued to work in the open sea these initial sources of water ingress became more persistent.
- 6.8 The ability of the crew to work their vessel was severely restricted due to sea sickness exacerbated by the diesel fumes emanating from a diesel spill in the engine room.
- 6.9 No consideration was given to abandoning the proposed voyage and making for an Irish port that, given the weather conditions, lay to leeward and would have reduced the ingress of water and assisted the sailing of the vessel.
- 6.10 Preparation for abandoning the vessel was in general well thought out.
- 6.11 The decision to abandon in daylight aided the orderly evacuation of the vessel.
- 6.12 The decision to ignite the vessel with petrol was high risk as subsequent events proved.
- 6.13 The use of smoke or flames on the deck of a vessel as an emergency signal is well established.

cont.

Annex IV to the International Regulation For prevention of Collision at Sea, Distress Signals, (1) states:

The following signals, used or exhibited either together or separately, indicate distress and need of assistance;

(h) flames on the vessel (as from a burning tar barrel, oil barrel, etc)

- 6.14 It is not recommended that a vessel not already ablaze should be ignited in an uncontrolled manner.
- 6.15 The use of smoke or flames on the vessel as an emergency signal is most likely to receive a response when the vessel is in sight of observers on other vessels or from the shore.
- 6.16 Hand held flares are in general used to aid rescuers to home in on a casualty. Their short range makes them unsuitable as a speculative means of raising the alarm.
- 6.17 Despite the shortcomings of the life rafts inventory and in the reported poor quality of some auxiliary equipment the liferaft achieved its design function to preserve the lives of the crew.
- 6.18 A knowledge of basic survival training amongst the crew was poor or non-existent. However each member of the crew had some form of adventure activity training and was able to apply this training to the survival situation. Pooling of knowledge and ability proved an effective remedy in this case for the absence of basic survival training.

7. RECOMMENDATIONS

- 7.1 It is recommended that vessel registration should be based on safety considerations only and that vessels should not be registered until they comply with the required safety standards.
- 7.2 The appropriate authorities in the departure port and arrival port should be notified of all intended voyages, their expected duration and the route planned. Any departure from the plan should be notified to the authorities immediately.
- 7.3 A full operational check of all radio and navigational equipment should take place prior to any voyage of any duration.
- 7.4 The operational recommendations above are contained with other valuable information in the Code of Safe Practice for Pleasure Craft shortly to be published. This code should be strictly adhered to by all owners and skippers of pleasure craft.
- 7.5 When a voyage is to be undertaken on a new or strange vessel a number of short proving voyages should be undertaken to enable the crew to discover any faults or operational idiosyncrasies of the vessel.
- 7.6 Any vessel intending to undertake a passage in open water should be equipped with an approved EPIRB.
- 7.7 Great caution should be exercised in purchasing or hiring liferafts. They should be either SOLAS approved or approved by DCMNR. Small boat owners should make themselves familiar with the shortcomings of such liferafts e.g. the absence of food and water, and take steps to counter the absence of essential equipment within the liferaft container by providing a grab bag with additional survival items.
- 7.8 Basic sea survival training should be considered a minimum knowledge standard before any person skippers or crews any sea going craft. Details of approved facilities that offer courses in Basic Sea Survival can be obtained from DCMNR, Leeson Lane, Dublin 2.

8. LIST OF APPENDICES

- 8.1 Photographs of the Seago 6 man liferaft.
- 8.2 Certificate of Survey for Tonnage Measurement.
- 8.3 Marine Notice No. 5 of 2002.
- 8.4 SOLAS Requirements.

Appendix 8.1 The Seago 6 man liferaft.



The lower chamber is partially deflated and on inspection damage caused by rubbing action probable from the shoes of survivors was apparent in a number of locations.

APPENDIX 8.1

Appendix 8.1 cont. The Seago 6 man liferaft.



The interior of the liferaft with the floor insulation showing remnants of the aluminium outer cover that was removed by the survivors in an attempt to make a heliograph.

Appendix 8.2 Certificate of Survey for Tonnage Measurement.

14/07 2006 11:09 FAX 0214968617
 Marine Survey Office
 0214968617

003
 SURVEYS
 AN
 REGISTRY FORM NO

APPENDIX 8.2

CERTIFICATE OF SURVEY

Mercantile Marine Act, 1955

Name of Ship		Port of intended registry		Official number, if there has been any former registry	
Inis Mil		Sligo		402532	
How propelled		Where built		When built	Name and address of builders
Single Screw motor vessel		U.K.		1949	M ^c Duff, Frazerburgh, Scotland

			Feet	Tenths
Number of decks.....	One	Length from fore part of stem to the aft-side of the head-of-the stem-post/fore side of the rudder stock..	61	01
Number of Masts.....	Two			
Rigged.....	Sloop	Main breadth to outside of plating	18	46
Stem.....	Raked	Depth in hold from tonnage deck to ceiling/top of floor amidships	7	42
Stern.....	Cruiser	Depth in hold from upper deck to ceiling amidships, in the case of two decks and upwards	-	-
Build.....	Carval	Depth from top of upper deck at side amidships to bottom of keelson	-	-
Framework and description of vessel.....	Timber Trwler yacht	Round of beam on upper deck	0	33
Number of bulkheads.....	1	Length of engine room (if any)	16	25

PARTICULARS OF TONNAGE

The tonnages of this ship, in accordance with her Tonnage Certificate are :-

GROSS TONNAGE :- 49.33 tons (137.60 cubic metres)


REGISTER TONNAGE :- 22.20 tons (62.33 cubic metres)

The number of seamen and apprentices for whom accommodation is certified **NONE.**

I, the undersigned surveyor appointed by the Minister for the Marine having surveyed the above named ship, hereby certify that the above particulars are true, that the ships name is marked on each of her bows, that her name and the name of her port of registry are marked on her stern, that a scale of decimetres, or metres and decimetres denoting the ships draught of water is marked on each side of her stem and of her stern post, and that all these markings have been made in a manner directed by the Mercantile Marine Act, 1955.

Dated at Cork
 this 27 July 2004


 Sean Foran (Surveyor)



APPENDIX 8.2

Appendix 8.2 cont. Certificate of Survey for Tonnage Measurement.

14/07 2006 11:10 FAX 0214968617 Marine Survey Office 004
0214968617

CERTIFIED EXTRACTS OF PARTICULARS SUPPLIED BY BUILDERS, OWNERS OR ENGINE MAKERS

PARTICULARS OF PROPELLING ENGINES (if any)

No. of sets of engines	6
No. of shafts	6
Description of engines	Internal Combustion
When made	1949
Name and address of makers	J. L. Gardner & sons Ltd Watcraught England

Reciprocating engines :-

No. of cylinders in each set	1
Diameter of cylinders	40
Length of stroke	97

Rotary engines :-


No. of cylinders in each set	
------------------------------	--------	--

PARTICULARS OF BOILERS

Description	
Number	
Loaded pressure	
When made	
Name and address of makers	

Estimated Brake or Shaft Power 120 (kw) Estimated speed of ship 8 knots

Note:- In the case of multiple engined ships the figures for horse power show the total horse power and not the horse power for each set of engines.


 Seán Foran (Surveyor)

Appendix 8.2 cont. Certificate of Survey for Tonnage Measurement.

14/07 2006 11:10 FAX 0214968617 Marine Survey Office 0214968617 005

DEPARTMENT OF TRANSPORT

TONNAGE FORMULA

For calculating the Ship's Tonnage under the Merchant Shipping (Tonnage) Regulations, 1967

SURVEYS II

Builder's Name		Official number, if there has been any former registry		Name and address of owner	
Yard Number		When built		Particulars of accommodation	
Name of Ship		Name and address of builder		Number of crew berth	
Is to be a sailing, steam or motor ship, or a motor ship, law propelled		Owner		Manner	

Length from fore part of stem to the aft-most of the keel of the mainmast (true side of the hull) ... 60 40
 Main breadth to outside of plating ... 18 40
 Depth in hold from keelson to ceiling ... 8 70
 Depth in hold from upper deck to ceiling ...
 Depth from top of upper deck to side ...
 Round of beam on upper deck ... 0 3
 Length of engine room (if any) ... 15 0

No. of Deck	Area	When built				Tonnage	Particulars of Tonnage
		1	2	3	4		
1	13.1	13.1	15.6	16.4	17.0	17.0	17.0
2	11.4	11.4	16.7	16.8	16.7	16.8	16.7
3	10.1	10.1	15.0	15.0	15.4	15.4	15.0
4	7.8	7.8	13.1	13.0	13.0	13.0	13.0
5	2.0	2.0	2.5	2.5	2.5	2.5	2.5
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SUMMARY

Gross Tonnage: 58.12

Allowance for Propelling Power: 31.97

Allowance for Crew Accommodation: 90.48

Other allowances: -

Net Tonnage: 26.15

Regulation Tonnage: 76.00

Signature of Surveyor: [Signature] Date: 28/11/00

Signature of Owner: [Signature] Date: 1.12.06

APPENDIX 8.2

Appendix 8.2 cont. Certificate of Survey for Tonnage Measurement.

14/07 2006 11:11 FAX 0214968617 Marine Survey Office 0214968617 0006

14/07 2006 11:11 FAX 0214968617

Marine Survey Office
0214968617

0006

--- APPARENT UP ---

STY (BY 21 October 1980)

--- Tonnage Register --- (Date) 14/07/06

--- Tonnage of the vessel ---

<p><u>MEASUREMENT STAGES</u></p> <p>ALIGN. RODS</p> <p>2.0 x 14.8 x 5.7 = 174.4</p> <p>15.2</p> <p>1.9</p> <p>1.9 x 15.2 = 28.88</p> <p>1/2 x 174.4</p> <p>18.7 x 100 = 37.52%</p> <p>5412</p> <p>2.0 x 18.7 x 175 = 3308</p> <p>ADJUST TO NET GROSS</p> <p>12976</p>	<p><u>LIGHT = 172</u></p> <p>11.5 x 8.6 x 1.5 = 146.85</p>	<p><u>MEASUREMENT</u></p> <p>SWD.</p> <p>2.0 x 2.0 x 10.5 = 0.42</p> <p>HOLD</p> <p>2.0 x 2.0 x 1.0 = 0.16</p> <p>1/2 G.T. = 244.72</p> <p>ENCLOS = 2.2</p>	<table border="0"> <tr> <td style="text-align: right;">Gross Tonnage</td> <td style="text-align: right;">5812</td> </tr> <tr> <td colspan="2"><u>Details</u></td> </tr> <tr> <td>1. Crew accommodations</td> <td style="text-align: right;">1.2</td> </tr> <tr> <td>2. Other deductions</td> <td style="text-align: right;">1.2</td> </tr> <tr> <td>Residual</td> <td style="text-align: right;">5680</td> </tr> <tr> <td>Multiplier for tonnage</td> <td style="text-align: right;">1.0</td> </tr> <tr> <td>Limit of allowance for propelling power</td> <td style="text-align: right;">3.77</td> </tr> </table> <p><small>For Form Survey 21</small> The tonnage of the engine room spaces below the <u>main</u> deck is <u>1.2</u> tons. The tonnage of the total spaces framed in above the <u>main</u> deck for propelling machinery and for light and air is <u>2.2</u> tons.</p>	Gross Tonnage	5812	<u>Details</u>		1. Crew accommodations	1.2	2. Other deductions	1.2	Residual	5680	Multiplier for tonnage	1.0	Limit of allowance for propelling power	3.77
Gross Tonnage	5812																
<u>Details</u>																	
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2. Other deductions	1.2																
Residual	5680																
Multiplier for tonnage	1.0																
Limit of allowance for propelling power	3.77																

Appendix 8.3 Marine Notice No. 5 of 2002.



**MARINE NOTICE
NO. 5 OF 2002**

NOTICE TO ALL SHIP OWNERS, SHIPS MASTERS, NAVIGATION OFFICERS, SKIPPERS AND SECOND HANDS OF FISHING VESSELS

Voyage Planning

This Marine Notice is in response to a number of grounding and collision incidents that occurred off the Irish Coast in recent times. A common thread in many of these incidents is the neglect to complete and execute a voyage and passage plan.

As a consequence vessels have gone aground due to inadequate monitoring of positions, failure to realise the vessel was in danger and improper use or non-use of equipment such as radar and echo sounders. Vessels have collided, due in part to inadequate passing distances off areas or points of danger such as islands, shallow banks and headlands thus restricting their sea room to take avoiding action.

Voyage and passage planning comprises of four fundamentals: Appraisal, Planning, Execution and Monitoring.

The International Maritime Organisation (IMO) has adopted Assembly Resolution A.893 (21). The text of the Guidelines is reproduced as follows:

ANNEX TO IMO RESOLUTION A.893 (21) GUIDELINES FOR VOYAGE PLANNING

1 Objectives

- 1.1 The development of a plan for voyage or passage, as well as the close and continuous monitoring of the vessel's progress and position during the execution of such a plan, are of essential importance for safety of life at sea, safety and efficiency of navigation and protection of the marine environment.
- 1.2 The need for voyage and passage planning applies to all vessels. There are several factors that may impede the safe navigation of all vessels and

Appendix 8.3 cont. Marine Notice No. 5 of 2002.

additional factors that may impede the navigation of large vessels or vessels carrying hazardous cargoes. These factors will need to be taken into account in the preparation of the plan and in the subsequent monitoring of the execution of the plan.

- 1.3 Voyage and passage planning includes appraisal, i.e. gathering all information relevant to the contemplated voyage or passage; detailed planning of the whole voyage or passage from berth to berth, including those areas necessitating the presence of a pilot; execution of the plan; and the monitoring of the progress of the vessel in the implementation of the plan. These components of voyage/passage planning are analysed below.

2 Appraisal

- 2.1 All information relevant to the contemplated voyage or passage should be considered. The following items should be taken into account in voyage and passage planning:
- a) the condition and state of the vessel, its stability, and its equipment; any operational limitations; its permissible draught at sea in fairways and in ports; its manoeuvring data, including any restrictions;
 - b) any special characteristics of the cargo (especially if hazardous), and its distribution, stowage and securing on board the vessel;
 - c) the provision of a competent and well-rested crew to undertake the voyage or passage;
 - d) requirements for up-to-date certificates and documents concerning the vessel, its equipment, crew, passengers or cargo;
 - e) appropriate scale, accurate and up-to-date charts to be used for the intended voyage or passage, as well as any relevant permanent or temporary notices to mariners and existing radio navigational warnings;
 - f) accurate and up-to-date sailing directions, lists of lights and lists of radio aids to navigation; and
 - g) any relevant up-to-date additional information, including:
 - 1. mariners' routing guides and passage planning charts, published by competent authorities;
 - 2. current and tidal atlases and tide tables;
 - 3. climatological, hydrographical, and oceanographic data as well as other appropriate meteorological information;

Appendix 8.3 cont. Marine Notice No. 5 of 2002.

4. availability of services for weather routing (such as that contained in Volume D of the World Meteorological Organization's Publication No. 9);
 5. existing ships' routing and reporting systems, vessel traffic services, and marine environmental protection measures;
 6. volume of traffic likely to be encountered throughout the voyage or passage;
 7. if a pilot is to be used, information relating to pilotage and embarkation and disembarkation including the exchange of information between master and pilot;
 8. available port information, including information pertaining to the availability of shore-based emergency response arrangements and equipment; and
 9. any additional items pertinent to the type of the vessel or its cargo, the particular areas the vessel will traverse, and the type of voyage or passage to be undertaken.
- 2.2 On the basis of the above information, an overall appraisal of the intended voyage or passage should be made. This appraisal should provide a clear indication of all areas of danger; those areas where it will be possible to navigate safely, including any existing routing or reporting systems and vessel traffic services; and any areas where marine environmental protection considerations apply.

3 Planning

- 3.1 On the basis of the fullest possible appraisal, a detailed voyage or passage plan should be prepared which should cover the entire voyage or passage from berth to berth, including those areas where the services of a pilot will be used.
- 3.2 The detailed voyage or passage plan should include the following factors:
1. the plotting of the intended route or track of the voyage or passage on appropriate scale charts: the true direction of the planned route or track should be indicated, as well as all areas of danger, existing ships' routing and reporting systems, vessel traffic services, and any areas where marine environmental protection considerations apply;
 2. the main elements to ensure safety of life at sea, safety and efficiency of navigation, and protection of the marine environment during the intended voyage or passage; such elements should include, but not be limited to:
 - a) safe speed, having regard to the proximity of navigational hazards along the intended route or track, the maneuvering characteristics

Appendix 8.3 cont. Marine Notice No. 5 of 2002.

of the vessel and its draught in relation to the available water depth;

- b) necessary speed alterations en route, e.g., where there may be limitations because of night passage, tidal restrictions, or allowance for the increase of draught due to squat and heel effect when turning;
- c) minimum clearance required under the keel in critical areas with restricted water depth;
- d) positions where a change in machinery status is required;
- e) course alteration points, taking into account the vessel's turning circle at the planned speed and any expected effect of tidal streams and currents;
- f) the method and frequency of position fixing, including primary and secondary options, and the indication of areas where accuracy of position fixing is critical and where maximum reliability must be obtained;
- g) use of ships' routing and reporting systems and vessel traffic services;
- h) considerations relating to the protection of the marine environment; and
- i) contingency plans for alternative action to place the vessel in deep water or proceed to a port of refuge or safe anchorage in the event of any emergency necessitating abandonment of the plan, taking into account existing shore-based emergency response arrangements and equipment and the nature of the cargo and of the emergency itself.

3.3 The details of the voyage or passage plan should be clearly marked and recorded, as appropriate, on charts and in a voyage plan notebook or computer disk.

3.4 The ships' master prior to the commencement of the voyage or passage should approve each voyage or passage plan as well as the details of the plan.

4 Execution

4.1 Having finalized the voyage or passage plan, as soon as time of departure and estimated time of arrival can be determined with reasonable accuracy, the voyage or passage should be executed in accordance with the plan or any changes made thereto.

Appendix 8.3 cont. Marine Notice No. 5 of 2002.

4.2 Factors which should be taken into account when executing the plan, or deciding on any departure there from include:

1. the reliability and condition of the vessel's navigational equipment;
2. estimated times of arrival at critical points for tide heights and flow;
3. meteorological conditions, (particularly in areas known to be affected by frequent periods of low visibility) as well as weather routing information;
4. daytime versus night-time passing of danger points, and any effect this may have on position fixing accuracy; and
5. traffic conditions, especially at navigational focal points.

4.3 It is important for the master to consider whether any particular circumstance, such as the forecast of restricted visibility in an area where position fixing by visual means at a critical point is an essential feature of the voyage or passage plan, introduces an unacceptable hazard to the safe conduct of the passage; and thus whether that section of the passage should be attempted under the conditions prevailing or likely to prevail. The master should also consider at which specific points of the voyage or passage there may be a need to utilize additional deck or engine room personnel.

5 Monitoring

- 5.1 The plan should be available at all times on the bridge to allow officers of the navigational watch immediate access and reference to the details of the plan.
- 5.2 The progress of the vessel in accordance with the voyage and passage plan should be closely and continuously monitored. Any changes made to the plan should be made consistent with these guidelines and clearly marked and recorded.

Secretary-General
Department of the Marine and Natural Resources
Leeson Lane
Dublin 2

5th April 2002

Any enquiries concerning Marine Notices should be addressed to:
Maritime Safety Division
Tel: 01-6199358 Fax: 01-6620774 email: marine.notices@marine.gov.ie

Appendix 8.4 SOLAS Requirements.

Contents of a SOLAS A Liferaft

1 x Bailer
2 x Sponges
Set of leak stoppers
1 x Air pump
Repair kit
2 x buoyant paddles
1 x signal card
Instruction leaflets
Torch with spare batteries and bulb
6 x Anti seasickness tablets per person
1 x Rescue line and quoit
1 x Safety knife
2 x Sea anchors
1 x First Aid kit
1 x Sick bag per person
1 x Whistle
4 x Red parachute flares
6 x Hand held flares
2 x Buoyant orange smoke canisters
1 x Heliograph
1 x Radar reflector
2 x Thermal protective aids (2 minimum)
1 x Fishing kit
0.5 Litres of drinking water per person
1 x Graduated drinking vessel
10 000 kilojoules on non thirsts provoking rations per person

9. LIST OF CORRESPONDENCE RECEIVED

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23 Westfield Court
Portsmouth Road
SURBITON KT6 4HG
England

Tuesday, 17 May 2005
Your ref: MCIB 99

Mr Dick Heron
Secretary
Marine Casualty Investigation Board
Leeson Lane
DUBLIN 2
Eire

Dear Sirs,

**LOSS OF "INIS MIL" IN THE CELTIC SEA ON WEDNESDAY 8TH SEPTEMBER 2004 EN
PASSAGE TO ST MARY'S IN THE SCILLY ISLES**

RESPONSE TO THE MCIB DRAFYT REPORT OF 21ST APRIL 2005

Please find attached our Response to the abovementioned Draft report.

May we suggest that the Draft report be amended in the light of this Response. In any event,
it should be appended to the MCIB Report before publication.

The Response was drafted with the benefit of legal opinion, but I would rather exclude lawyers from the process in the hope all parties can work together to produce a reliable and cost-effective final Report, without the pressures that might be perceived once lawyers start representing clients.

We have obtained the opinions of two experts who may be willing to discuss any aspects of the case with your experts in a joint meeting in which they identify (on a Without Prejudice basis) areas upon which they are all agreed and clarifying any areas of disagreement.

Having obtained such expert opinions, we do not wish to disclose the substance of our expert reports to any other party at this stage, unless to do so would result in a clear benefit to us in any dispute resolution process.

Please acknowledge receipt of this covering letter and appended Response.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D W Faulkner'.

D W FAULKNER

9. CORESPONDENCE RECEIVED

IN THE MATTER OF MSY INIS MIL		
AND IN THE MATTER OF THE DRAFT REPORT INTO THE CASUALTY 8 SEPTEMBER 2004		
RESPONSE OF STEPHANIE PREUX AND DAVID FAULKNER		
Item	Page	Comment
Synopsis		
1	3	No mention is made as to when the MCIB was notified, and when it began its investigation. No summary is given of the facts of the accident, save those consequent upon the vessel's abandonment. It is not stated to whom it is proposed to make the recommendations.
Factual Information		
2	4	The following information is missing: confirmation of the vessel's registered name, registered owner, registered number, port of register and flag, classification society, location of accident, date and time, and damage.
Description of vessel		
3	4	It is orthodox practice to have considerably more information about the vessel, which one would expect to be particularly relevant in view of the brief statement 'Converted to gaff rigged sailing yacht around 1993'. Expert opinion on the design, stability, seaworthiness and safety of the vessel subsequent to conversion must have paramount importance in the certificates and approvals granted, and must have influenced the conclusions drawn by the maker of the Draft Report. Clearly documentary evidence of the information is available to the maker in the form of a transcript of register, a tonnage survey and a safety survey both carried out by the Irish authorities, whose officials, we know, are available for interview, and we also know that the previous and late owners and operators are also available for interview.
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Crew

4 5

It is noted that only the sketchiest information is given about each crew-member, with no indication of their duties, rights or obligations in the incident.

Events prior to the incident

- 5 6 3.1: It is not stated when Messrs J and A Hensel ('JH' and 'AH') sold the vessel to Ms Preux ('SP'); in view of the proximity of the sale to the date of the accident, the facts of the sale and representations about the history, condition, safety and seaworthiness of the vessel, upon which SP relied, are highly relevant to this Draft Report.
- 6 6 3.2: SP's demands have only been summarised in the briefest terms; their importance is acknowledged and the demands therefore should be set out in full, together with reasons why the demands were made.
- 7 6 3.3: It is essential that the full report of the survey referred to by the DCMNR is annexed to this Draft Report. Additionally, the following evidence should also be annexed, namely, the tonnage survey for registration purposes referred to in the letter of the DCMNR to Mr D Faulkner ('DF') dated 28 October 2004, and the exchange of all relevant correspondence which included that letter and other correspondence with DF.
- 8 6 3.4: SP and DF are unaware of the advice alleged. Evidence must be given to support the statement that advice allegedly given to the owners, including the date, time and place of the advice, whether this was written or oral, who gave the advice, the circumstances in which the advice was given, details of witnesses and the full dialogue or exchange of correspondence.
- 9 6 3.5 and 3.6 Clearly full statements of the evidence alleged are required, so that SP and DF may reply.
- 10 6 3.7: It is essential that the full report and a statement of evidence is produced in respect of this item. It will be particularly important to establish the DCMNR's and MCIB's positions as to why subsequent visits were necessary, in view of the visit previously mentioned, and so that the position can be reconciled with the DCMNR's letter of the 28 October 2004.
- 11 6 3.8: The full circumstances of this advice must be explained, including, inter alia: Who advised this, when, where, how and why? If it is alleged that this was said during the tonnage survey inspection, please explain the authority upon which the advice was given.
- 12 6 In relation to Items number 7 to 11, it is particularly

5/17/2005

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relevant to establish the duties owed by the MCIB, the DCMNR, how they overlap, who was responsible for conducting activities in this case within each department, and how independence was maintained for the purpose of ensuring fairness and lack of bias in the completion of this Draft

Report.

- 13 6 3.10 and 3.11: Please state the procedures set down by law for reporting to and making contact with the Irish Coast Guard as referred to; please state the basis upon which such contact must be made; and it is essential that the appropriate Instructions / Instructions / Advice to Mariners are annexed to the Draft Report.
- 14 6 3.12: Please state with full particularity the facts upon which this clause is based. It is essential to set out who said what, and who did what. It will also be relevant to set out the full dialogue, at all material times, concerning representations made about the alternator in this matter.
- 15 7 3.13: This clause is bewildering; in view of the assertion on Page 5 that DF was the skipper. Is it meant to convey the assertion that DF considered the options with JH and then made a decision that was consistent with the conversation, or is some other meaning to be divined? Please either supply the full details of what was said, in the context of the crisis then developing, or annex copies of the statements upon which the Draft Report is based.
- 16 7 3.16: It must be of prime importance to the Draft Report to establish who switched off the automated pumps, on whose authority the pumps were switched off, and the reasonably foreseeable consequence of doing so. In respect of the last point, no doubt expert opinion will be adduced.
- 17 7 3.17 to 3.20: It is noteworthy that there is no account of the environmental conditions, nor is any relevant independent report annexed. Without such evidence, it is difficult to place the ingress of water in context.

The Incident

- 18 8-9 No attempt appears to have been made to give expert opinion on the manner and the cause of the integrity of the hull being compromised, nor on the condition of the machinery installed on board for preventing or mitigating the ingress of water. Please supply by way of an annex, relevant expert opinion.
- 19 8-9 It is of prime importance to the Draft Report to establish what were the effective methods of contact available to the skipper given the range of the radio equipment on board, and the position of the vessel, both in relation to observation from ashore and in relation to the shipping lanes.

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20 8-9 Please identify which of the items stated, were the subject of comments by the DCMNR in their reports, and state the references so that the reports (which must, of course, be annexed) can be consulted. Please state further, which of the recommendations contained in the reports had been acted upon, whether any had not, and the reasons given in respect of the latter.

21 8-9 Please state with full particularity what dialogue took place on board the vessel in which the options for preserving the safety of life were discussed, and the justification reached by DF for the conduct undertaken.

Events after the incident

22 10 5.1: Please clarify which of the SOLAS requirements were satisfied in the liferaft. It is noteworthy that a full inventory is stated to appear in the appendix, but the list of appendices provides only for photographs.

Conclusions

23 13 6.1: The information requested in Item 13 is important before addressing this clause.

24 13 6.3 and 6.4: The inconsistencies in the evidence concerning the advice and findings of the DCMNR surveyor have been addressed, and the information requested above is essential to establish the reliability of the assertions made in the Draft Report.

25 13 6.5: This is the first mention made of these statutory requirements, and no assistance is given by way of any annexed information.

26 13 6.7: It is unacceptable to draw such a conclusion without setting out the evidence upon which expert opinion can be based; refer item 17.

27 13 6.7 and 6.8: It is submitted that the purpose of a Conclusion is to set out the informed opinions to be drawn from the evidence stated hitherto. These items clearly demonstrate the reliance upon information not previously stated, in drawing the maker's opinions.

28 13 6.9: Firstly, this conclusion is inconsistent with the assertion of a discussion referred to in Clause 3.13 Secondly, conclusions are being drawn which apparently rely on information about the environmental conditions which are missing in the Draft Report.

29 13 6.12: The assertion of the decision being 'high risk' is unacceptable out of the context of the pressures prevailing upon the vessel and the safety of life at sea at the material time. It is essential that this Clause in the Conclusions sets out fully all the risks which DF had to

9. CORESPONDENCE RECEIVED

consider at the material time in accordance with his duty of care, and how the risk referred to served to discharge his duty of care. It will then be essential to clarify what alleged damage was suffered as a result of any alleged breach of a duty of care. Crucially, it is necessary to establish with clarity whether this Conclusion contains an allegation that DF was negligent, whether there was, instead, an error of judgment or, indeed, whether no error of judgment can be identified. In all respects, every aspect of this conclusion must be supported by evidence to be annexed.

Recommendations

30 15 Please state which of these recommendations is currently in place and enforceable under Irish law.

MCIB RESPONSE to letter from Mr. David Faulkner and Ms. Sophie Preux dated 17th May 2005.

Note: The MCIB response is following the point sequence used by Mr. Faulkner for ease of reference. They do not correspond with the MCIB report numbering which are in brackets at the end of each MCIB response.

- 1.3 Not relevant to the investigation (1.1).
- 2.4 All the relevant information is set out in the report (2.1).
- 3.4 Not relevant to the loss of the vessel (2.1).
- 4.5 The owner, former owner and skipper are identified. Rights and responsibilities either established or implied can be taken from these details (2.1).
- 5.6 This is not relevant to the MCIB report (3.1).
- 6.6 No demands are referred to in the report (3.2).
- 6.9 The "Inis Mil" is ketcher rigged i.e. 2 masts. Notwithstanding that she was reported to have a "broken stay" and she was fully capable of using sail as a method of propulsion.
- 7.6 Copy attached at Appendix 8.2 (3.3).
- 8.6 This was advised by the Engineer and Ship Surveyor and also the Department of Communications Marine and Natural Resources on the 5th July 2004 when the measurement report was being carried out (3.4).
- 9.6 Mr. Faulkner made a report to the Investigators' office on 8th October 2004 in which he states "In addition Stephanie Preux (owner) and David Faulkner (himself) inspected her on two occasions prior to the sale, staying aboard for a period over two weeks to familiarise themselves with the vessel and her systems, David Faulkner inspected her bottom on a separate occasion in May 2004 whilst she was berthed to undertake anti-fouling. Her bottom was considered sound" (3.5, 3.6).
- 10.6 The purpose of the return visit is clearly stated in the report (3.7).
- 11.6 The advice was given by an Engineer/ Ship Surveyor of the Department of Communications, Marine and Natural Resources on 2nd September 2004 to Mr. Faulkner (3.8).
- 12.6 This is not relevant to the report. The MCIB is an independent body set up by the State to investigate marine casualties. The purpose of the MCIB is to establish the facts of a marine casualty and to make recommendations to prevent other casualties re-occurring. The MCIB is independent of the Department of Communications, Marine and Natural Resources (3.7 to 3.11).
- 13.6 Whilst no law exists it is fundamental to safety of life at sea to file Passage Plans for all major voyages. See Marine Notice No. 5 of 2002 at Appendix 8.3 (3.10).
- 14.6 This is based on the evidence given by Mr. Bjorn Bjorseth, Mr. Juergen Hensel and Mr. David Faulkner himself (3.11).

- 15.7 In his statement to the Investigator Mr. David Faulkner states "a discussion with Mr. Juergen Hensel ensued and it was agreed to press on" (3.12, 3.13).
- 16.7 - This is based on Mr. David Faulkner's own statement to the MCIB Investigator and on 16.20 information supplied by Met Eireann (3.14 to 3.20).
- 18 8.9 It is impossible to give an expert opinion as the vessel was set alight by the crew and lost. The only information given by the crew is sketchy and conflicting (4.1 to 4.9).
- 19 8.9 This is clearly referred to in the report and Mr. David Faulkner's statement is another example of his attempts to confuse matters as he himself was the skipper (4.10 to 4.13).
- 20 8.9 The MCIB does not know what these comments are referring to.
- 22 10 This is not the function of the report but full inventory is attached at Appendix 8.4 (5.1).
- 23 13 The MCIB report has dealt with this, see Section 3.10 of the report (6.1).
- 24 13 This is a matter of record in the Marine Survey Office, Cork (6.3, 6.4).
- 25 13 It is the responsibility for the owner and the skipper - Mr. Faulkner himself and Ms. Stephanie Preux to educate themselves and to make themselves aware of their statutory requirements (6.5).
- 26 13 It is entirely logical and acceptable that this conclusion is drawn. Various witness statements highlighted that the vessel leaked through planks and seams before getting with the heavy weather (6.7).
- 28 13 Met reports are available. Crew evidence was given that turning back was discussed but not considered an option. This was also confirmed in Mr. Faulkner's statement (See 15.7 above) (6.9).
- 29 13 This is based on the evidence from the crew in their statements (6.12).
- 30 15 The MCIB suggests that Mr. Faulkner, as skipper of the "Inis Mil", would acquaint himself with the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. It is noted that Mr. Faulkner has not provided any factual information, which, would assist the Board in its report.
Mr. Faulkner, whilst purporting to deal with the report on a basis is in fact seeking to obscure the fact that he was the skipper of the "Inis Mil" with the clean responsibility of proper management of the vessel and the safety of the crew (7.4).

9. CORESPONDENCE RECEIVED

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Surbiton KT6

Fax: 00353 1 676 3129

Mr Dick Heron
Secretary
MCIB
Leeson Lane
DUBLIN 2
Eire

WEDNESDAY 18 MAY 2005
EURE

Wednesday 18th May 2005

Dear Sirs,

Your letter and Draft report of the 21st April 2005 invite my response.

Firstly I must say that I have not been contacted or interviewed by an Irish investigator, so have not contributed to the development of Draft report you appended.

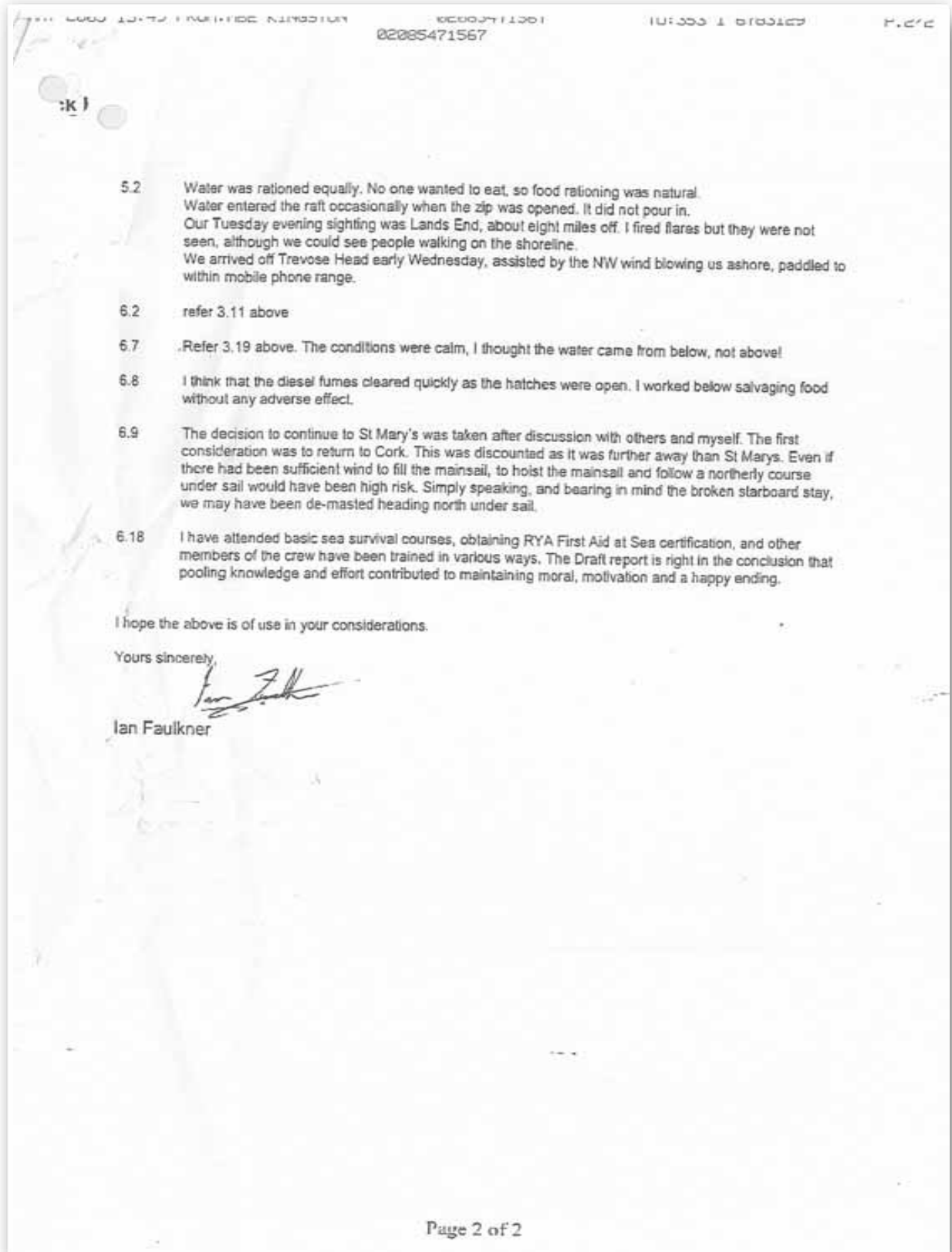
However I should like to take this opportunity of thanking those involved in facilitating our return to dry land, in particular the Falmouth Coastguard, the helicopter crew of RN Guldrose and the staff of the Royal Cornwall Hospital, who were all brilliant.

Turning to the Draft report, I can comment as follows.

- 3.11 Members of my family, and my girlfriend a number of friends were aware of our planned departure to St Mary's. I had arranged to disembark there to return to the mainland.
- 3.19 Both anchor ports were secured before departure with steel plates. We took some spray, which in turn had wet the floor. The port side (weather side) was plugged and there was no significant ingress of water, particularly in the calm conditions. I was not exhausted.
- 3.20 The starboard stay broke the Tuesday morning. The port stay later.
- 4.1 Both electric pumps were automated and running during my watches.
- 4.5/6/7 The engine cooling pump was adapted by my father. After it failed, and the bilges emptied, I worked with him late Tuesday afternoon in an attempt to fit a new impeller.
- 4.10 PAN PAN messages were sent regularly from Tuesday morning until the batteries were immersed in the afternoon of Wednesday.
- 4.11/12 We were over 60Nm from any station, so had to rely on passing vessels to pick up any VHF distress calls.
- 4.13 I, other crew members observed the fishing vessel. Flares were lit, but it turned away.
- 4.15 Water levels were contained during the night. The water started coming through the bottom after daylight Wednesday morning
- 4.20 The aluminium dinghy was lost on Wednesday whilst we were drifting.
- 4.24 Setting the vessel on fire was also to provide a navigation warning should any other approaching vessel fail to see Inis Mil as dusk fell.
- 5.1 Other flares were salvaged from the mother vessel to compliment those on-board the liferaft.

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MCIB RESPONSE to letter from Mr. Ian Faulkner dated 18th May 2005.

The MCIB Investigator attempted on many occasions to contact Mr. Ian Faulkner without success.

- 3.11 The MCIB accepts that many individuals ashore knew of the planned voyage however, there were no contact procedures to ensure that the voyage was monitored from the shore. This is contrary to the principals of proper voyage planning.
- 3.19 Mr. Ian Faulkner's recollections are disputed by two of the witnesses.
- 4.1 Both Mr. David Faulkner and Mr. Juergen Hensel certified that the pumps were off at night to conserve the batteries.
- 4.5/6/7 Mr. Hensel stated that he worked the pumps with Mr. Ian Faulkner and Mr. David Faulkner stated that he worked on the pumps. This obviously has significance for both of the Faulknors'.
- 4.10 An attempt to send a Pan Pan message was not considered till Tuesday afternoon. Mr. David Faulkner, Mr. Jeurgen Hensel and Ms. Stephanie Preux have stated that the vessel was not in distress prior to that.
- 4.11 Refer to Section 3.10 of the report.
- 4.13 Some crewmembers stated that they saw the Fishing Vessel, others did not.
- 4.20 Noted, the report has been changed accordingly.
- 4.24 This point was not mentioned by any other crewmember.
- 5.1 Refers to the life raft equipment.
- 5.2 Water was drank freely over the first forty eight hours contrary to present practice in survival craft i.e. No water should be consumed by survivors in the first twenty four hours unless sick or injured.
- 6.2 No further comment required.
- 6.7 No further comment required.
- 6.8 No further comment required.

9. CORESPONDENCE RECEIVED

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Capparoe 04.05.2005

Dear Mr. Heron.

Thank you for sending the Draft Report dated 21.06.2005
Your Ref: MCIB 99 Inis Mil - Passage from Kenmare to
the Scilly Isles.

I wish to add some information and do so by starting with

2. Factual Information

2.1. Fuel: 2200 litres in two plastic tanks (capacity)
Converted to bermudian ketch (see picture)

3.2. The vessel had been registered all along but not
to the knowledge of Alfred and Jürgen Hensel
and the registrar insisted on new survey as changes
had been made.

3.14 The small electric pump was engaged all the
time via a float switch, but not the bigger one,
because of switching on and off with float switch
caused a lot of water to flow back wasting energy.

3.16 see 3.14 and the amount of diesel was difficult
to judge

3.20 Two inner mast stays parted on wednesday afternoon
as they were slack for a long time (at least since
the morning) but nobody bothered as there were
more serious problems and the tools were already
difficult to reach.

4.1. The small pump did not manage on its own
during the morning of the 7th September 2004

4.2. Big pump was switched on and control light
worked but no water was pumped.

9. CORESPONDENCE RECEIVED

(2)

4.3. Hand pump was situated in position of original hand pump to be reached on deck beside wheelhouse repair would have had to happen from below deck near alternator in the engine room.

4.9. Sails were hoisted since alternator had failed.

4.12 Transmission light did show when button was depressed, every thing looked normal but no possibility to check if antenna actually worked.

VHF was not on standby to preserve power and only switched on to transmit and listen for a minute afterwards.

4.14 Everyone stayed in wheelhouse because of water below deck, but David Faulkner stayed in the wheelhouse the previous night as well.

4.15 2nd bucket got smashed up as with the heavy movement of the boat, the water had started to take everything apart - helped by the first floating debris. Dave Faulkner had been hurt before by floating boards.

4.20 8th September the aluminium boat (Lindner 440) was lost approx. 2-4 hours before leaving Mis Mil.

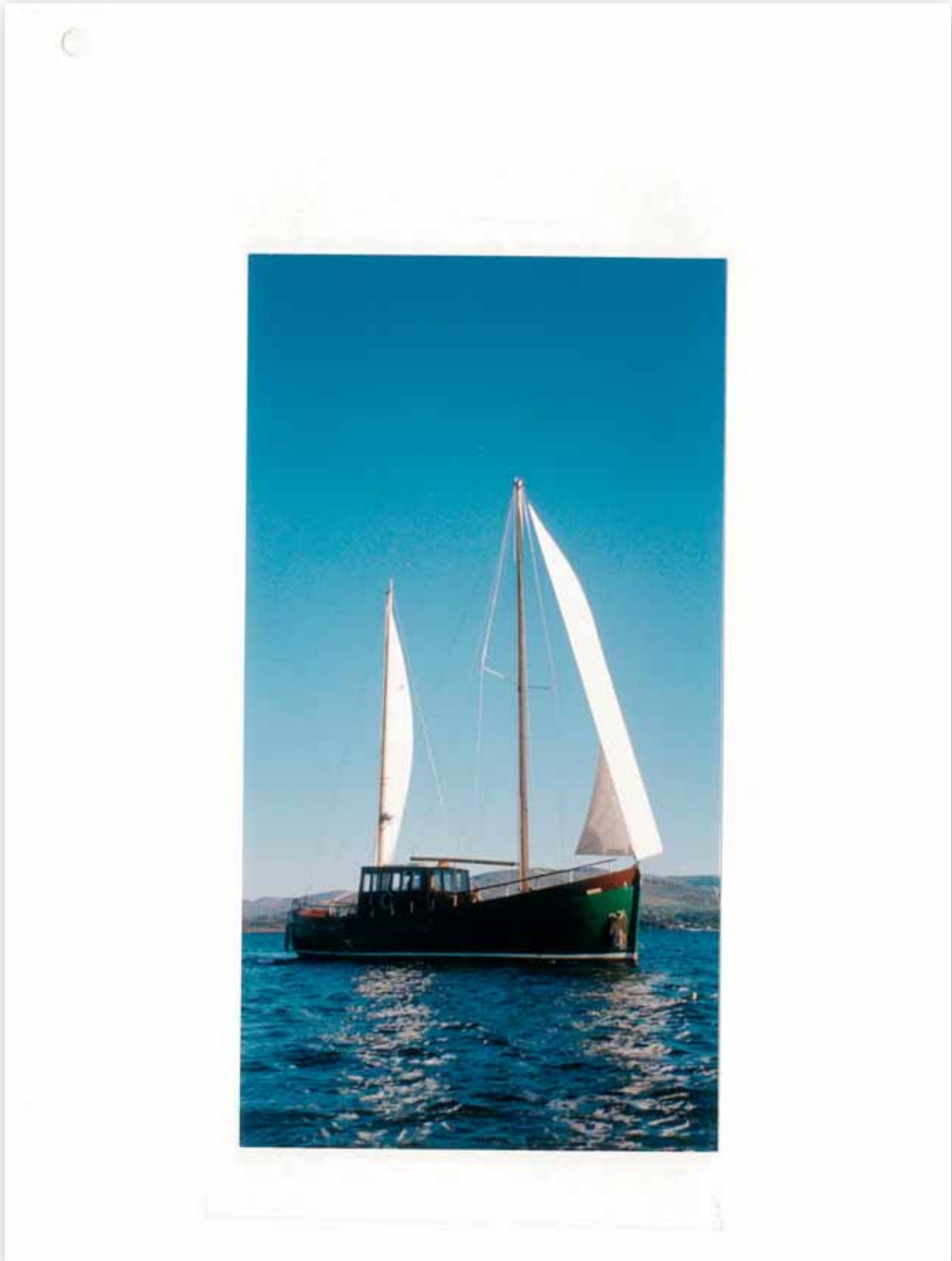
4.24 Fire was tried before on deck in controlled manner using tires etc. twice but on wednesday no boats had been spotted all day.

On reading the report I can only agree to all the recommendations being made.

Yours sincerely,

J. J. J.

9. CORESPONDENCE RECEIVED



MCIB RESPONSE to letter from Mr. Juergen Hensel dated 4th May 2005.

The MCIB notes the bulk of Mr. Hensel's comments and make the following points:

- 4.12 We note that Mr. Hensel states transmission lights on VHF were apparent and has modified the report accordingly.
- 4.15 No mention had been made of Mr. David Faulkner been injured prior to the petrol explosion.

9. CORESPONDENCE RECEIVED



Direction des Affaires Maritimes
et des Gens de Mer.
Centre Régional Opérationnel de
Surveillance et de Sauvetage.
CROSS Gris Nez.



Liberté • Égalité • Fraternité
RÉPUBLIQUE FRANÇAISE

Gris Nez, le 03 Mai 2005

Le Directeur du CROSS Gris Nez.

à

Mr Dick HERON
Secretary
Marine Casualty Investigation Board
Leeson Lane
DUBLIN 2



Affaire suivie par : Le Directeur
N°0124-DIR-GM

OBJET : Draft report on the investigation into the loss of the MSY "INIS MIL" on 8th September 2004

P. JOINTE : Picture from Stephanie PREUX and Mr Faulkner in Gris-Nez MRCC

I have received the copy of the Draft report concerning the loss of the MSY INIS MILL.

I have nothing more to add but I want to highlight the point concerning the international trip. Any vessel intending to undertake a passage in open water should really be equipped with an approved EPIRB : that's a basic principle which can prevent many disagreement such as the one we are talking about.

The rescue aspect occurred a deep work from the french authorities by :

- broadcasting messages along the french coast,
- sending aerial patrols.

The family of Stephanie PREUX was very happy, of course, of the happy end. They visited Gris-Nez MRCC and they offered a reward of 3 000 euros. This reward was given to the Société Nationale de Sauvetage en Mer of Boulogne/Mer.

Yours sincerely,

Copies : - DAMGM/SM1
- DRAM LE HAVRE



L'Administrateur en chef de 2^{ème} Classe
des Affaires Maritimes J.J. MORVANT
Directeur du CROSS GRIS-NEZ

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9. CORESPONDENCE RECEIVED

MCIB RESPONSE to letter from Republique Francaise dated 3rd May 2005.

The MCIB notes the contents of this letter.

9. CORESPONDENCE RECEIVED



MCIB RESPONSE The MCIB notes the contents of this letter.

