

**REPORT OF THE
INVESTIGATION OF THE
TRAGEDY ON
BOARD THE YACHT
“LADY HELEN”
WITH THE RESULTANT LOSS
OF LIFE
OF MR. JOHN McBRIDE
ON 22nd OCTOBER 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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1. SYNOPSIS

- 1.1 On the afternoon the 21st October 2005, Mr. John McBride departed Bunbeg, Co. Donegal on board the yacht “Lady Helen” on his own bound for Tory Island. At 21.30 hours on the night of the 22nd October 2005, his body was recovered from the water in a position north of Inishilly Ledges to the south west of Cruit Island, Co. Donegal.

2. FACTUAL INFORMATION

2.1 Description of sailing vessel - “Lady Helen”

The vessel in question is defined as a twin masted gaff rigged Drascombe Lugger of Glass Reinforced Plastic (hull and deck). The vessel houses expanded foam buoyancy chambers. A locker is located aft, which also houses the outboard motor recess well. The “Lady Helen” was white in colour. (See appendix 8.2 for a photograph of similar type vessel).

2.2 Technical details:

Length Overall	18 ft. 9 in.
Length at Waterline	15 ft. 0 in.
Beam	6 ft. 3 in.
Draft (c/plate up)	0 ft.10 in.
Draft (c/plate down)	4 ft. 0 in,

Sail areas

Jib	36 sq ft
Main	74 sq ft
Mizzen	22 sq ft

The “Lady Helen” was fitted with a 5 H.P outboard engine. The lugger is described as a most admired and flexible open day boat.

2.3 Owners Name: Mr John McBride
Address: Annagry,
Co. Donegal.

Mr. McBride is described as a very experienced seaman known to carry a personal flotation device (PFD) on board. However when recovered from the water no lifejacket or PFD was found on his body. He had a mobile ‘phone in his possession. His vessel, as far as can be ascertained, did not contain a radio, EPIRB or distress flares.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 On the afternoon of the 21st October 2005, Mr. John McBride departed Bunbeg, Co. Donegal, bound for Tory Island. During his trip he altered course to Aranmore Island where he stayed the night.
- 3.2 At approximately 19.50 hours on the 21st October 2005, Mr. McBride spoke by telephone to his daughter telling her where he was. He spent part of the evening at a local Public House and at some point during the evening he shifted the vessel from it's original berth to an alternative berth to take advantage of the tide and to refuel. He was later sighted on Aranmore Island at 02.00 hours on the 22nd October 2005 and again at 07.00 hours prior to his departure.
- 3.3 Weather at the time is described as cloudy and mild, a dry day, very slack winds with moderate sea conditions and a swell height of 2 meters reducing to 1.5 meters with a period of approximately 10 seconds. (See appendix 8.1). Local sea conditions however are described as rough with a very heavy swell.
- 3.4 The "Lady Helen" was sighted under sail off Aran Roads at 13.30 hours on 22nd October 2005. This was the last known sighting of this vessel. The observer does not know whether or not Mr. McBride was on board at that time.

4. THE INCIDENT

At 21.27 hours on 22nd October 2005, the body of Mr. John McBride was picked up by the Aranmore Life Boat at position latitude 55 degrees 01.54 N and longitude 008 degrees 27.33W (See appendix 8.3). His body was found floating in the water in the face up position. He was not wearing a life jacket/personal floatation device.

The most likely explanation for this casualty is that Mr. McBride at some stage decided to run down the sails and proceed under power. In order to achieve this he started the engine, ran it in neutral and proceeded to take down the sails. At some stage he lost his footing, possibly due to the relatively heavy swell acting against a small boat, and fell overboard.

5. EVENTS FOLLOWING THE INCIDENT

- 5.1 During the afternoon of the 22nd October 2005, Mr. Neil Gallagher observed the “Lady Helen” adrift close to shore approximately 100 yards from Aughinish Point, Cruit Island, Co. Donegal. Mr. Gallagher contacted his son Frank Gallagher who in turn contacted his brother Charles Gallagher who was at that time fishing in the area. He inspected the vessel and made contact with Malin Head Coast Guard at approximately 16.38 hours. Sails were down and the engine was tilted to the water in neutral. A pipe and tobacco lay on the decks. There was no fuel in the engine despite the fact that it had been filled the previous night.
- 5.2 At 16.45 hours, “Lady Helen” was towed, by Mr. Charles Gallagher to Kincasslagh Pier. The vessel was searched by members of An Garda Siochana. Mr. McBride’s life vest and lunch box were never found.
- 5.3 During the course of the day visibility became reduced. Rescue Helicopter 118 from Sligo and later Helicopter 116 from Dublin were called to assist in the search. Heavy showers and darkness hampered the search.
- 5.4 At 16:59 hours Marine Rescue Sub Centre (MRSC) initiated a search for Mr. McBride tasking Bunbeg Coast Guard to launch a boat and the Search and Rescue Helicopter in Sligo to assist. Subsequently Aranmore Lifeboat was requested to launch a full-scale search for Mr. McBride and shore parties assisted. A May-Day relay radio message was broadcast.
- 5.5 Mr. McBride’s body was found floating in the face up position and it was assumed that he was wearing his personal flotation device/life jacket in the water. This was found not to be the case. Mr. McBride’s body was face up due to the fact that air had become trapped within his clothing affording some degree of buoyancy.

6. CONCLUSIONS

- 6.1 The cause or causes of this incident are not known. There is no direct or indirect evidence to establish why Mr. McBride left the yacht “The Lady Helen”, and ended up in the water. The most likely explanation is set out in paragraph 4.2 of this report.
- 6.2 Earlier that morning local weather conditions were described as fresh with a heavy swell, it appears that the wind fell away by early afternoon but there was still a considerable swell. The vessel was reportedly last seen off Aran Roads apparently under sail. Two hours later the vessel was again sighted close to Cruit Island with sails down and engine in the neutral position.
- 6.3 On closer inspection the fuel tank feeding the engine was found to be empty despite it having been filled the night before. It is estimated that a full tank was more than adequate to complete the entire journey with plenty in reserve. There were other cans full of petrol onboard. We cannot put a definite time on when Mr. Mc Bride entered the water.
- 6.4 What has been established is that Mr. McBride, in a conversation with his daughter the evening before, assured her that his mobile phone was fully charged and that he would ring the following morning. Mr. Mc Bride never made that call, as a result his daughter tried to make contact with him but without success. This in itself was not cause for alarm as reception is often difficult to achieve due to the topography of the area. In addition, Mr. Mc Bride was himself a very experienced sailor and weather conditions were still quite favourable.
- 6.5 Mr. Mc Bride’s weight, coupled with the added weight of his now water sodden clothes, must have made it impossible for him to climb back onboard. It is not known at what time Mr. McBride entered the water. The sea temperature at the time was recorded at 17° Celsius.
- 6.6 An autopsy carried out on the body of Mr. McBride has established that death was due to drowning.

7. RECOMMENDATIONS

- 7.1 This incident again highlights the fundamental precaution of wearing an approved flotation device/life jacket.
- 7.2 This incident highlights the need for all persons in similar situations to make proper plans prior to commencing a voyage and in particular to take cognisance of the following:
- 7.3 Check the weather prior to departure and arrange regular up-dates throughout the voyage.
- 7.4 Notify the Coast Guard of your voyage or departure time and your expected time of arrival and give them regular up-dates during your voyage.
Factor in tidal conditions
Note the limitations of the vessel.
Ensure that adequate safety equipment is carried on board.
- 7.4 It is a statutory requirement for recreational craft under current legislation - Statutory Instrument No. 921 of 2005 - to carry a suitable life jacket/personal flotation device (See appendix 8.5).
- 7.5 Solas Chapter V - Safety of Navigation came into force on 1st July 2002 transposed into Irish Law and reproduced as Marine Notice No. 9 of 2003 a section of which deals with new regulations applicable to privately owned recreational craft (See appendix 8.4).
- 7.6 Another major consideration prior to setting off on a voyage should be the rigging of Jack /Safety Lines to which the crew are attached and thus are prevented from falling overboard while still allowing free movement about the boat. (See Appendix 8.8).
- 7.7 It is also worth fitting a radar reflector to a vessel and above all the carriage of an approved type Emergency Position Indicator Radio Beacon, V.H.F. radio and emergency flares. These are the tools by which a victim may summon help and may be the difference between life and death.
- 7.8 This tragic incident highlights the dangers of persons taking vessels to sea unaccompanied without proper VHF radio, emergency flares, emergency position indicator radio beacon or other safety features.
- 7.9 Recreational Craft users are recommended to follow the requirements and guidelines given in the Department of Transport's recently published "Code of Practice for the Operation of Recreational Craft". The Department of Transport should publicise this code.

8. LIST OF APPENDICES

- 8.1 Met Eireann weather report.
- 8.2 Photograph of a similar vessel
- 8.3 Chartlets.
- 8.4 Marine Notice No. 9 of 2003
- 8.5 S.I. No. 921 of 2005
- 8.6 Marine Notice No. 36 of 2005
- 8.7 Marine Notice No. 24 of 2005
- 8.8 Use of Jacklines /Safety lines

APPENDIX 8.1

Appendix 8.1 Met Eireann weather report..



General Forecast Division

Glasnevin, Dublin 9

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

Report for the MCIB on weather pertaining in vicinity of Glen Head, Co. Donegal on 22-Oct-2005

12- Feb-05

Helena Murphy
MCIB, Secretariat
Marine Casualty Investigation Board,
Leeson Lane,
Dublin 2.

Our ref: WS 30,8/28

To whom it concerns, the following is a report on weather conditions in the vicinity of Glen Head for the period 05.00 hours to 19.00 hours on 22- Oct-2005.

Information is derived mainly by extrapolation from Met Eireann's two nearest synoptic stations, namely Belmullet (to the southwest) and Malin Head (approx 110 km to the northeast). Archived Satellite, RADAR, and wave model data were also consulted.


General Meteorological Situation: A low of 986 hPa centered over the North Sea maintained a, very slack northwest airflow over Ireland. Ireland was mainly under the influence of a Col (between two depressions)

The following is an estimation of weather conditions in the region of Glen Head during the period in question: It was a day of very light and variable winds – mainly west in direction. No gusts of more than 12 knots were recorded. It was mostly dry too, though there were some showery outbreaks of light rain about, with a mixture of brief sunny breaks and mostly cloudy weather. The cloud bas was mostly around 400 meters, and visibilities were generally good, though inshore mist may have occurred. Note a heavy shower did occur soon after 19.00 hrs to the north of Malin Head, with some thunder reported at 20.00 hrs.

Wave conditions: The wave meter at latitude 54.75 N 8.75 W indicated a decreasing swell from the west during the day. The height of swell decreased from 2.0 meters to 1.5 meters through the periods in question. The period of this was approx 10 seconds. Wind generated sea would have been negligible due to very slack winds. These same sea conditions could very likely have occurred off the head during the day.

In layman terms the weather could be described as rather cloudy and mild. Most of the day dry with very slack winds. Visibilities good. Sea conditions would have been just moderate west swell of undulating nature due to the large period and lack of wind.

Yours Sincerely,



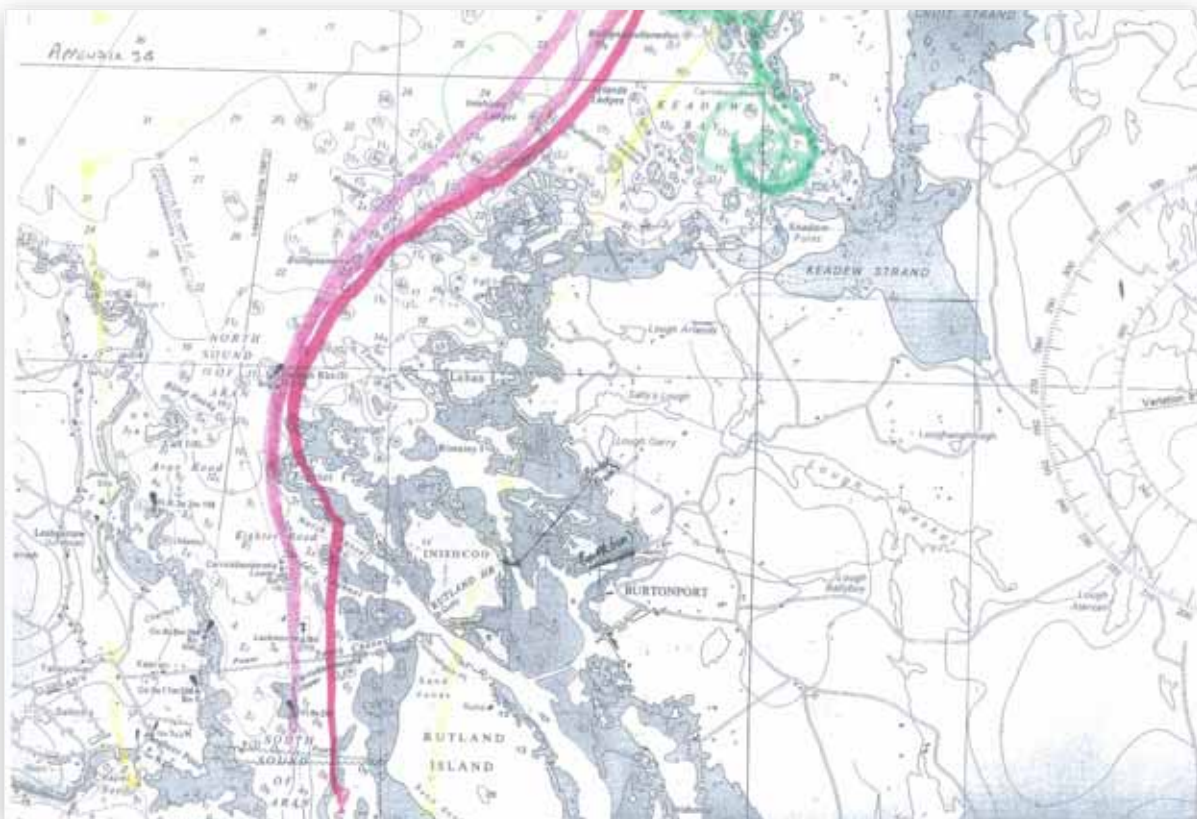
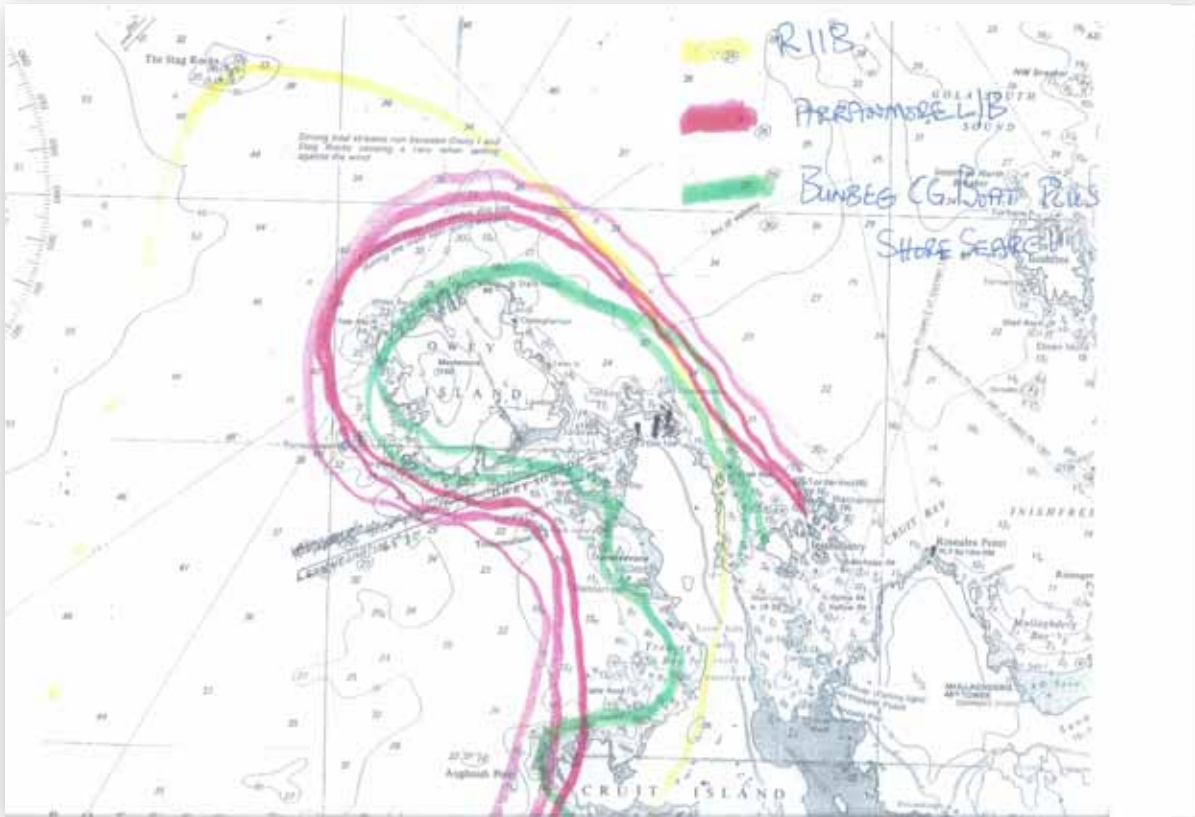
Vincent O'Shea, Meteorologist

Appendix 8.2 Photograph of similar vessell

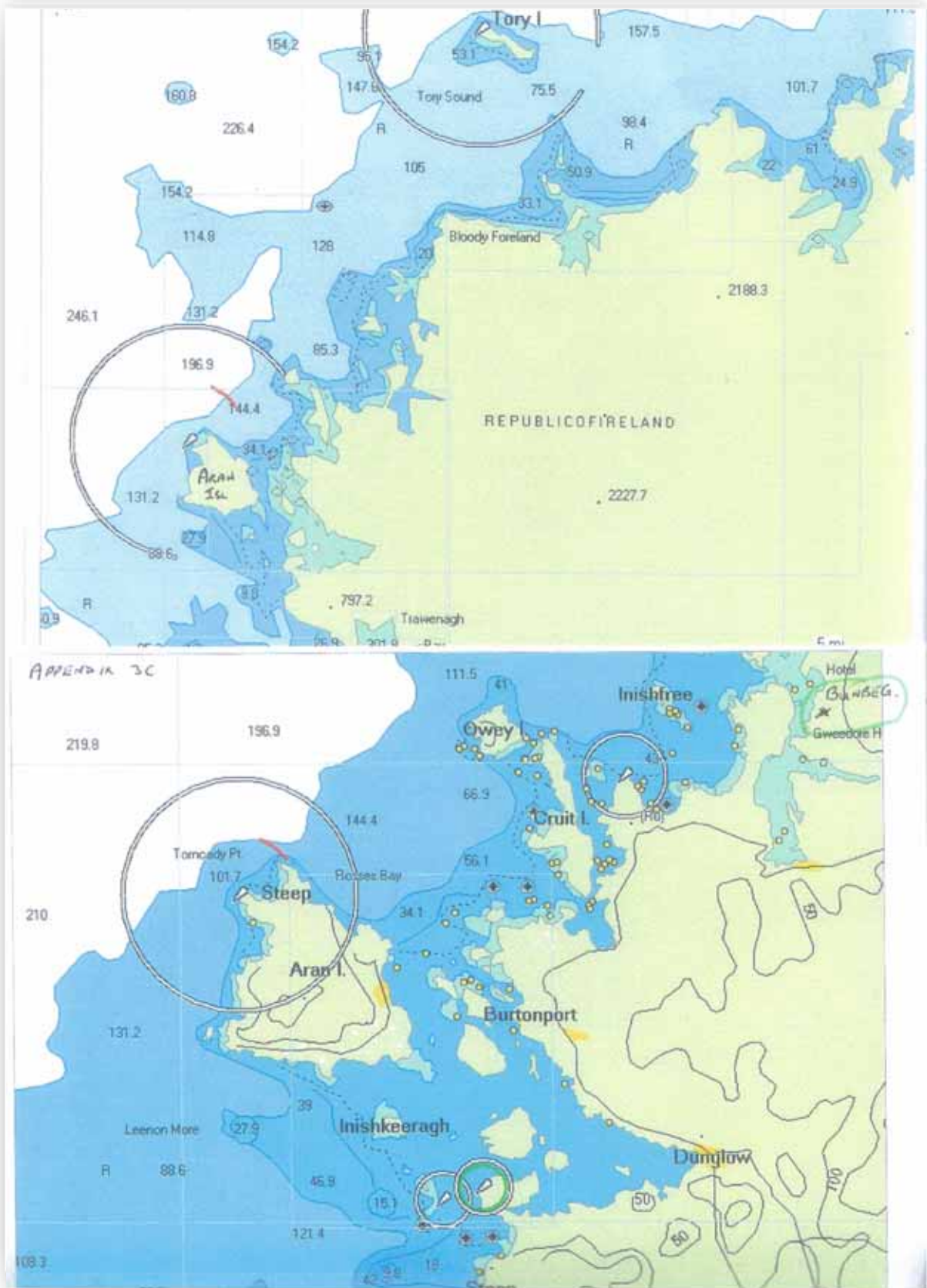


APPENDIX 8.3

Appendix 8.3 Chartlets.



Appendix 8.3 cont. Chartlets



Appendix 8.4 Marine Notice No. 9 of 2003.



Department of Communications, Marine
And Natural Resources

MARINE NOTICE No. 9 of 2003

Notice to all Recreational Craft owners, Certifying Authorities,
Surveyors, Training Establishments, Masters and Crews of all
Recreational Craft.

APPLICATION OF SOLAS CHAPTER V TO RECREATIONAL CRAFT.

On 1 July 2002, some new regulations came into force, which directly affect recreational craft. These regulations are part of Chapter V of the International Convention for the Safety of Life at Sea, otherwise known as SOLAS V. Most of the SOLAS convention only applies to large commercial ships, but parts of Chapter V apply to small, privately owned recreational craft. The regulations described in this Marine Notice apply to recreational craft.

Voyage Planning

Regulation V/34 'Safe Navigation and avoidance of dangerous situations', is a new regulation. It concerns prior-planning for a boating trip, more commonly known as voyage or passage planning. Voyage planning is basically common sense. Recreational craft users should particularly take into account the following points when planning a boating trip:

- weather: before going boating, check the weather forecast and get regular updates if planning to be out for any length of time.
- tides: check the tidal predictions for the trip and ensure that they fit with the planned trip.
- limitations of the vessel: consider whether the boat is up to the proposed trip and that there is sufficient safety equipment and stores.
- crew: take into account the experience and physical ability of the crew. Crews suffering from cold, tiredness and seasickness won't be able to do their job properly and could even result in an overburdened skipper.
- navigational dangers: make sure the crew is familiar with any navigational dangers that may be encountered during the boating trip. This generally means checking an up to date chart and a current pilot book or almanac.
- contingency plan: always have a contingency plan should anything go wrong. Before departing, consider places where the boat can take

Appendix 8.4 cont Marine Notice No. 9 of 2003.

refuge should conditions deteriorate or if the crew suffer an incident or injury. Bear in mind that the GPS set is vulnerable and could fail at the most inconvenient time. It is sensible and good practice to make sure that the crew are not over-reliant on the GPS set and that they can navigate to safety without it should it fail.

- information ashore: make sure that someone ashore knows the plans for the trip and knows what to do should they become concerned for the crews' well being. The Irish Coast Guard has a Yacht and Boat safety scheme and all vessels planning to sail off-shore are encouraged to submit a Sail Plan before commencing the voyage. In addition, the Irish Coast Guard reminds all vessels that they should pass TR messages via their nearest Coast Radio Station. There is no charge for this service. Please note, however, that overdue reporting remains the responsibility of the vessels shore contact. The Irish Coast Guard will not initiate overdue procedures on the basis of TR messages.

Radar Reflectors

Many large ships rely on radar for navigation and for spotting other vessels in their vicinity. So, whatever size the boat is, it's important to make sure that it can be seen by radar. Regulation V/19 requires all small craft to fit a radar reflector 'if practicable'. If the boat is more than 15m in length, it should be possible to fit a radar reflector that meets the IMO requirements of 10m². If the boat is less than 15m in length, it should be fitted with the largest radar reflector possible. Regardless of the size of boat, the radar reflector should be fitted according to the manufacturer's instructions and as high as possible to maximise its effectiveness.

Life Saving Signals

Regulation V/29 requires the boat to have access to an illustrated table of the recognised life saving signals, so that it can communicate with the search and rescue services or other boats if it gets into trouble. A table of life saving signals is produced in the Annex to this Marine Notice and it can also be found in various nautical publications. If the boat is not suitable for carrying a copy of the table on board (because it's small or very exposed), make sure the table has been studied before going boating. Larger boats should keep a copy on board.

Assistance to other Craft

Regulations V/31, V/32 and V/33 require a vessel:

- to let the Irish Coast Guard and any other vessels in the vicinity know if it encounters anything that could cause a serious hazard to navigation, if that hazard has not already been reported. This can be done by calling the Coast Guard on VHF, if on board, or by telephoning them at the earliest opportunity. The Coast Guard will then warn other vessels in the area.
- to respond to any distress signal that it sees or hears and help anyone or any boat in distress as best it can.

Appendix 8.4 cont Marine Notice No. 9 of 2003

Misuse of Distress Signals

Regulation V/35 prohibits misuse of any distress signals. These are critical to safety at sea and misusing them could put a person's life at risk.

In addition to SOLAS V, recreational craft users should note that the International Convention for Preventing Collisions at Sea (COLREGs) applies and therefore they should ensure that the correct lights and shapes are carried. The International Convention for the Prevention of Pollution from Ships (MARPOL) also applies. Vessels should not discharge oil or drop garbage into the sea and vessels over 12m should display a placard. Vessels of 13.7 m in length are required to meet certain life saving and fire protection requirements.

Director General
Maritime Safety Directorate
Department of Communications, Marine
And Natural Resources
Dublin 2.

29 April 2003

For any technical assistance in relation to this Marine Notice please contact the Marine Survey Office, 26-27 Eden Quay, Dublin 1 at 01-8744900.
For general enquiries please contact the Maritime Safety Division at 01-678 2360
Any enquiries concerning Marine Notices should be addressed to:
Maritime Safety Directorate, Leeson Lane, Dublin 2
Email: marine.notices@dcmr.gov.ie

Appendix 8.5 S.I. No. 921 of 2005

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 8.5 cont. S.I. No. 921 of 2005

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 8.5 cont. S.I. No. 921 of 2005

“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. L399,30.12.89, p. 18

² OJ. No. L220, 30.8.93, p. 1

³ OJ. No. L236, 18.9.96, p. 44

Appendix 8.5 cont. S.I. No. 921 of 2005

(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

Appendix 8.5 cont. S.I. No. 921 of 2005

(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).

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⁹ OJ. No. L 246, 10.9.1997, p. 7

¹⁰ OJ. No. L 241, 29.8.1998, p. 27

Appendix 8.5 cont. S.I. No. 921 of 2005

(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 8.5 cont. S.I. No. 921 of 2005

(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 8.5 cont. S.I. No. 921 of 2005

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 8.5 cont. S.I. No. 921 of 2005

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 first 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 8.5 cont. S.I. No. 921 of 2005

GIVEN, under my hand,

22 December 2005

Pat the Cope Gallagher,

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

Appendix 8.5 cont. S.I. No. 921 of 2005

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.

Appendix 8.6. Marine Notice No. 36 of 2005



Department of Communications, Marine and Natural Resources

Marine Notice No. 36 of 2005

*Notice to all users of Inflatable PFD / lifejackets, including Commercial Operators,
Fishermen, and Recreational Boat Owners and Crew.*

Guidance on the use and periodic inspection of Inflatable PFD/Life jackets

(Refer to Marine Notice No.7 of 2002 for description of types of PFD/lifejackets)

Background:

Over the past number of years there has been an increased awareness of the importance of wearing PFD/lifejackets, among commercial and recreational boat Skippers and Crew.

S.I 259 of 2004 introduced legal requirements concerning the carriage and wearing of PFD/lifejackets on recreational craft, while S.I 586 of 2001 requires fishermen to wear personnel floatation devices at all times their vessel is under way.

This has been reflected in increased numbers wearing PFD/lifejackets while on the water.

Inflatable PFD/lifejackets now comprise a significant portion of the sales of new lifejackets to the boating public. They offer a number of advantages over traditional types including:

- Lightweight
- Easy to wear, do not constrain the wearer.
- Automatic operation options, range of models and types.
- Reasonable priced, and widely available.
- Ease of Stowage
- Perceived as "acceptable" to be seen wearing on the water.

Such PFD/lifejackets are now the primary choice of most boat owners, and are to be found in use on almost all craft.

However, with the increased proliferation of these PFD/lifejackets, there are real concerns that the associated essential maintenance required to ensure their reliability is being ignored by owners. It should be noted inflatable PFD/lifejackets have a finite lifespan, and this in turn is dependant on their being serviced and maintained on a regular basis, in accordance with their manufacturers instructions.

Appendix 8.6. cont. Marine Notice No. 36 of 2005

Full servicing, should only be undertaken by manufacturer-approved agents. In addition to inspection/renewal of firing mechanisms and CO2 cartridges, it involves the inspection, testing and renewal, of inflatable collar welded seams, webbing, sealing o-rings, internal non-return valves, and inflation/leak testing of the unit. Specialist tools and training are required, and it is essential that correct spare parts are always used. It is considered to be outside the competency of the average owner to undertake such a full servicing routine.

However, all owners should be familiar with the procedure to undertake an **inspection** of their PFD/lifejackets. The details of which are described in this notice.

Inflatable PFD/lifejackets:

Inflatable PFD/lifejackets are designed to allow the wearer free and unimpeded movement on the deck of a boat, they comprise of a horseshoe type collar worn around the neck, and attached to the torso by suitable straps / webbing. Superior models will incorporate a safety harness with "D"-ring, and thigh straps. (Fig: 1)

Should the wearer fall overboard, the unit will activate an inflation chamber / bladder via a CO2 gas charge, the buoyancy of which keeps the wearer afloat.

Inflation may be "manual only" type - where the wearer operates the firing mechanism, or more commonly by "automatic" inflation whereby a sensing device will operate, causing the lifejacket to inflate if the wearer falls overboard or enters the sea.

There are two types of Automatic inflation systems currently available.

1. Soluble Pill or Collar type, - A spring loaded firing pin is retained in position by a cellulose collar within a firing cap. The tablet dissolves on contact with water, releasing the spring causing the firing mechanism to operate, piercing the bottle, and thus causing the jacket to inflate.
This design located the bottle outside the inflatable bladder making it easier to check, but leaving it prone to corrosion attack.
Movement of the jacket can also gradually cause the bottle to loosen in the firing mechanism.
This method has the advantage of operating immediately it comes in contact with water, but there are instances of them operating inadvertently, due to becoming wet or damp following to exposure to heavy rain or spray. Modern designs incorporate protection to reduce the frequency of this occurring.
2. Hydrostatic - requires the wearer to be immersed to a minimum depth of water before operating, but will not fire if the unit is wet.
The firing mechanism requires submersion to a depth of approx 100 - 150mm before it will operate.
The firing bottle is located within the bladder offering protection from corrosion.
To change a bottle requires the breaking of a major seal on the unit, it is recommended that any maintenance on these inflatable lifejackets is only undertaken by trained personnel.

Appendix 8.6. cont. Marine Notice No. 36 of 2005

Automatic types are also equipped with manual firing in the event of failure of the automatic mechanism to deploy. Inflatable PFD/lifejackets are also fitted with an oral means of inflating or topping up the inflation chamber by the wearer.

1. Soluble Pill or Collar Type Inflatable PFD/Lifejackets

The inflation chamber, CO2 charge bottle, firing mechanism and manual inflation tube, are all packed within the external cover most wearers are familiar with. (Fig: 1 & 2)

Owners should read and keep, all manufacturers care and servicing instructions supplied with new inflatable PFD/lifejackets



Fig.1 150N Inflatable PFD/Lifejacket



Fig.2 PFD/Lifejacket components

- 1 External Cover
- 2 Webbing
- 3 O-Ring for safety Harness
- 4 Buckles
- 5 Manual Firing Toggle
- 6 Inflatable collar
- 7 Retro reflective tape
- 8 Manual Inflation Tube and cap
- 9 Firing Mechanism
- 10 Velcro Sealing tape

Appendix 8.6. cont. Marine Notice No. 36 of 2005

Fig.3 Firing mechanism unit (armed)

Fig.4 Firing mechanism (unarmed)

A - Firing Mechanism. B - Manual Release Lanyard. C - Firing Cap. D - CO2 Cartridge E - Firing Safety Tab.

- Examine the condition on the CO2 bottle, ensure the unit has not previously discharged - the seal in the bottle neck should be intact, and the bottle weight should correspond to that stamped on the outside.
Renew the CO2 bottle if any signs of corrosion are noted, pay particular attention to any damage to the threaded section of the cartridge. Fig 5. below shows a selection of cartridges, only the unit on the left is suitable for reuse, the others have been condemned.



Fig.5 CO2 cartridges, (new and condemned models)

- Examine the firing cap, - some may be stamped with an expiry date, replace before this date, otherwise renewal frequency should be based on manufacturers instructions. The firing cap may have safety tags fitted to indicate if the unit has operated, ensure they indicate correctly and are in place. (Green tag on fig 4 item C.)
- Firing mechanism units may also be fitted with safety tabs, which detach in the event of operation, and offer external evidence of the unit having fired - if fitted check it is in position. (fig:4.item E)
- With the bottle removed, check the operation of the firing mechanism by pulling on the manual lanyard, the action should be free, with the operating plunger returning to the housed position on release.
- Examine the sealed edge of the yellow inflatable collar for damage, ensure it has not failed in way of the creases caused due to folding within the outer lining. I . Ensure all Retro Reflective tape strips are in place. (Fig: 2 item 7)
- Remove the cap from the manual inflator tube, orally inflate the collar (DO NOT use a compressed air supply) and leave for 24hrs, re-examine, while there may be some slight fluctuation due to temperature variation, if a significant loss of pressure occurs, the unit should be sent to the manufacturers approved service station for attention.

Appendix 8.6. cont. Marine Notice No. 36 of 2005



Fig 6 Oral Inflation Tube and Cap -incorporating pressure release on reverse side of cap.

- If the pressure remained satisfactory, deflate the collar via the manual inflation tube, the tube cap is designed to be reversed and used to hold open the associated non-return valve, thereby allowing pressure release.
- **DO NOT** attempt to vent the tube by inserting any foreign item into the tube valve assembly (e.g. a pencil) damage to the inflation valve may result, and will render the PFD/lifejacket unsafe. If any concerns exist regarding this inflation valve always return the jacket to the manufacturer's service centre.
- Ensure all air is completely expelled from the inflatable collar, replace the manual inflation cap.
- Rearm the unit by replacing the firing cap, ensure the firing pin is housed correctly and will not inadvertently operate the CO2 cartridge on tightening into the housing before replacing the CO2 cartridge; it is **essential** that the bottle is screwed fully and firmly into place and checked *for* tightness.
Carefully repack the yellow inflator collar as originally found inside the external lining, generally inflator collars are packed in order to inflate outwards on pressurising.

Warning

In the event of a PFD/lifejacket inflating due to its gas charge, take great care to avoid inhaling the gas when deflating to repack the unit. CO2 is hazardous to health.

Appendix 8.6. cont. Marine Notice No. 36 of 2005

2 Hydrostatic Type Inflatable PFD/lifejackets_- e.g. Hammar models

This type of jacket operates subject to water pressure when the wearer is immersed to a certain depth.

Due to the increased skill, technical knowledge and specialist tools required, **no attempt** should be made to service the firing device other than by manufacturer approved personnel.

General inspection is limited to an external inspection of the firing unit to check that it is still within its expiry date, and that the operating indication still shows it is armed (Green tag showing). Fig 7. Item B

Note that the CO2 cartridge is housed within the inflatable collar, and requires the unit to be dismantled to renew it. This should only be undertaken by manufacturer approved personnel due to complexity of obtaining ~ correct seal on assembly.

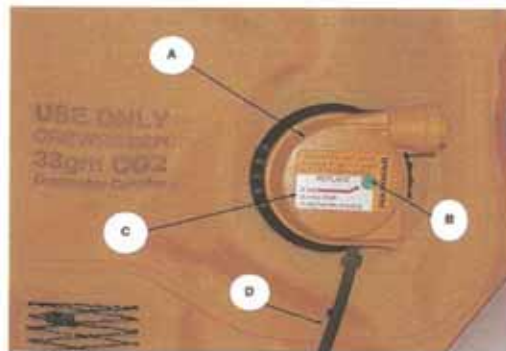


Fig.7 Hammar Hydrostatic Unit.

- A - Hydrostatic firing unit CO2 cartridge housed within the inflatable collar.
- B - Firing indication tag (green = ready, Red= discharged)
- C - Unit expiry date.
- D - Manual firing lanyard

The inflatable collar may be manually inflated and checked as in the previous sections

Care of Inflatable PFD/lifejackets

Inflatable PFD/lifejackets only have a finite lifespan, and while offering substantial advantages over traditional PFD/lifejackets, they require regular servicing, inspection, and correct storage when not in use. They should not be left in high moisture environments e.g. tender bilges, and they are not designed to sustain substantial mechanical abuse.

If following an inspection, ANY concern exists regarding the unit or a component on it ALWAYS refer it to an approved service agent for immediate attention, Identify the PFD/lifejacket, remove it off the boat and do NOT use it!

Appendix 8.6. cont. Marine Notice No. 36 of 2005.

Inspection prior to each use

The following brief safety checks should be undertaken **each time before donning**.

- Harness straps / stitching inspected, and checked for damage / wear
- External lining inspected for wear / damage.
- All buckles checked / adjusted as required.
- Crotch/thigh straps attached.
- CO2 Firing Cylinder *firmly* screwed in position.
- Manual Firing lanyard positioned for use if required.
- Be aware of any marked expiry dates of the firing mechanism components, do not use the unit with expired components.

Periodic Inspection by owners - Standard models.

Refer to figs. 2, 3, 4

- Lay jacket out on a suitable flat worktop surface
- Visually inspect the external lining for wear or damage.
- Inspect all webbing, plastic or stainless buckles, "D"-rings, and fittings for wear damage, or corrosion.
- Open the velcro edge-sealing strip, undo any pop closers on the neck area, and carefully open out the yellow inflator collar, noting the manner it has been packed.
- Locate, unscrew, and remove the CO2 Cartridge from the inflation mechanism. Unscrew and remove the firing cap - the unit is now safe to work on. (Fig 3 & 4)



Appendix 8.6. cont. Marine Notice No. 36 of 2005.

Inflatable PFD/lifejackets are supplied with a service routine by the manufacturers that should always be adhered to by owners.

Suitably competent and trained individuals should only undertake servicing of PFD/lifejackets, using correct spares parts.

Director General
Maritime Safety Directorate
Department of Communications, Marine and Natural Resources,
Leeson Lane,
Dublin 2.

22nd December 2005

For any technical assistance in relation to this Marine Notice please contact
The Marine Survey Office, Leeson Lane, Dublin 2 +353 1 678 3400
For information in relation to technical specification/type approval of radio equipment contact the Radio
Surveyors +353 1 678 2363/2364/2365/2367.
For general enquiries please contact the Maritime Safety Division at +353-1-678 3418
Any enquiries concerning Marine Notices should be addressed to:
Maritime Safety Directorate, Leeson Lane, Dublin 2
Email: marine_notices@dcmnr.gov.ie
Or visit us at: www.dcmnr.ie

Appendix 8.7. Marine Notice No. 24 of 2005



APPENDIX 8

DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES

MARINE NOTICE No. 24 of 2005

TO ALL SHIPMASTERS, SHIP'S OFFICERS, SKIPPERS, 2nd HANDS,
ALL FISHERMEN, YACHTSMEN AND SEAFARERS

SOLO SAILING AND THE REQUIREMENT FOR COMPLIANCE WITH THE INTERNATIONAL REGULATIONS FOR PREVENTION OF COLLISIONS AT SEA

The Department of Communications, Marine and Natural Resources wishes to remind all solo sailors of their obligations to fully comply at all times by day and night with the International Regulations for the Prevention of Collisions at Sea, as amended. These regulations are "fully applicable to all vessels on the high seas and in all waters connected therewith navigable by seagoing vessels".

The International Regulations for Prevention of Collisions at Sea are implemented in Irish law by the Collision Regulations (Ships and Water Craft on the Water) Order 1984 (S.I. No. 29 of 1984) as amended by the Collision Regulations (Ships and Water Craft on the Water) Orders 1990 (S.I. No. 36 of 1990) 1993 (S.I. No. 287 of 1993) and 2005 (S.I. No. 47 of 2005). These Statutory Instruments are available from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2. Tel: (01) 6476879. Also available on the web: www.irishstatutebook.ie

All seafarers are required to comply fully with all the requirements of the International Regulations for Prevention of Collisions at Sea, as amended. In this regard, the Minister of Communications, Marine and Natural Resources draws the attention of all concerned to Rule 5 of the Regulations which requires that a proper lookout is maintained by sight and hearing at all times.

All the requirements of the International Regulations for Prevention of Collisions at Sea apply to solo sailors as they do to any other vessel. In avoiding collision situations solo sailors are required to observe fully the International Regulations for Prevention of Collisions at Sea and to manoeuvre their vessels as required.

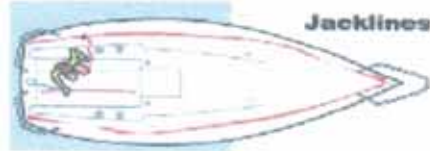
Section 419(4) of the 1894 Act on which the International Regulations for Prevention of Collisions at Sea are based states "Where in a case of collision it is proved to the court before whom the case is tried, that any of the collision regulations have been infringed, the ship by which the regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made the departure from the regulation necessary."

Director General
Maritime Safety Directorate
Department of Communications, Marine and Natural Resources,
Leeson Lane,
Dublin 2.

19th October 2005

For any technical assistance in relation to this Marine Notice please contact
The Marine Surveyors' Office, Leeson Lane, Dublin 2 +353 1 678 3400
For information in relation to technical specification/type approval of radio equipment contact the Radio Surveyors +353 1
678 2363/2364/2365/2367.
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Maritime Safety Directorate, Leeson Lane, Dublin 2
Email: marine_notices@dcmnr.gov.ie
Or visit us at: www.dcmnr.ie

Appendix 8.8. Use of Jacklines /Safety lines



Life Jackstays

Offshore sailors will be familiar with jackstays or webbing straps that run fore and aft over most of the length of the boat to allow crew complete most operations on deck, while remaining attached by their harness.

There are a number of points in relation to jackstays be aware of

- The more conventional type is made form stainless steel wire, which has the tendency to get underfoot and trip crewmembers. On many yachts they have been replaced with a webbing strap, which has the advantage of not as readily tripping up crewmembers.
- They are normally made from polypropylene or blended synthetic fibres. The weakness they have is that they degrade with ultra violet light and weathering and have been known to fail when a load comes on them.
- They should be tested each season and if in doubt cut them in half and have them replaced with new ones which are relatively inexpensive.



Inflatable PFD with Harness



Traditional Safety Harness

