Leeson Lane, Dublin 2, Ireland. Tel: +353 1 678 2460. Fax: +353 1 678 2159. Freefone: 1800 202614.



REPORT OF THE INVESTIGATION INTO THE DROWNING ON THE LOUGH MASK

ON THE 3RD MAY, 2003.

The Marine Casualty Investigation Board was established on the 23rd, May 2002 under The Merchant Shipping (Investigation of Marine Casualties) Act 2000

The copyright in the enclosed report remains with the Marine Casualty Investigation Board by virtue of section 35(5) of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000. No person may produce, reproduce or transmit in any form or by any means this report or any part thereof without the express permission of the Marine Casualty Investigation Board. This report may be freely used for educational purposes.

B

1.	SYNOPSIS	4
2.	FACTUAL INFORMATION	5
3.	EVENTS PRIOR TO THE INCIDENT	7
4.	THE INCIDENT	8
5.	EVENTS FOLLOWING THE INCIDENT	9
6.	CONCLUSIONS	9
7.	RECOMMENDATIONS	10
8.	APPENDICES	12
9.	INDEX OF CORRESPONDENCE	30

SYNOPSIS

1. SYNOPSIS.

1.1 On Saturday May 3rd 2003 at approximately 12.45 hours two adults set out in a 19' 06" open fibreglass boat to go fishing in the vicinity of the Gortmore - Churchfield area on Lough Mask. During the course of the afternoon the weather deteriorated. The vessel struck rocks and grounded. In their attempt to re-float the boat, it became swamped by waves. Subsequent waves overturned the boat. At this point it drifted clear with both men clinging to it. Some time later Mr. O'Hora lost his grip and drowned.

2. FACTUAL INFORMATION

2.1 Description of craft:

19' 06" GRP open fibreglass boat with four wooden thwarts and one after buoyancy tank with seat atop. The boat was equipped with an outboard engine and one bank of oars.

2.2 Name & Address of deceased:

Mr. John O'Hora. Cloonaughill, Charlestown, Co. Mayo.

2.3 Name & Address of boat owners and Survivor:

Mr. John O'Hora Cloonaughill Charlestown Co. Mayo

Mr. Joe Walsh, Cruckawn House, Ballymoat Road, Tubbercurry, Co. Sligo.

2.4 Equipment in the boat on departure:

- 1x Landing net 2x Life jackets 2x Fishing Rods 1x Plastic container 1x Bank of oars + steel row pins 2x Fishing bags 1x Secondary loose seat.
- 2.5 Mr. Joe Walsh was in possession of a life jacket but was not wearing it.
- 2.6 Mr. Walsh was wearing a dark green quilted waterproof trouser and jacket combination.
- 2.7 Mr. Walsh is a diabetic.

FACTUAL

- 2.8 Mr. O'Hora was also in possession of a life jacket but was not wearing it at the time.
- 2.9 Mr. O'Hora was wearing a yellow oilskin trouser and jacket.
- 2.9.1 Neither man had any recognised certificates of competency or sea survival training.
- 2.9.2 It appears that both anglers had extensive knowledge of the area and had been fishing there for as many as thirty years.

3. EVENTS PRIOR TO THE INCIDENT

- 3.1 On Saturday 3rd of May 2003 at approximately 10:30 hours both Mr. Joe Walsh and Mr. John O'Hora set off from Charlestown, Tubbercurry for a days fishing on Lough Mask and left the shore at Churchfield at 12.45pm.
- 3.2 Joe Walsh, co-owner of the boat, was in charge of the vessel operating the engine from the stern.
- 3.3 After an uneventful mornings fishing in Gortmore Bay, they pulled ashore to an Island to have lunch. It was at this point that Mr. O'Hora removed his lifejacket complaining that it was uncomfortable.
- 3.4 They left the fisherman's hut on 'Luani' Island after our lunch at 2.45pm. When they resumed fishing neither man wore his life jacket.

THE INCIDENT

4. THE INCIDENT

- 4.1 Later during the course of the day the weather deteriorated with a significant increase in wind and wave height. (See Met Eireann weather report at Appendix 8.1)
- 4.2 They made their way from Gortmore Bay northwards round Annagh Point towards Churchfield to an area known locally as Heenaghan's bay.
- 4.3 On their approach to Heenaghan's bay they decided to make it the last drift of the day and return to shore.
- 4.4 At approximately 15:40 hours the boat was blown onto rocky shallow and was grounded.
- 4.5 While attempting to re-float the boat it was swamped by a wave. Subsequent wave action overturned the boat.
- 4.6 The craft (in the upturned position) free floated with both men clinging to it.
- 4.7 After approximately 1 hour with the boat still in the upturned position and being pounded by wave and wind action, Mr. O'Hora lost his hold and drifted away.
- 4.8 Some time later Mr. Walsh clambered onto a rocky outcrop and gained firm footing. Mr Walsh claims that at this stage he was feeling very weak but began waving his arms in the hope of attracting attention. Mr. Walsh claims that he could see people ashore and boats operating. Due to his weak state, his comprehension of time was vague.
- 4.9 The scene of this incident is set out in Appendix 8.2. Photographs of the scene, the boat and lifejackets and clothing worn are contained in Appendix 8.3.

5. EVENTS FOLLOWING INCIDENT

- 5.1 At approximately 17:30 hours two anglers Mr. Noel McCaffery and his brother Mr. Maurice McCaffery who were fishing in the vicinity noticed flashing car headlights on shore and Mr. Walsh waving on the rocky outcrop.
- 5.2 At 17:45 hours the Gardai in Castlebar were notified as were the Marine Rescue Coordination Centre who had earlier tasked the Irish Coast Guard Search and Rescue Helicopter 116' to respond to an emergency on the east side of the lough.
- 5.3 A short time after locating Mr. Walsh on the outcrop the McCaffery brothers were able to effect a rescue. They then learned that Mr. O'Hora was missing and while Mr. Walsh was transferred to Castlebar Hospital the search continued for Mr. O'Hora (See Garda Report in appendix 8.4).
- 5.4 The body of Mr. O'Hora was recovered at approximately 18:30-hours Cause of death -Drowning (see Coroner's Report in appendix 8.4)

6. CONCLUSIONS AND FINDINGS

- 6.1 The weather deteriorated to such an extent as to cause concern to both men. The decision was made to conclude the day's fishing with one final drift. During this drift the vessel was blown onto rocks and was grounded.
- 6.2 In their efforts to re-float the vessel she capsized.
- 6.3 Neither man was wearing a life jacket.
- 6.4 Pyrotechnics were not carried.
- 6.5 Mobile phones, though carried were inaccessible.
- 6.6 There were no other means of attracting attention onboard.
- 6.7 Mr. O'Hora was not wearing adequate warm clothing.
- 6.8 The vessel had only one buoyancy tank.

7. RECOMMENDATIONS

- 7.1 Proper planning should be made prior to any boating trip and should include the following:
 - (A) Obtaining a full and detailed weather forecast for the intended area prior to departure.
 - (B) Notifying some person ashore of estimated departure and return times and information on chosen route.
 - (C) Wearing life jackets or approved personal flotation devices at all times.
 - (D) The Provision of containers onboard, which may be used as floatation devices.
 - (E) Wearing adequate warm clothing.
- 7.2 Should a vessel ground on rocks it is often better to remain with the boat and summon help rather than attempt to re-float it.
- 7.3 Preset emergency mobile phone numbers should be considered.
- 7.4 The safety equipment as described in S.I. 274 of 2002 should be carried as a minimum for all recreational craft. (See S.I. 274 of 2002 at Appendix 8.6)

APPENDICES

8. APPENDICES

- 8.1 Met Eireann Weather Report
- 8.2 Scene of Casualty
- 8.3 Photographs
- 8.4 Garda Report

•

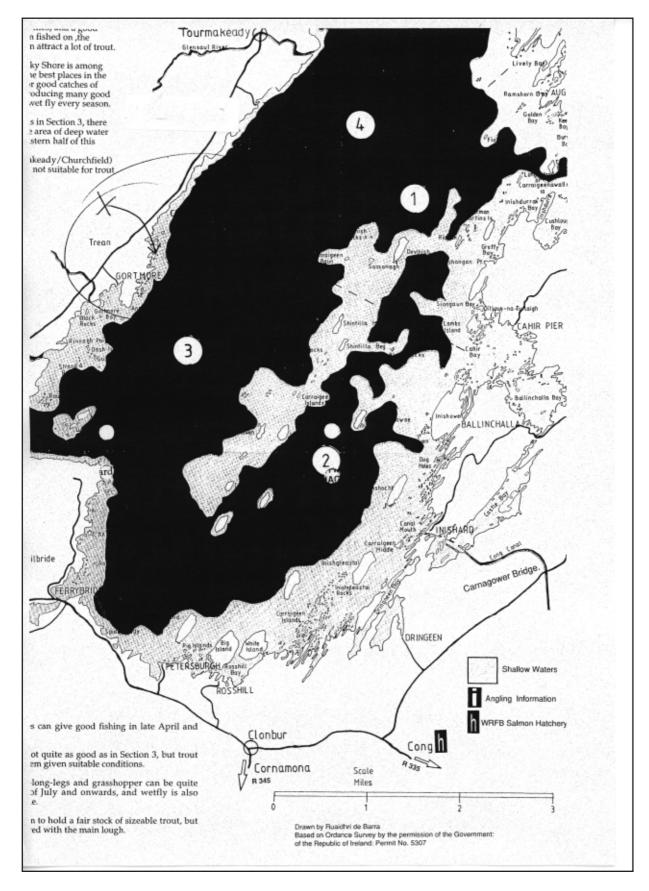
12

- 8.5 Coroners Report
- 8.6 Statutory Instrument No. 274 of 2002

8.1 Met Eireann Weather Report

APPENDIX 8.1 MET ÉIREANN The Irish Meteorological Service Glasnevin Hill, Tel: +353-1-806 4200 Cnoc Ghlas Naíon Dublin 9, Ireland. Baile Átha Cliath 9, Éire. Fax: +353-1-806 4247 www.met.ie E-mail: met.eireann@met.ie (e-mail of 09/05/03) Your Ref. Our Ref. WS1730/0305 29 May 2003 Captain Nick Cantwell (Nautical Surveyor) Marine Survey Office Dept. of Communications, Marine & Natural Resources 26 - 27 Eden Quay DUBLIN 1 Re: Estimate of Weather Conditions in the Lough Mask area on 3rd May 2003. [Marine Casualty Investigation]. Dear Captain Cantwell, It was dull and cloudy for much of the day although a few short breaks did develop by evening. Outbreaks of rain commenced during the morning and persisted until midafternoon, becoming heavy at times. The rain gave way to just scattered showers for the rest of the day. Total rainfall at our Claremorris Station was 6.4 mm with the bulk of this occurring before mid-afternoon. Through the morning and early afternoon winds gradually freshened from a Southeasterly direction, reaching mean speeds of 15-20 mph with gusts of up to 30 mph. Following the passage of a frontal trough, which moved Northeastwards over the region between 3.00 and 4.00 p.m., winds veered South to Southwesterly and strengthened further. At Claremorris, mean speed increased to over 25 mph with gusts of 40 to 45 mph. These blustery winds lasted until well after sunset. It is possible that, due to local effects, wind speeds over Lough Mask would have been even higher. After a cold start, temperatures rose to reach maximum values of around 13 degrees Celsius. The visibility was reduced to perhaps a mile or two in the heavier precipitation but it DEPT. OF COMMUNICATIONS improved to over 8 miles subsequently. MARINE AND NATURAL RESOURCES An Invoice for 80 Euro will follow .. 30 MAY 2003 36871 RECEIVED AT M.S.O. Yours sincerely, DUBLIN Consultant Meteorologist (Climatology & Observations Div.) Ph 01-8064252 Fax 01 - 8064247 e-mail: john.doyle@met.ie <u>||@||@||@||@||@||@||@||@|</u>|@||@||@

8.2 Scene of Casualty

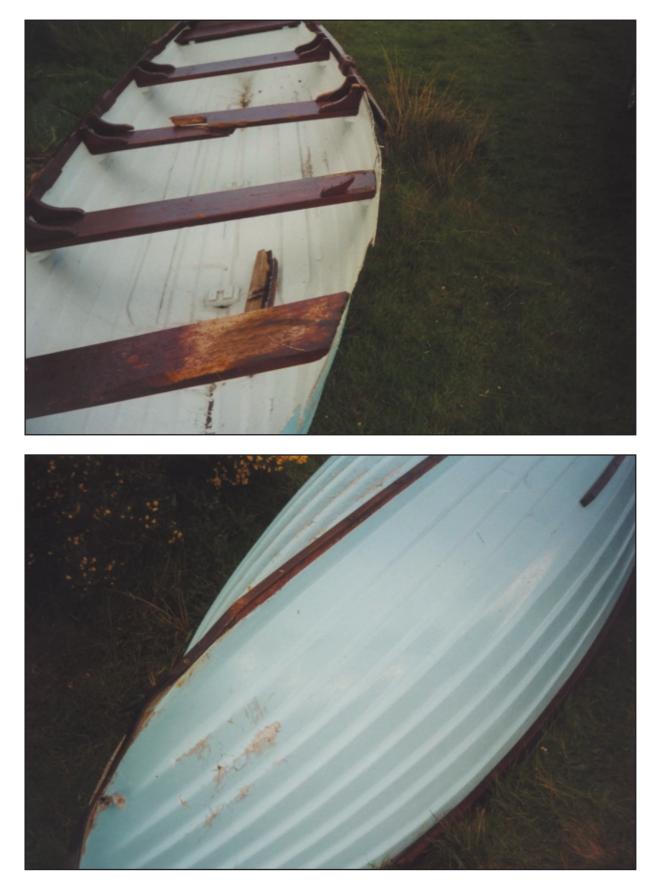


NOT TO USE FOR NAVIGATION

14

15

8.3 Photographs





16



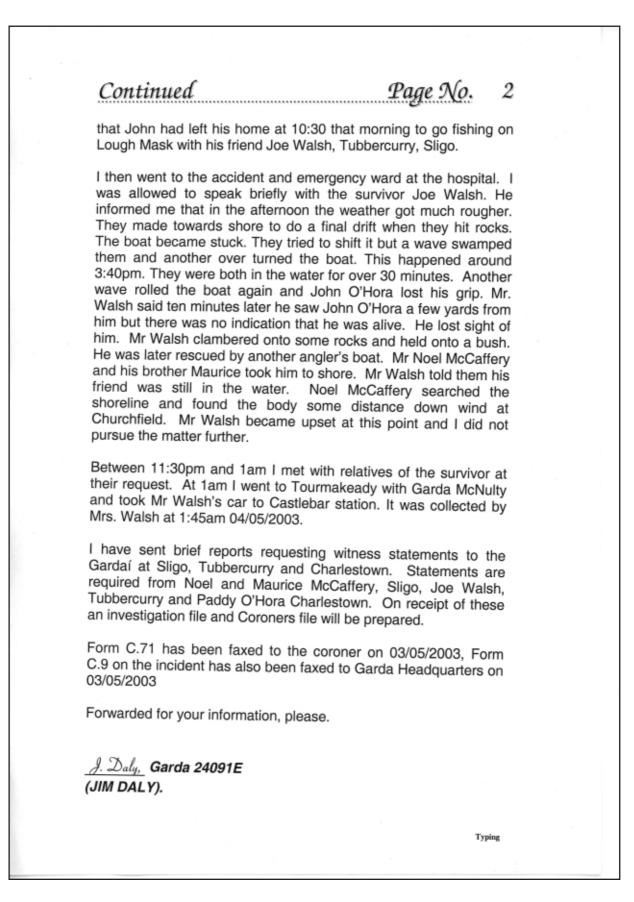




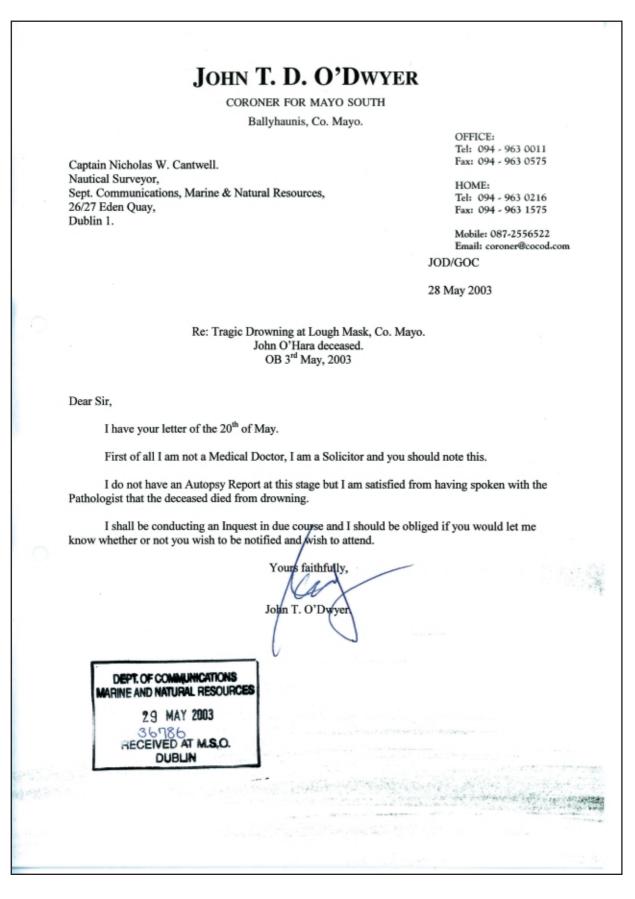
20 -

8.4 Garda Report

	An Garda Síochána
CA/126.20/03	Partry Station, 04/05/2003.
Superintendent <u>Castlebar.</u>	<i>t</i> ,
Re:- Tragic drown John O'Hora, Cloor	ning: Lough Mask on Saturday 3 rd May 2003. Dhaughill, Charlestown, Co. Mayo, deceased.
Communications Ca near Churchfield, To Garda K. Lavelle and 6:30pm I observed to from the water at C know to be Eddie himself as Noel McC had earlier 1 hour a him his angling partn just as we arrived o	Saturday 03/05/2003 I was contacted by astlebar and informed of a drowning incident ourmakeady. At 6:10pm I was picked up by id we proceeded to the scene. On our arrival at two men dragging what appeared to be a body Churchfield, Tourmakeady. One of the men I Gibbons a local. The other man identified Caffery, 21, St. Joachim's, Sligo. He said he ago rescued a man from rocks. The man told ner was still in the water. He located the body on the scene. The body taken from the water sign of life. The time was 6:32pm 03/05/2003.
Staunton performed contents on the bod	er I was joined by Garda McNulty. Despite octor could be contacted. At 7pm Fr. Padraic the last rites on the deceased. From wallet dy, which included photo I.D. I identified the ora his address was later ascertained as stown Co. Mayo.
At 7:45pm Michael Ki 8pm to the Morgue at arriving at 8:30pm 03/	(ilcoyne arrived and the body was removed at t Castlebar Hospital. I accompanied the body 3/05/2003.
by Doctor Stephen	ved by Sean Burke, Mortuary Technician. I Sean Burke. At 9pm death was announced Gkele, Castlebar Hospital, I contacted the vn. Sergeant Chris McCaffery said he would I's brother.
At 10:30pm Paddy O' me and to Sean Burke	'Hora, Cloonaughill, Charlestown identified to e the body of his brother. He informed me
	Typing



8.5 Coroners Report



22

8.6 Statutory Instrument No. 274 of 2002

APPENDIX 8.6

S.I. No 274 of 2002

LICENSING OF PASSENGER BOATS (EXEMPTION) REGULATIONS, 2002

I, Frank Fahey, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by section 14A(1)(a) of the Merchant Shipping Act, 1992 (No. 2 of 1992), inserted by section 4(c) of the Merchant Shipping (Miscellaneous Provisions) Act, 1998 (No. 20 of 1998) hereby make the following Regulations:

1. Citation and Commencement

 These Regulations may be cited as the Licensing of Passenger Boats (Exemption) Regulations, 2002;

(ii) These Regulations shall come into force on 6th day of June 2003

2. Interpretation

In these Regulations -

"approved" means approved by the Minister or by a body or organisation recognised by the Minister for such purpose and which is identified in a Marine Notice;

"authorised officer" means -

- (a) any person authorised in writing by the Minister to exercise the powers conferred on an authorised officer by the Merchant Shipping Act, 1992,
- (b) a person holding commissioned naval rank in the Permanent Defence Forces, while in uniform,
- (c) a member of the Garda Síochána, while in uniform, or
- (d) as respects the harbour of which he is the harbour master, a person appointed to be a harbour master by one of the following, that is to say:

- a harbour authority within the meaning of the Harbours Act, 1946,
- (ii) the Commissioners of Public Works in Ireland,
- (iii) the Minister for the Marine,
- (iv) a local authority, and
- (v) Iarnród Éireann Irish Rail;

"authorised person" means a surveyor or a person authorised in writing by the Minister to carry out inspections of vessels for purposes of Part III of the Merchant Shipping Act, 1992 (No. 2 of 1992);

"collision regulations" means the Collision Regulations (Ships and Water Craft on the Water) Order 1984 (S.I. No. 29 of 1984) as amended;

"crew" means any person other than a passenger;

PENDIX 8.6

"declaration" means a declaration in the form contained in a Marine Notice and cognate words shall be construed accordingly;.

"domestic voyage" means a voyage from a place in the State to the same or another place in the State;

"efficient" in relation to a fitting, piece of equipment or material means that all reasonable and practicable measures have been taken to ensure that it is suitable for the purpose for which it is intended to be used;

"fully loaded condition" means loaded with fuel, stores and weights representing the total number of passengers and crew to be carried, based on 75 kg per person;

"intoxicant" includes alcohol or drugs or any combination of drugs or drugs and alcohol;

"length" means the overall length measured from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the passenger boat;

"Marine Notice" means a Notice described as such and issued by the Department of the Marine and Natural Resources and which may be amended or replaced from time to time;

"Minister" means the Minister for the Marine and Natural Resources;

"open vessel" means a boat which is not a fully decked vessel, a well decked vessel or an open cockpit vessel;

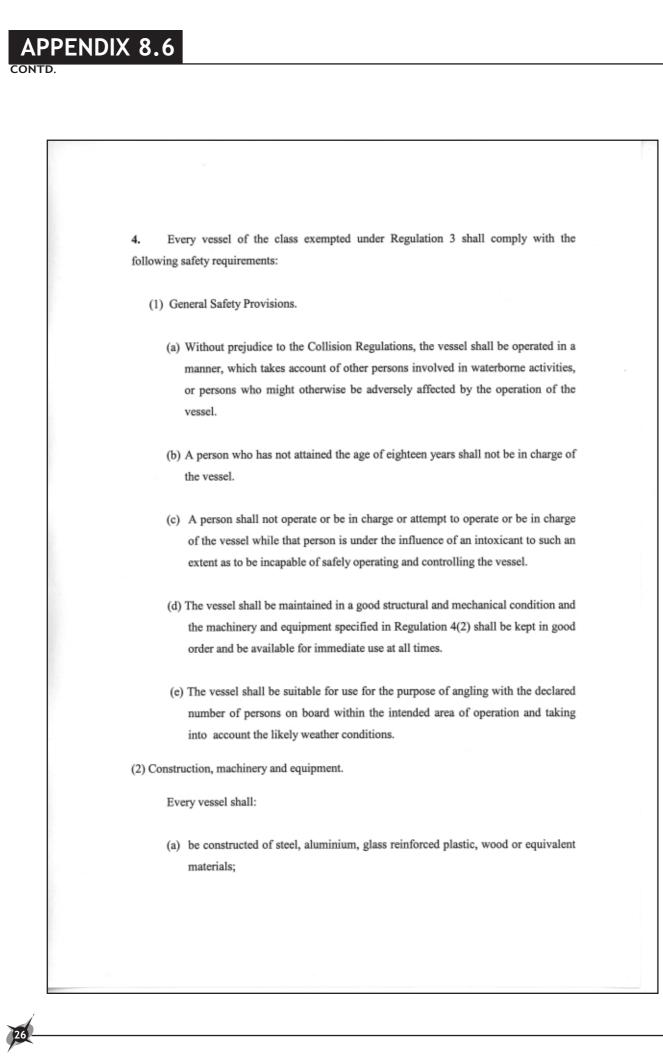
"owner", in relation to a vessel, means the person registered under the Mercantile Marine Act 1955 as the owner of the vessel or, if no person is so registered, the person who owns the vessel, and includes any part owner, charterer, manager or operator of the vessel;

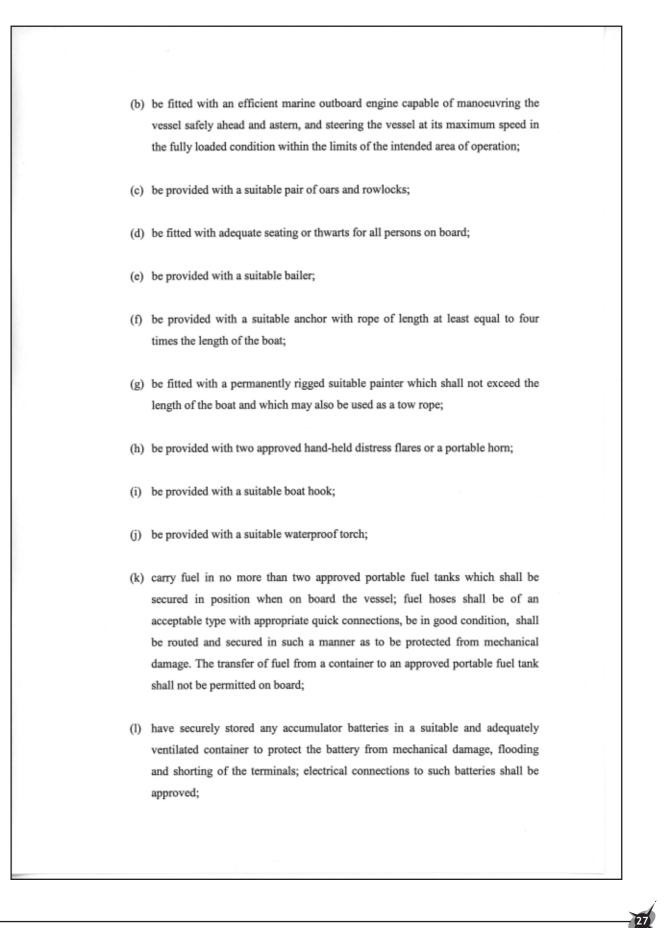
"Principal Act" means the Merchant Shipping Act, 1894;

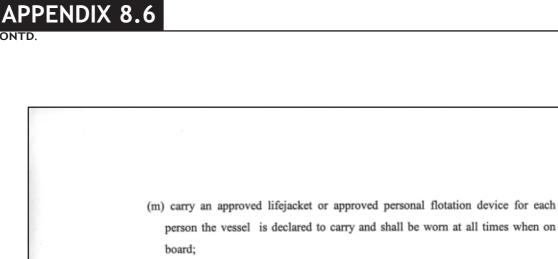
"smooth waters" means any areas of water not being to sea or partially smooth waters and in particular, the areas of water specified in a Marine Notice;

"surveyor" means a person appointed under section 724 of the Principal Act to be a surveyor of ships for the purposes of that Act.

3. The following class of vessel is hereby exempted from the requirement to be licensed under section 14 of the Merchant Shipping Act, 1992 (No. 2 of 1992), as amended, that is to say, vessels, being open vessels of no less than 4 metres in length, carrying no more than 3 passengers on board for the purpose of angling and engaged on domestic voyages in smooth waters on canals, rivers, lakes and loughs.







(n) be provided with a suitable means to facilitate the recovery of a person from the water.

5. Every owner of a vessel of the class exempted under Regulation 3 shall complete and submit to the Minister for stamping by him or her a declaration that the vessel complies with the safety requirements set out in Regulation 4.

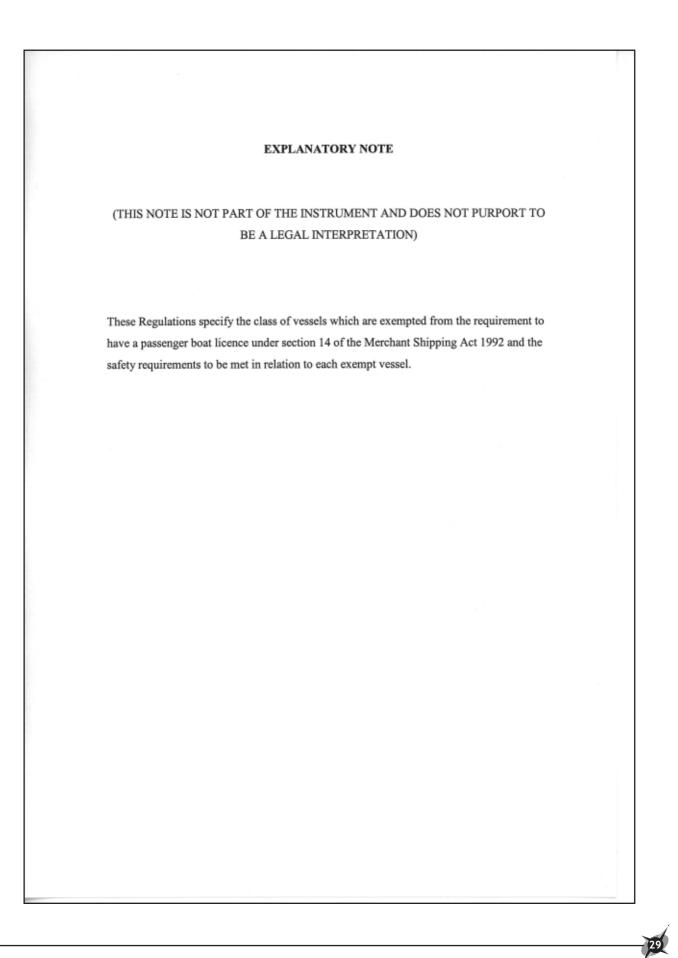
6. Every owner of a vessel of the class exempt under Regulation 3 shall, on request, make available for inspection by an authorised person or authorised officer the stamped declaration in relation to the vessel referred to in Regulation 5.

GIVEN under my Official Seal this 5th day of June 2002

Frank Fahey

Minister for the Marine and Natural Resources

Pn. No. 11707 Price €1.27



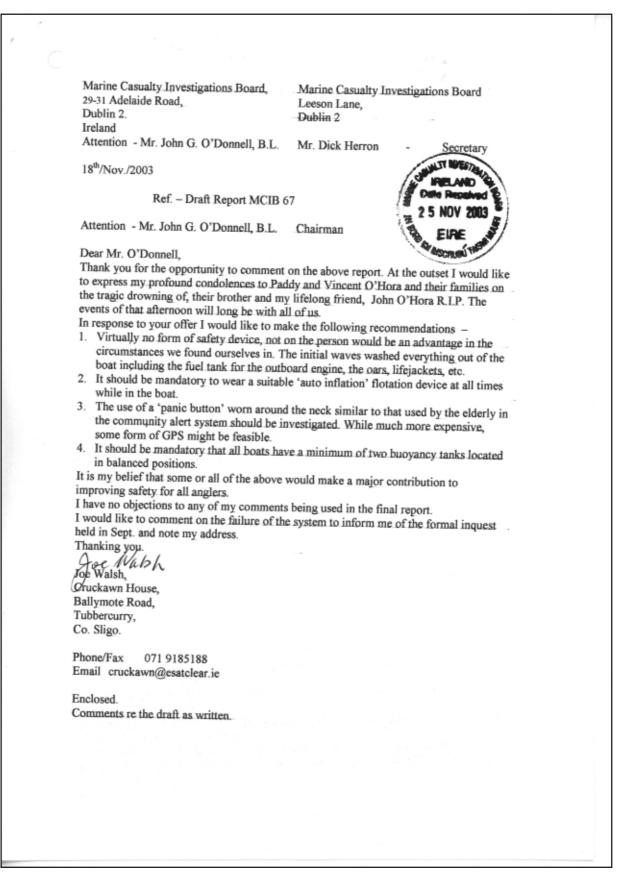
CORRESPONDENCE

30

9. INDEX OF CORRESPONDENCE RECEIVED

Correspondent		
	29 31	
	32 33	

Mr. Joe Walsh



CORRESPONDENCE

CONTD.

32 -

MCIB Response

	1	Observations re Draft report MCIB 67 Synospis A We left Charlestown at 10.30am and the shore at Churchfield at 12.45pm approx. B The boat was 'blown' onto a rocky shallow and was not under power at the time of the accident. Please note -
	2. 2.3	Factual Information A The boat was jointly owned by John (RIP) and I. B My address is - Cruckawn House, Ballymote Road, Tubbercurry, Co. Sligo.
	2.4	Equipment A We were using steel row pins rather than row- locks B 2 fishing bags C Secondary loose wooden seat. D Landing net
	3. 3.1	Events prior to the Incident At 10.30am we set off from Charlestown after I had travelled from Tubbercurry for a days fishing on Lough Mask, going out from Churchfield.
	3.2	The boat was jointly owned.
	3.3	A We only fished a short while before lunch.
	3.4	B We left the fisherman's hut on 'Luani' island after our lunch at 2.45pm Change second 3.3
	4.	Incident 4.4 Blown onto the rocky shallow 4.7 Based on the time frame I think the 30mins is more like an hour plus. 4.8 Mr. Joe Moran came to the lakeshore to check on his boat around the time that I reached the rocky outcrop. He later drove me to the Doctor's house but he was not present and then took me to his house, where he tried to warm me until the ambulance arrived.
	6.	 Conclusions. 6.1 The boat was blown on to the rocks and grounded. 6.7 Due to the length we were in the water, warm clothes would only be of minimal advantage.
	7.	 <u>Recommendations.</u> 7.1 (B) Without a means of contacting the person this is of doubtful value in many circumstances. 7.2 We felt that we could not withstand the wind and waves in such an exposed location.
	See co	vering letter

33

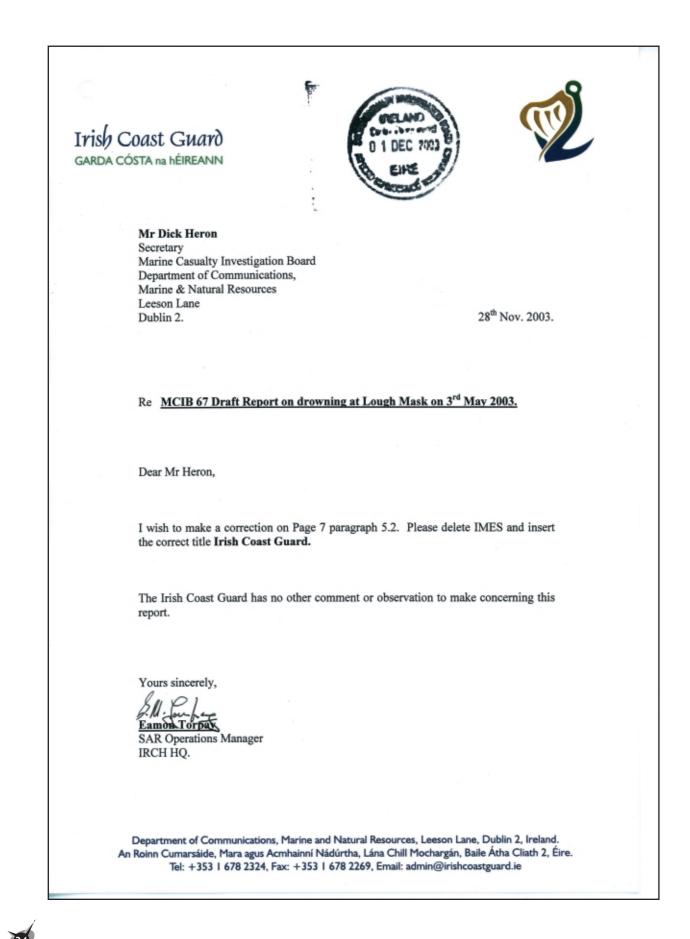
MCIB RESPONSE TO MR. JOE WALSH'S LETTER OF 18th NOVEMBER, 2003

The MCIB notes that with regret both occupants did not wear lifejackets, which were in their possession.

The other points raised in this letter are noted and a copy of the report will be sent to the Maritime Safety Directorate (within the Department of Communications, Marine and Natural Resources) for its consideration.

CORRESPONDENCE

CONTD.



35

MCIB RESPONSE TO THE LETTER FROM THE IRISH COAST GUARD OF 28th NOVEMBER, 2003.

The MCIB notes the comments received and has amended the report accordingly.

CONTD.

36-