



MCIB

Marine Casualty Investigation Board
Bord Imscrúdú Taisní Muirí



**REPORT OF AN INVESTIGATION
INTO A MARINE CASUALTY
INVOLVING A
RECREATIONAL VESSEL
IN OR AROUND NIMMOS PIER,
GALWAY HARBOUR,
CO. GALWAY
ON OR ABOUT
25 AUGUST 2023**

**REPORT NO. MCIB/330
(No.2 OF 2025)**

The Marine Casualty Investigation Board (MCIB) examines and investigates all types of marine casualties to, or onboard, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways.

The MCIB objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations to the Minister of Transport - for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and inland waterways.

The MCIB is a non-prosecutorial body. We do not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The legislative framework for the operation of the MCIB, the reporting and investigating of marine casualties and the powers of MCIB investigators is set out in the Merchant Shipping (Investigation of Marine Casualties) Act, 2000.

In carrying out its functions the MCIB complies with the provisions of the International Maritime Organisation's Casualty Investigation Code and EU Directive 2009/18/EC governing the investigation of accidents in the maritime transport sector transposed into Irish law by the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011.

Leeson Lane, Dublin 2.
Telephone: 01-678 3485/86.
email: info@mcib.ie
www.mcib.ie

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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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Glossary of Abbreviations and Acronyms

BIM	Bord Iascaigh Mhara
C	Celsius
CGU	Coast Guard Unit
CoP	Code of Practice
GMT	Greenwich Mean Time
IRCG	Irish Coast Guard
MCIB	Marine Casualty Investigation Board
MN	Marine Notice
MOB	Man Overboard
MRCC	Marine Rescue Co-ordination Centre
MSO	Marine Survey Office
NEOC	National Emergency Operations Centre
PFD	Personal Flotation Device
RNLI	Royal National Lifeboat Institution
SITREP	Situation Report
SOLAS	International Convention for the Safety of Life at Sea
UTC	Universal Co-ordinated Time
VHF	Very High Frequency
Decibel	dB
Hour	hr
Kilometre	km
Metre	m
Milligram	mg
Nautical Mile	NM

Note: Times are local time = UTC + 1 (Co-ordinated Universal Time + 1 hour).

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15th May 2025.

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1. SUMMARY

- 1.1 On the morning of 25 August 2023 at around 10.00 hours (hrs) local time, a recreational boat with two persons onboard, a Skipper and another person hereafter known as the Casualty, departed from the inner Nimmos Pier, The Claddagh, Co. Galway to go mackerel fishing in inner Galway Bay. The boat made the approximate 0.8 nautical miles (NM) voyage to the fishing area and commenced fishing using handlines. The few hours spent fishing were uneventful with the boat visiting different fishing spots around the area.
- 1.2 At around 13.30 hrs, the fishing concluded, and the two men decided to return to Nimmos Pier. The boat proceeded towards Nimmos Pier with the Skipper in the cabin operating the boat from the coxswain seat. Meanwhile the Casualty remained on the back deck of the boat tending to the catch and cleaning down the boat.
- 1.3 On the return voyage back to Nimmos Pier, the Skipper noticed the Casualty was no longer on the boat. The Skipper proceeded to broadcast a distress alert by Very High Frequency (VHF) radio alerting the Coast Guard and commenced searching for the Casualty.
- 1.4 Emergency services including Galway Bay Royal National Lifeboat Institution (RNLI), Sligo rescue helicopter R118, and Costello Bay Coast Guard Unit were mobilised. The Casualty was removed from the water by rescue helicopter R118 approximately one hour after mobilisation of the emergency services and transferred to Galway University Hospital where he was later pronounced dead. The Casualty was not wearing a Personal Flotation Device (PFD) when he was recovered from the water.
- 1.5 This marine casualty resulted from a combination of causal factors:
 1. A fall overboard into cold water.
 2. The failure to provide and wear a suitable certified PFD.
 3. The consumption of alcohol while onboard the vessel.
- 1.6 The Marine Casualty Investigation Board (MCIB) has made a number of Safety Recommendations addressed to the Minister for Transport and the vessel Owner to avoid similar marine casualties in the future.

2. FACTUAL INFORMATION

2.1 Vessel Details

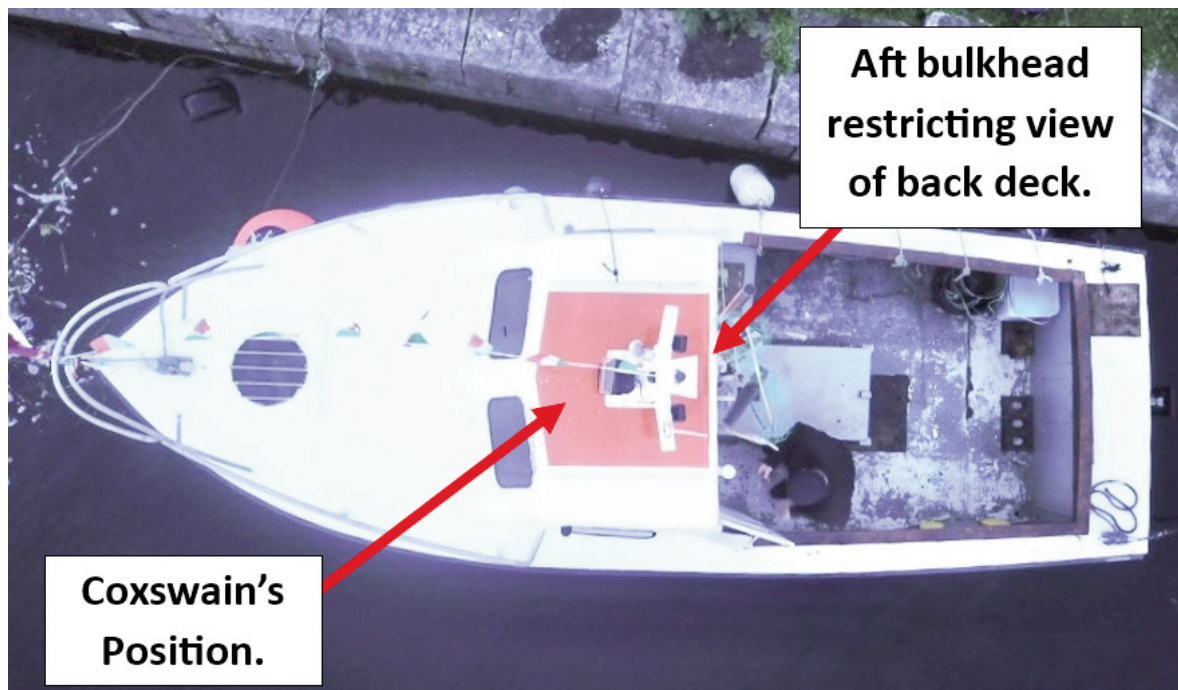
Name of Vessel:	Lady Pexia.
Type:	Colvic Seaworker 22.
Distinguishing Markings:	Claddagh.
Construction:	Glass reinforced plastic.
Length Overall:	6.70 metres (m) approximately.
Breadth:	2.40 m approximately.
Draft:	0.70 m approximately.
Engine:	Diesel inboard.



Photograph No. 1: Recreational boat Lady Pexia.

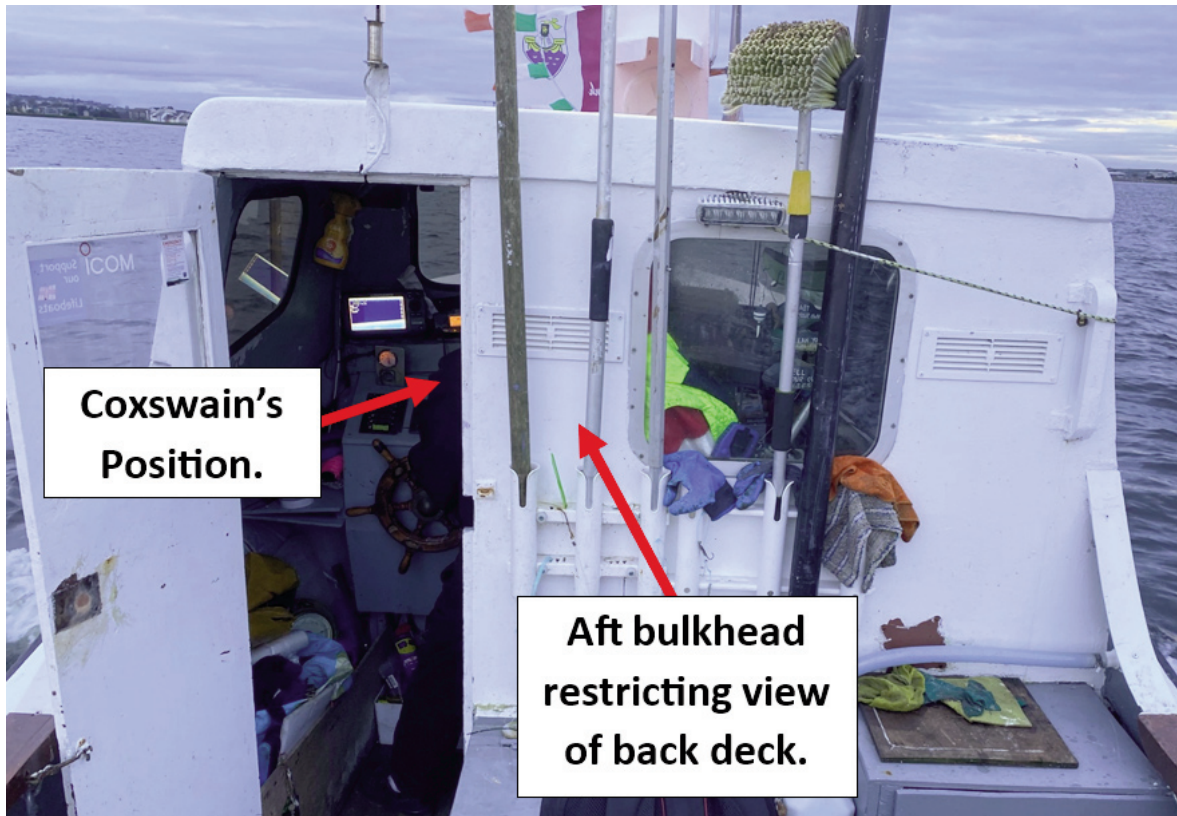
- 2.1.1 The boat was owned by the Skipper and had been in the family ownership for over 30 years. The boat was well kept and in clean and tidy condition.

- 2.1.2 The boat was operated from inside the cabin with the coxswain position on the port side with steering and engine controls. Noise level readings from inside the cabin were recorded during a similar voyage to the one taken on the day of the incident. Using a mobile phone, the average noise levels were 83.7 decibels (dB).
- 2.1.3 The recorded cabin noise level of 83.7 dB is comparable to common environmental sounds¹. For instance, normal conversation typically measures around 60 dB, while household appliances like vacuum cleaners can reach approximately 70 dB. The cabin's noise level is similar to that of a loud dishwasher or an average factory environment, both typically around 80 dB. In contrast, power tools or motorcycles at close range can produce noise levels of about 90 dB, and outdoor machinery such as lawn mowers can reach up to 100 dB. The noise level inside the cabin would make it difficult to hear someone shouting for help from the water. The aft view from the coxswain position was restricted by the cabin's aft bulkhead.



Photograph No. 2: Aerial view showing aft bulkhead restricting view from the coxswain's position.

1. <https://noiseawareness.org/info-center/common-noise-levels/>



Photograph No. 3: View from back deck showing restricting view from the coxswain's position.

2.2 Crew

2.2.1 The Skipper was an experienced boat person with over 50 years' experience on the water and was very familiar with the area he was operating in on the day of the incident. The Skipper previously held a Bord Iascaigh Mhara (BIM) Passenger Boat Proficiency Certificate with Category A Commercial Endorsement that expired in March 2018. This previous training suggests that the Skipper was aware of the various regulations associated with the safe operation of this class of vessel including the regulations regarding the use of PFDs onboard such vessels. The Skipper did not renew the certificate in March 2018 as he no longer had the need for it.

2.2.2 The Casualty, who was in his thirties, had been on similar trips with the Skipper on at least four occasions during the previous two years. The MCIB has no evidence indicating whether the Casualty had received sea survival training, though it is known that he was a capable swimmer.

2.3 Regulations and the Code of Practice

2.3.1 The European Union's Directive on Recreational Craft and Personal Watercraft is Directive 2013/53/EU (as amended) dates from 2013. This was transposed into Irish law on the 10 March 2017 by the European Union (Recreational Craft and Personal Watercraft) Regulations 2017.

- 2.3.2 The casualty vessel is a recreational craft within the meaning of the Directive and the implementing Regulations. EU Directive 2013/53/EU on recreational craft and personal watercraft updates legislative requirements in Ireland dating from June 1998 for the design and construction of leisure boats and personal watercraft between 2.5 m and 24 m in length, such as sailing craft, motor boats and jet skis. It also lays down particular requirements for manufacturers, importers, private importers and distributors of watercraft. The Directive is aimed at ensuring standards in design and equipment and traceability. No issue in that regard applies in this investigation. A number of regulations in Chapter V of the International Convention for the Safety of Life at Sea (SOLAS Convention) dealing with safety of navigation apply to all recreational craft.
- 2.3.3 There is no requirement in legislation for registration of recreational craft of the size of the casualty vessel, no requirement for an initial or annual survey, and no requirement for the owner of such craft to undertake formal training.
- 2.3.4 As the vessel Lady Pexia was a recreational craft, the Code of Practice (CoP) for the Safe Operation of Recreational Craft² (CoP for Recreational Craft) applied.
- 2.3.5 The CoP for the Safe Operation of Recreational Craft was published by the Department of Transport, Tourism and Sport in 2017, with updates in 2019 and 2024³. The CoP sets out the legal regime that applies to all recreational craft at Part 1.2.
- 2.3.6 Chapter 2 of the CoP (2019 edition) sets out recommendations for Sail and Motor Boats - Coastal Operation. The CoP sets out the applicable legislative requirements and is an authoritative guidance document that encourages compliance with its safety recommendations.
- 2.3.7 A person going afloat in a recreational craft has obligations with regard to wearing a PFD as set out in the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005⁴ as amended⁵. The regulations mandate the provision of PFDs and for the wearing of PFDs/lifejackets in small boats:
- Regulation 5 of the Regulations provides that *“The master or owner of a pleasure craft (other than a personal watercraft) shall ensure, that there are,*

2. <https://www.gov.ie/en/publication/66ff7e-safe-operation-of-recreational-craft/#>

3. The Irish maritime <https://www.gov.ie/en/publication/66ff7e-safe-operation-of-recreational-craft/>

4. See <https://www.irishstatutebook.ie/eli/2005/si/921/made/en/print>

5. The legislation on the mandatory wearing of Personal Flotation Devices:

[https://www.gov.ie/en/department-of-transport/publications/lifejackets-and-personal-flotation-devices/#:-:text=The current legislation on the,\(Amendment\) Regulations 2012 \(S.I.](https://www.gov.ie/en/department-of-transport/publications/lifejackets-and-personal-flotation-devices/#:-:text=The current legislation on the,(Amendment) Regulations 2012 (S.I.)

- Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005) as amended by;

- Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012) and further amended by;

- Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 (S.I. No. 400 of 2018).

at all times on board the craft, sufficient suitable personal flotation devices for each person on board.”

- Regulation 6(1) of the Regulations state that *“A person on a pleasure craft (other than a personal watercraft) of less than 7 metres length overall shall wear a suitable personal flotation device⁶ while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor”.*

These provisions are addressed in several Marine Notices (MN) as outlined in section 2.10 Marine Notices, of this report.

2.3.8 The CoP Section 1.2.4 repeats the above requirements for wearing of PFDs onboard recreational craft. Section 1.2.4.1 requires that *“All persons on board any craft of less than 7 m in length must wear a personal flotation device (PFD) or a lifejacket while on board an open craft or while on the deck of a decked craft, other than when the craft is made fast to the shore”.* It also provides that *“The master or owner of any craft is required to ensure that either a PFD or a lifejacket is carried on the craft for each person on board”.*

2.3.9 Regulation 2 of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 (S.I. No. 400 of 2018) amended Regulation 2 of the 2005 Regulations with regard to the mandatory specification for PFDs as follows:

“suitable personal flotation device means a personal flotation device which—

- (a) *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,*
- (b) *is appropriate to the body weight of the person who is to wear it, and*
- (c) *has on it either—*
 - (i) *the CE conformity marking consisting of the initials ‘CE’ taking the form shown in the specimen in Annex II of Regulation (EC) 765/2008 of 9 July 2008¹, or*
 - (ii) *the mark of conformity in the form of the symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014².”*

2.3.10 Regulations 8 and 9 of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005, as amended, set out the law regarding the consumption of alcohol or drugs while onboard a pleasure

6. The definition for which was amended by the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 S.I. No. 400 of 2018.
<https://www.irishstatutebook.ie/eli/2018/si/400/made/en/pdf>

craft, including prohibitions on operating a pleasure craft while under the influence.

- 2.3.11 The CoP Section 1.2.6 outlines controls on alcohol and drugs and includes “*Any person on board a pleasure craft must not consume alcohol or drugs or any combination of drugs or of drugs and alcohol in circumstances that could affect the safety of persons on board or others using Irish waters, or create a disturbance on board the craft or be a nuisance to others using Irish waters*”.
- 2.3.12 Failure to comply with any of the Regulations can result in a fixed payment of €150 issued by an authorised officer⁷ and/or prosecution proceedings which, on summary conviction, can lead to a fine of up to €5,000.
- 2.3.13 Sections 28 to 30 of the Maritime Safety Act 2005 (No. 11 of 2005)⁸ contain a range of provisions relating to the prohibition on operating or being onboard a vessel in Irish waters while under the influence of alcohol or drugs, and the associated penalties. These include the following prohibitions:
- A person in command or in charge or another member of the crew of a vessel in Irish waters (or an Irish ship in waters anywhere) must not operate or control or attempt to operate or control the vessel or carry out any task or duty in relation to the operation or control of the vessel while he or she is under the influence of alcohol or a drug or any combination of drugs, or drugs and alcohol to such an extent as to be incapable of properly controlling or operating the vessel or carrying out the task or duty (Section 28).
 - A person onboard a vessel in Irish waters (or an Irish ship in waters anywhere) **must not consume alcohol or take a drug** or any combination of drugs or drugs and alcohol while onboard the vessel in circumstances which could affect the safety of persons or create a disturbance or serious nuisance onboard the vessel or affect the safety of other persons using Irish waters or constitute a nuisance to such persons (Section 30).
 - **Failure to comply with the above requirements is an offence** and the person is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding three months or both.
 - **If a person in command or in charge or another member of the crew of a vessel is, while on duty, under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol to such an extent that his or her ability to discharge his or her duties is impaired, he or she commits an offence and is liable on summary conviction to a fine not exceeding €5,000 (Section 29).**
- 2.3.14 Table E of Chapter 2 of the Code outlines minimum items of equipment to be

7. Authorised Officers include members of the Garda Síochána, Naval Service, Harbour Masters and members of the Irish Maritime Administration who are authorised by the Minister.

8. <https://www.irishstatutebook.ie/eli/2005/act/11/enacted/en/html>

carried onboard various categories⁹ of recreational vessels including lifejacket requirements. During the vessel inspection, no manufacturer plate was observed on the boat, making it difficult to verify its category. However, the boat complied with many equipment requirements for a Category D vessel and appeared capable of operating safely in conditions suitable for its classification.

Type of Equipment	Category D Vessel Quantity of Equipment
1. Lifesaving and personal safety equipment	
1.1 A suitable PFD/lifejacket for each person onboard of at least 150 Newtons (CE EN 396/I.S. EN ISO 12402-3:2006) (see Appendix 5).	✓ (100N)
2. Flares (all to be within expiry date and manufacturer's instructions to be followed)	
2.1 Handheld distress flares.	(2)
2.4 Orange smoke signal canisters.	(2)
3. Radios and Communications (see Appendix 2 for additional requirements for Sea Area A1, A2)	
3.5 Waterproof hand-held radio.	✓
3.6 A radio receiver AM/FM, capable of receiving shipping forecasts, and national/local weather forecasts.	✓
3.7 Mobile Phone (in waterproof holder).	✓
5. Navigation Equipment	
5.7 Foghorn, powered or aerosol type.	✓
6. Bilge Pump	
6.1 Manual bilge pump capable of pumping from any hull watertight compartment and with all hatches closed.	✓
6.4 A bucket of capacity 8-12 litres, suitably fitted with a rope lanyard.	✓
7. Anchors and Warps	
7.1 Anchor with chain/warp, as appropriate for a vessels size and operating area ground holding conditions.	✓
7.2 Boats should have a suitably reinforced deck cleat/Samson post on the foredeck, and means of closing over the bow roller or fairlead used when	✓
7.3 An adequate supply of warps and fenders. These should include suitable warps to allow the craft to be towed if necessary.	✓
8. General Equipment	
8.1 Emergency steering means, i.e. tiller for vessels fitted with wheel steering as their primary means of steering.	✓
8.2 Waterproof torch, capable of also being used for signalling.	✓
8.3 An appropriate tool kit and spare parts for the type of craft being used.	✓
8.5 Suitable First Aid Kit including a First Aid Manual.	✓

9. The boat would be considered as a Category D vessel "...Operate on tidal estuaries or inshore coastal waters adjacent to a safe harbour;... Be capable of operating in seas of up to 0.3 metres in height with occasional waves of maximum height 0.5 metres, and wind force up to Beaufort 4". Source: CoP.

- 2.3.15 Appendix 5 of the CoP outlines advice for the correct use of PFDs, including checks to be carried out: *“In the case of an inflatable PFD, the CO2 gas firing cylinder is firmly screwed into the inflation valve and has not been fired; Manual firing lanyard positioned for use if required; Be aware of any marked expiry dates of the firing mechanism components”*.

2.4 Safety Equipment

Personal Flotation Devices

- 2.4.1 There were five inflatable PFDs onboard, including one worn by the Skipper and one assigned to the Casualty. The PFDs were of various brands, all rated at 150 newtons, meeting the standards outlined in Table E of the CoP. Before departure, the Skipper provided the Casualty with one of these PFDs and reminded him to wear it throughout the trip, which he said that the Casualty did for the most part (although why he did, given that the MCIB investigation found that this PFD was defective is unclear). During the fishing trip, the Skipper told the MCIB that he periodically observed the Casualty wearing the PFD as instructed. However, around the time the Skipper realised the Casualty was missing, he noticed the Casualty’s PFD was on the engine hatch.
- 2.4.2 The PFD allocated to the Casualty was a Crewsaver brand Crewfit inflatable PFD. The Casualty’s PFD was inspected by the MCIB on 16 May 2024 and found to be in poor condition and would not have inflated. The PFD was fitted with a whistle and a manual inflation activation device, and oral inflation tube. There was no light present.
- 2.4.3 The carbon dioxide cylinder that should have contained the PFD inflating gas was empty with evidence showing that the PFD had previously been inflated.



Photograph No. 4: The external condition of the Casualty’s PFD.



Photograph No. 5: Internal condition of the Casualty’s PFD on inspection.



Photograph No. 6: Showing the condition of the PFD inflation device.



Photograph No. 7: The Casualty's PFD showing the discharged CO2 cylinder.

2.4.4 During the MCIB's inspection of the boat conducted 30 October 2023, three of four PFDs were observed onboard in poor condition. Closer inspection of one PFD revealed that its inflating device was 18 years past its service-by date. The PFD worn by the Skipper at the time of the inspection appeared in reasonable condition, and the Skipper informed the MCIB that his PFD was in date and had been recently serviced. This PFD was not inspected by the MCIB. The Skipper advised that he had disposed of the lifejacket that was past its service date.

2.4.5 The Skipper advised that the other two defective PFDs were subsequently removed from service and replaced.



Photograph No. 8: Three PFDs
observed onboard.



Photograph No. 9: Three of the four onboard PFDs in poor condition with one of the activation units over 18 years out of service.

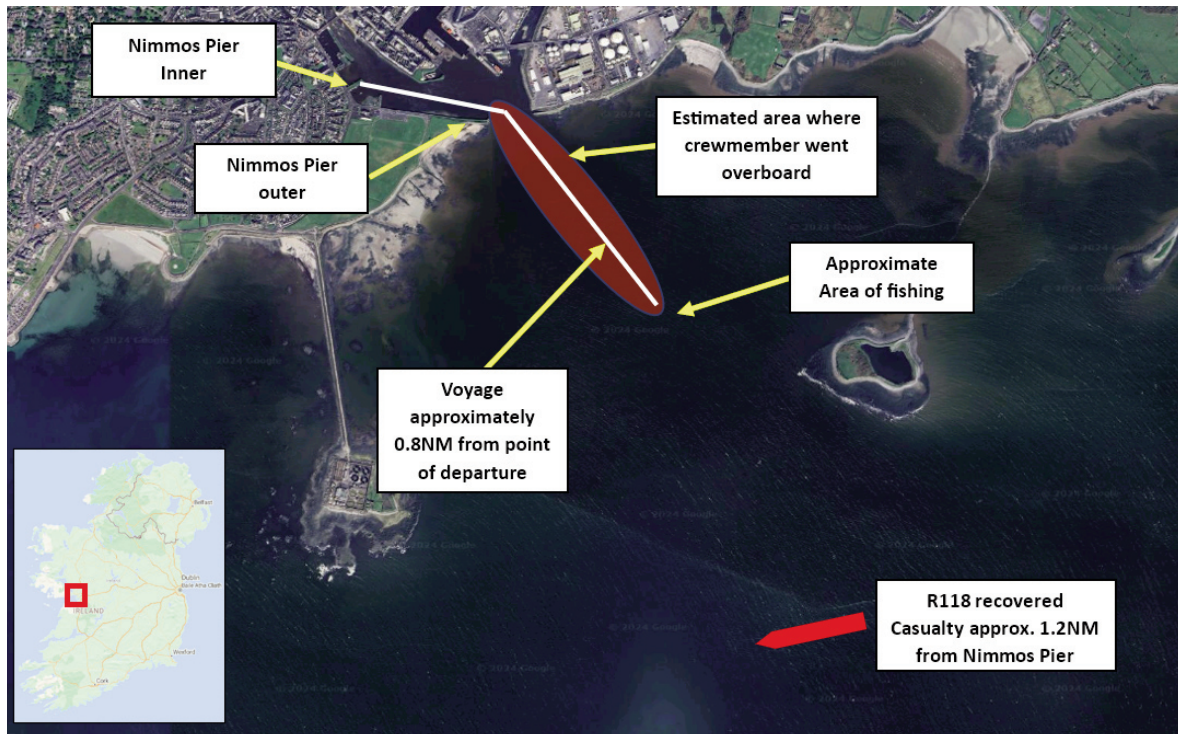
Other Safety Equipment onboard the Vessel

2.4.6 The boat was inspected on 30 October 2023 and the following equipment was observed onboard:

- Sun protection factor 50.
- Horseshoe type lifebelt.
- Boarding ladder.
- Fixed Marine Band VHF radio transmitter, with Digital Selective Calling facility.
- Mobile phone.
- Echo sounder.
- Global Positioning System.
- Barometer.
- Navigation lights.
- Toolkit.
- Bucket with tether.
- Boat hook.

2.5 Incident Location

- 2.5.1 The incident occurred off Nimmos Pier, inner Galway Bay. The exact location of where the Casualty entered the water is unknown but was thought to be somewhere along the voyage line from the area of fishing towards Nimmos Pier direction.



Photograph No. 10: Aerial Map (Google Maps) showing location of the fishing area, voyage, estimated area where Casualty went overboard and the Casualty recovery location.

- 2.5.2 The Casualty was recovered from the water by rescue helicopter R118 approximately 1.2 NM south south-west from Nimmos Pier outer, approximately 56 minutes after the emergency services were alerted.

2.6 Marine Incident Information

Type:	Marine casualty resulting in one fatality.
Date:	25 August 2023.
Time:	13.32 hrs.
Position:	Latitude 53° 16.05' N - Longitude 009° 02.95' W Galway Bay, Co. Galway.
Wind Speed:	Beaufort force 3 (mean wind speed 07 - 10 knots).

Wind Direction:	Northwest.
Sea State:	Smooth (<0.5 m).
Air Temperature:	16.3°C Celcius (C).
Sea Temperature:	15.9°C.
Tide Information:	Galway - Low: 05.29 hrs Greenwich Mean Time (GMT), High: 12.00 hrs (GMT) Low: 18.19 hrs (GMT).
Range:	Neap tides.
Sunrise:	Approximately 06.33 hrs.
Sunset:	Approximately 20.42 hrs.
Boat Operation:	Sea angling - returning ashore.
Human Factors:	PFD was not worn.
Consequences:	Single fatality.

This incident resulted in a marine casualty as defined in Section 2 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000, which defines a marine casualty and a vessel in the following terms:

“marine casualty” means an event or process which causes or poses the threat of—

- (a) death or serious injury to a person;*
- (b) the loss of a person overboard;*
- (c) significant loss or stranding of, or damage to, or collision with, a vessel or property; or*
- (d) significant damage to the environment, in connection with the operation of—*
 - (i) a vessel in Irish waters;*
 - (ii) an Irish registered vessel, in waters anywhere; or*
 - (iii) a vessel normally located or moored in Irish waters and*

under the control of a resident of the State, in international waters contiguous to Irish waters, and includes an accident or damage referred to in section 26(1)(b); “vessel”, in relation to a marine casualty, means a vessel or craft (or part of a vessel or craft) which at the time of the casualty —

- (a) *is registered in the State, or*
- (b) *is located in the State (including in Irish waters), or*
- (c) *being a vessel normally located or moored in Irish waters, is under the control of a resident of the State in international waters contiguous to Irish waters, and capable of being used, or intended to be used, for navigation or transportation on water, but does not include a seaplane.”*

2.7 Weather Report Friday 25 August 2023

Meteorological Synopsis:	A north-westerly airflow covered Ireland on Friday 25-August-2023 between a near-stationary area of high pressure (1030hPa) mid-Atlantic and an area of low pressure (1005hPa) to the east. Frontal troughs (occlusions) embedded in the flow tracked southwards over the country during the day.				
Estimated weather conditions in the vicinity of inner Galway Bay					
Wind	Hour	Description / Beaufort	Wind Direction	Mean Wind Speed (knots)	Maximum Gusts (knots)
	00-12 UTC	Light to moderate, force 3 to 4	NW	6 – 15	22
	12-24 UTC	Moderate to fresh occasionally strong force 4 to 6	NW to NNW	12 – 22	30
Weather	Mist and fog patches during the early morning. Variable cloud, sunny spells by day with isolated showers from mid-morning to late afternoon; some showers around the middle of the day were heavy and blustery. It was mostly dry and rather cloudy in the evening.				
Visibility	Moderate to poor in heavy showers, otherwise good visibility.				
Air Temperature	13 to 17 degrees Celsius.				
Estimated Sea State conditions (offshore)	The estimated sea state conditions in Galway Bay: slight (significant wave height of 0.5 to 1m) on a westerly swell further offshore the sea state was moderate (significant wave height 1.5 to 2 m).				
Sea temperature	17 degrees Celsius.				

See Appendix 7.1 Met Éireann Meteorological Report Inner Galway Bay.

2.8 Shore Authority Involvement and Emergency Response

Extract from Irish Coast Guard Situation Reports (SITREP).

See Appendix 7.2 Irish Coast Guard Situation Report.

25 August 2023

- 13.32 Skipper of Lady Pexia transmits MAYDAY call over VHF Ch.16 reporting Man Overboard (MOB) at Nimmos Pier.
- 13.33 Galway Bay RNLI tasked to scene.
- 13.36 Rescue helicopter R118 tasked to scene.
- 13.45 Unit Costello Bay/North Aran Coast Guard tasked to scene.
- 13.48 Galway Bay RNLI on scene.
- 14.15 Rescue helicopter R118 on scene.
- 14.28 Rescue helicopter R118 recovered Casualty from water.
- 14.34 Rescue helicopter R118 lands at Galway Hospital and Casualty transferred to Health Service Executive staff.
- 14.52 Emergency crews return to base.

2.9 Water Safety Regime in Ireland

- 2.9.1 Water Safety Ireland is a body under the aegis of the Department of Rural and Community Development. It has a statutory role that includes the promotion of both public awareness of water safety and measures to prevent accidents in water. Its website¹⁰ has specific guidance for boating, which includes 14 steps to safe boating as follows:

- “1. Check condition of boat and equipment, hull, engine, fuel, tools, torch.*
- 2. Check the weather forecast for the area.*
- 3. Check locally concerning dangerous currents, strong tides.*
- 4. Do not drink alcohol while setting out or during your trip.*
- 5. Carry an alternative means of propulsion e.g. sails and oars or motor and oars.*

10. Water Safety Ireland Safe Boating web page can be found at www.watersafety.ie/boating

6. *Carry a first aid kit on board and distress signals (at least two parachute distress rockets, two red hand flares).*
7. *Carry a fire extinguisher, a hand bailer or bucket with lanyard and an anchor with rope attached.*
8. *Carry marine radio or some means of communication with shore.*
9. *Do not overload the boat - this will make it unstable.*
10. *Do not set out unless accompanied by an experienced person.*
11. *Leave details of your planned trip with someone ashore - including departure and arrival times, description of boat, names of persons on board, etc.*
12. *Wear a lifejacket at all times.*
13. *Keep an eye on the weather - seek shelter in good time.*
14. *In Marine Emergencies, call 999 or 112 and ask for the coast guard.”*

2.9.2 The Department of Transport’s approach to the safety of recreational craft is described in the Irish Maritime Directorate Strategy 2021-2025 and includes work on policy development, statutory regulation, safety awareness promotion and enforcement.

2.10 Marine Notices

2.10.1 MNs are information notices issued by the Department of Transport to publicise important safety, regulatory and other information relating to the maritime sector in Ireland. All MNs are published and catalogued online¹¹ and are issued by email directly to those who subscribe to the relevant mailing list. MNs that relate to the use of recreational craft are specifically addressed to the owners and operators of such craft. All MNs provide contact details for persons seeking further technical assistance on the subjects raised.

2.10.2 Table 1 lists the MNs published in the four years prior to this casualty event that particularly relate to issues raised in this investigation report, as they highlighted to the seafarers: important safety advice for owners of recreational craft; potential issues with the modification of vessels and to seek advice about construction standards; the application of SOLAS Chapter V to recreational craft; the CoP for the Safe Operation of Recreational Craft; the importance of voyage planning and avoiding dangerous situations in adverse weather and sea conditions; the potential hazards of operating alone afloat; and, the use of PFDs on recreational craft.

11. www.gov.ie/en/collection/e762fd-marine-notices

Table 1: MNs related to the issues raised in this investigation report		
Number	Date Published	Subject
No. 52 of 2023	27-Jul-23	Think and Prepare – Important safety advice for owners and users of recreational craft.
No. 30 of 2023	20-Apr-23	Application of SOLAS Chapter V to Recreational Craft.
No. 32 of 2022	02-Jun-22	Code of Practice for the Safe Operation of Recreational Craft.
No. 40 of 2021	25-Jun-21	Code of Practice for the Safe Operation of Recreational Craft.
No. 19 of 2021	01-Apr-21	Importance of Voyage Planning and avoiding dangerous situations in Adverse Weather and Sea Conditions.
No. 58 of 2020	07-Dec-20	Two separate fatal incidents involving recreational fishing by persons operating alone.
No. 27 of 2020	21-Jul-20	Code of Practice for the Safe Operation of Recreational Craft.
No. 51 of 2019	07-Nov-19	Amendments to the 2017 Edition of the Code of Practice for the Safe Operation of Recreational Craft.
No. 32 of 2019	29-Aug-19 Amended 07-02-25	Personal Flotation Devices for Pleasure Craft and Personal Watercraft.

2.10.3 MN No. 58 of 2020 was published¹² by the Department of Transport on 7 December 2020, in response to investigation reports by the MCIB dealing with two separate fatal incidents in which persons were operating recreational motor boats alone.

See Appendix 7.3 Marine Notice No. 58 of 2020.

2.10.4 This MN was addressed to all masters, owners, boating clubs and users of pleasure and recreational craft, and highlighted the following:

“The Department would like to remind the operators of recreational craft of the following advice and recommendations:

- The importance of abiding by the legal requirements in relation to the wearing and carrying of Personal Flotation Devices/Lifejackets. It is a statutory requirement to wear a Personal Flotation Device (PFD) when on board an open craft of less than 7 metres in length overall or whilst on deck onboard a decked craft of less than 7 metres in length overall. Wearing a PFD will increase your chance of survival in the event of entering the water. Please*

12. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/100596/64f994c1-816c-4e92-8135-6bc9f45c9c74.pdf#page=null>

see Marine Notice No. 32 of 2019 (Personal Flotation Device for Pleasure Craft and Personal Watercraft) for further information.

- *The importance of checking current weather forecasts and sea/lake/river conditions prior to departure and to plan your voyage accordingly (see Appendix 6 (Weather, Sea States and Tides) and Appendix 8 of the Code of Practice for an example of a passage planning template).*

The Department also wishes to highlight the increased risks involved with single person operation. Particular attention is drawn to the following safety advice:

- *Users should carry out a risk assessment of the intended operations and take appropriate actions to reduce/mitigate the inherent risks that arise when nobody else is on-board to render assistance or to raise the alarm.*
- *When operating single handed, make sure an effective means of quickly re-boarding the boat is available in the event of a person overboard situation occurring, for example, a boarding ladder.*
- *Ensure that a designated person ashore is aware of your departure and return times, where you are going, and have a procedure in place to raise the alarm if necessary.”*

- 2.10.5 MN No. 52 of 2023 was published¹³ by the Department of Transport on 27 July 2023 and is titled ‘Think and Prepare- Important safety advice for owners and users of recreation craft’. This was directed to the owners and users of recreational craft and contains essential information and guidance.

See Appendix 7.4 Marine Notice No. 52 of 2023.

- 2.10.6 Of particular relevance to this investigation is the following content:

- “✓Get training from an approved training provider in the correct use of the type of craft you wish to use;*
- ✓ Wear a suitable Personal Flotation Device/Lifejacket: Know about the legal requirements in relation to the wearing and carrying of Personal Flotation Devices/Lifejackets and the need for the proper care and maintenance of such devices. Select the proper type based on activity or boating conditions. See Marine Notice No. 32 of 2019 for further information;*
- ✓ Check current weather forecasts and sea/lake/river conditions prior to departure and plan your voyage accordingly;*
- ✓ Check for any hazards and risks and Prepare a Passage Plan;*

13. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/265723/5489b3cd-1103-4bff-b1ae-d0c9d4c1d11e.pdf#page=null>

- ✓ *Avoid operating alone: There are increased risks involved with single person operation when there is nobody else on board or nearby to help you or to raise the alarm. Make sure you have an effective means of quickly re-boarding the boat in the event that you fall overboard;*
- ✓ *Carry out Pre-Departure Safety Checks and Briefing: Check your craft and safety equipment. All persons on board should know what to do in the event of an emergency, where the safety/emergency equipment is on board, e.g. flares, radio equipment, life jackets, etc., and how to use the equipment;*
- ✓ *Tell someone about the plans for your trip: A designated person ashore should know your departure and return times, where you are going, and what to do to raise the alarm if necessary;*
- ✓ *Bring a dependable means of communication: VHF radio equipment is the recommended method of communication and craft users should be familiar with its use, reference Marine Notice No. 70 of 2022. Mobile phones should not be relied on and should only be considered as a back-up means of communication. Where mobile phone use is proposed, the phone should be in a waterproof pouch with a lanyard, be fully charged at all times and the signal strength and charge indicator should be regularly checked while the vessel is underway;*
- ✓ *Emergency Beacons: Consider having a Personal Locator Beacon (PLB) or an Emergency Position Indicating Beacon (EPIRB) as appropriate. See Marine Notice No. 25 of 2010 as amended, Marine Notice No. 38 of 2013 and Marine Notice No. 70 of 2022 for further information, including in relation to registration of PLBs and EPIRBs;*
- ✓ *Do not consume alcohol or drugs before or during a trip: When operating a recreational craft, a person must not be under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol;*
- ✓ *Be aware of and recognise the symptoms of fatigue: Get proper sleep and rest before your journey;*
- ✓ *Relax and float: If you fall into the water, the initial shock of being in cold water can cause you to gasp and panic. Stay calm and relax. Try to float or tread water while you catch your breath. A properly fitted lifejacket will keep your head above water, ensuring you gasp air. Try to get hold of something that will help you float and get as much of your body out of the water as possible. To lessen heat escape, keep your legs together with arms/elbows by your side. Once you are calm, call for help;*
- ✓ *Wear suitable clothing and footwear;*
- ✓ *In a marine emergency, raise the alarm on VHF Channel 16 or call 999 or 112 and ask for the Coast Guard."*

See Appendix 7.5 Marine Notice No. 11 of 2018 - Prohibitions on the Consumption of Alcohol and/or Drugs.

2.11 Postmortem Report

- 2.11.1 The Coroner's postmortem report stated there was no evidence of external trauma to the body.
- 2.11.2 The Coroner's postmortem report stated that the death was caused by drowning with contributory factors including a blood ethanol level in the toxic range (concentration level reported as 305 milligrams (mg)%). The determination of the cause of death is a matter for the Coroner.

2.12 Inquest

- 2.12.1 On the 25 April 2024, the inquest into the fatality was held. The Coroner found that the Casualty died as a result of drowning.

3. NARRATIVE

- 3.1 During the day of 24 August 2023, the Casualty and the Skipper of Lady Pexia arranged to go sea angling the following day and had arranged to meet at the boat, which was moored at Nimmos Pier, The Claddagh, Co. Galway. The Casualty had contacted his brother before setting out to Galway to try and arrange a lift home after the fishing trip.
- 3.2 At 10.00 hrs on 25 August 2023 the Skipper and the Casualty met at Nimmos Pier inner at the Lady Pexia. The two men boarded the boat and donned PFDs before they proceeded out to sea, making the approximately 0.8 NM voyage to their intended fishing area. The fishing area was familiar to the Skipper, who had fished that location regularly. Before departure, the Skipper informed the MCIB that he had provided the Casualty with one of the PFDs onboard. He stated that he reminded him to wear it throughout the trip, which the Skipper stated that the Casualty did for the most part. Why he did this given the PFD was not functioning is unclear. The Skipper stated that during the fishing trip, he periodically observed the Casualty wearing the PFD.
- 3.3 The men commenced fishing at the fishing area using hand lines to fish for mackerel and continued to fish for around three hours. During this time the Skipper advised the MCIB that the Casualty was observed by him consuming two cans of cider. It is clear from the toxicology report that more alcohol was consumed by the Casualty than what was observed by the Skipper.
- 3.4 The Skipper estimated the men were fishing for about three hours before deciding to return to Nimmos Pier. As part of the preparations for the homeward voyage, the Casualty retrieved the hand lines and passed them to the Skipper for storage in the cabin. The Skipper then entered the cabin and began the voyage, leaving the Casualty unaccompanied on the back deck. A few minutes later, as the boat approached Nimmos Pier quay wall, the Skipper turned around and discovered that the Casualty was no longer on the back deck, and he noted that his PFD was on the engine hatch. Up until entering the cabin, the Skipper stated to the MCIB that he believed the Casualty had been wearing his PFD since departure. However, due to the boat's design, particularly the position of the bulkhead relative to the coxswain's position, the Skipper's view of the deck was significantly obstructed. Assuming the Casualty did remove his PFD at this time and placed it on the engine hatch, he would have been out of sight of the Skipper.
- 3.5 The Skipper could not see the Casualty. At 13.32 hrs the Skipper made a distress call on VHF Ch. 16 to alert all stations of a MOB in the vicinity of Nimmos Pier. At some later stage he noticed that a blue bucket was missing from the boat and later advised that he thought the Casualty might have attempted to get water by leaning over the side of the boat and got swept overboard.

- 3.6 A search and rescue operation was initiated and attended by Galway Bay RNLI, rescue helicopter R118, Costello Bay/North Aran Coast Guard Unit. At around 14.28 hrs the Casualty was recovered from the water by rescue helicopter R118 and transferred to Galway University Hospital, where he was pronounced dead sometime later. It is estimated the Casualty was in the water for over one hour.

4. ANALYSIS

4.1 There are seven interrelated factors which lead to a MOB situation resulting in a fatality:

1. Consumption of alcohol while onboard a vessel.
2. Carrying out an activity that led to going overboard.
3. Failure to wear the PFD provided.
4. The absence of a functioning PFD.
5. The reason for the absence of recovery steps by the Skipper.
6. The Casualty's ability to survive in the water.
7. Sea temperature and time in the water.

4.2 Consumption of Alcohol while Onboard a Vessel

4.2.1 The stated opinion of the consultant pathologist was that the death was caused by drowning with contributory factors including a blood ethanol level in the toxic range. The recorded concentration level was reported as 305 mg%.

4.2.2 Sections 28 to 30 of the Maritime Safety Act 2005 (S.I. No. 11 of 2005) contain a range of provisions relating to the prohibition on operating or being onboard a vessel in Irish waters while under the influence of alcohol or drugs. Passengers are prohibited only insofar as being under the influence of a substance that could affect the safety of persons or create a disturbance or serious nuisance onboard the vessel or affect the safety of other persons or constitute a nuisance to such person.

4.2.3 Regulations 8 and 9 of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005, address the master, owner and others on a pleasure craft ("pleasure craft" includes personal watercraft and fast power craft):

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

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

on board the craft or affect the safety of other persons using Irish waters or constitute a nuisance to such persons.”

Regulation 8 does not apply to the circumstances here as there is no evidence that the Casualty was ever attempting to Skipper the boat. Regulation 9 does apply to passengers including the Casualty. It would appear the Casualty was in breach of the prohibition in this Regulation.

4.2.4 The current blood alcohol concentration permitted for driving in Ireland is 50 mg. Being under the influence of alcohol would have adversely impacted the Casualty’s judgment, co-ordination, and reaction time. It could have made him unsteady, especially if he was also attempting to fill the bucket overboard. It would also have made any balancing issues from the boats movement more challenging to manage. It is possible that it could have led to a plan to get into the water. It certainly could have affected his co-ordination and caused or contributed to the removal of his PFD, if he was wearing it at the time.

4.2.5 Alcohol was a significant contributing factor in this casualty. The Skipper’s evidence is that he only observed the Casualty consuming two cans of cider throughout the day. The toxicology report recorded that the Casualty’s blood ethanol level was 305 mg/100 millilitres, suggesting a high level of intoxication. While not a matter for the MCIB to opine on, in any definitive way, some publications describe alcohol concentration levels between 300 mg%-400 mg% as causing alcohol poisoning, being potentially life threatening and causing loss of consciousness.

4.3 Carrying out an Activity that led to going Overboard

4.3.1 It is uncertain as to how the Casualty went overboard and drowned on the voyage from the fishing area to Nimmos Pier. There are a few plausible scenarios including one where he may have leaned overboard to fill a bucket with water, which bucket was later noted to be missing. It is also unclear why he would have removed his PFD, but it may well have been to more easily fill the bucket when leaning overboard. An alternative scenario is that the Casualty lost his balance and fell overboard. The level of intoxication could well have been a causal factor, although why that scenario would have been preceded by the Casualty needing to remove the PFD is inexplicable and suggests that he might not have been wearing it for some time. The other possibility is that in his intoxicated state the Casualty thought that going for a dip over the side of the boat was a good idea. Removal of his PFD would have some logic in that scenario.

4.4 Failure to Wear the PFD Provided

4.4.1 It is alleged that throughout the voyage from Nimmos Pier to the fishing area, and while the men were fishing, the Skipper and Casualty wore their respective

PFDs, but when the Casualty was picked up by the rescue helicopter R118, he was not wearing his PFD. It was found on the engine hatch of the boat. Therefore, if the recollection of the Skipper is accurate, the Casualty at some unknown point must have removed his PFD. It is possible that the Casualty may have taken off his PFD while he was tending to the day's catch and cleaning down the back deck or obtaining water via the overboard bucket. He may have gone overboard accidentally while getting water, or he may have decided to swim. His judgement would have been seriously impaired by the amount of alcohol reported in the toxicology report.

4.4.2 The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005)¹⁴ sets out the statutory requirements for wearing PFDs/PFDs in small boats. Section 6(1) of the regulations state that *"A person on a pleasure craft (other than a personal watercraft) of less than 7 metres length overall shall wear a suitable personal flotation device while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor"*. The requirements are plainly set out in MN No. 32 of 2019¹⁵.

4.4.3 PFDs were available, but the Casualty was not wearing his PFD when he entered the water. However, even had the Casualty been wearing the abandoned PFD, considering the condition of the PFD outlined in Sections 2.4.2, 2.4.3 and 2.4.4, it is certain that the PFD would not have inflated on activation. Additionally, considering the condition of the other PFDs onboard the boat, including that one of the PFDs was past its service by date by over 18 years, there is no certainty that other PFDs would have worked. Therefore, the fact that the Casualty was not wearing the PFD provided (if that was the case) was not a contributory factor because it would not have aided his survival.

4.5 The Absence of a Functioning Personal Flotation Device

4.5.1 The PFD worn by the Casualty was a Crewsaver brand Crewfit inflatable PFD. The PFD was in poor condition and would not have inflated. The PFD was fitted with a whistle and a manual inflation activation device, and oral inflation tube. There was no light. The carbon dioxide cylinder that should have contained the PFD inflating gas was empty with evidence showing that the PFD had previously been inflated.

4.5.2 MN No. 32 of 2019, titled 'Personal Flotation Devices for Pleasure Craft and Personal Watercraft', (referred to above) emphasises the importance of routine inspections, stating: *"Users of PFDs should ensure that the device is inspected*

14. [As amended by the Pleasure Craft \(Personal Flotation Devices and Operation\) \(Safety\) \(Amendment\) Regulations 2012 \(S.I. No. 349 of 2012\) and the Pleasure Craft \(Personal Flotation Devices and Operation\) \(Safety\) \(Amendment\) Regulations 2018 \(S.I. No. 400 of 2018\)](#)

15. <https://www.gov.ie/pdf/?file=https://assets.gov.ie/27201/9447a7ff27274709a765f866f661609e.pdf#page=1>

prior to each use". This guidance serves as a crucial reminder that the functionality and reliability of PFDs depend on regular checks to identify any deficiencies that could impact their performance. The importance of the fundamental safety message in MN No.32 of 2019 has been emphasised by the issuing of an amended notice by the Department of Transport on 7 February 2025¹⁶.

See Appendix 7.6 Marine Notice No. 32 of 2019 (Amended on 7 February 2025).

- 4.5.3 During an inspection conducted by the MCIB in May 2024, the Casualty's PFD was found to be in poor condition, with an empty CO2 cylinder - an indicator of prior activation or accidental deployment without subsequent servicing. The state of the PFD suggests that it had not been properly inspected before use, compromising its ability to function effectively in an emergency.
- 4.5.4 This condition underscores the necessity for routine maintenance and compliance with safety regulations, which mandate that PFDs be inspected and maintained to ensure their readiness. The absence of a charged CO2 cylinder and any sign of recent servicing greatly diminished the PFD's operational effectiveness, ultimately impacting its ability to function as a lifesaving device.
- 4.5.5 Had the Casualty been wearing a functioning PFD when he entered the water (however that happened), it should have offered sufficient support in keeping his airway clear of the water and afloat to enable him to call for help and would have had a whistle to create an aural alert. It was a very short time from when the Skipper went to the cabin and had his back turned, until he turned around and immediately noted the absence of the Casualty. Therefore, the Casualty probably would have only needed to be kept afloat for a short time. If he was longer in the water it could have kept him alive and afloat for the hour or so before he was recovered by rescue helicopter R118, even allowing for the risk of hypothermia.
- 4.5.6 The presence of functioning PFDs onboard is a regulatory requirement outlined in Regulation 5 of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005. A breach of this Regulation, failing to provide or maintain serviceable PFDs, constitutes a violation of the Regulations. Failure to comply with any of the Regulations can result in a fixed payment of €150 issued by an authorised officer¹⁷ and/or prosecution proceedings which, on summary conviction, can lead to a fine of up to €5,000.

16. [www.gov.ie/pdf/?file=https://assets.gov.ie/318824/c9743c79-688e-480f-9e02-1678dd228486.pdf#page=null](https://assets.gov.ie/318824/c9743c79-688e-480f-9e02-1678dd228486.pdf#page=null)

17. Authorised Officers include members of the Garda Síochána, Naval Service, Harbour Masters and members of the Irish Maritime Administration who are authorised by the Minister.

- 4.5.7 PFDs must meet specific criteria as laid out in Regulation 2 of S.I. No. 921 of 2005, Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005¹⁸. To be considered suitable and sufficient; they should be properly maintained, free from damage, and equipped with fully charged CO2 cylinders if inflatable, as well as operational inflation mechanisms such as manual pull cords and oral inflation tubes. The failure to comply with these standards can lead to increased risk during emergencies, and fines incurred for non-compliance.
- 4.5.8 The fact that, according to the Skipper, the Casualty took off the PFD provided leads to the conclusion that had he been provided with a functioning one, as required, he would also have removed that. The Skipper's evidence is that he believed the Casualty had been wearing the PFD provided and that it was removed without his knowledge, in the very short time after the commencement of the return to Nimmos Pier. It is difficult to see therefore how he could have ensured it was worn at all times as the Casualty was not in his line of sight. Therefore, while there was a failure to provide a functioning PFD, it was not a causal factor if the Casualty was wearing one, as the Casualty would have removed it. The question does however arise as to why there was an insistence on the Casualty wearing a non-functioning PFD.
- 4.6 **The Reason for the Absence of Recovery Steps by the Skipper**
- 4.6.1 The circumstances that led to the Skipper not realising that the Casualty had gone overboard can be attributed to two factors, including auditory and visual obstructions. Firstly, the average noise level inside the cabin was recorded at 83.7 dB, which is significantly high and could mask the sounds of someone falling overboard or calling for help. This level of noise would make it challenging for the Skipper to detect any unusual sounds or distress signals over the ambient cabin noise.
- 4.6.2 Secondly, the Skipper's aft view was obstructed by the cabin's aft bulkhead, creating a significant visual blind spot. The cabin design prevented the Skipper from visually monitoring the back deck area where the Casualty is believed to have gone overboard, thus further contributing to the Skipper's unawareness of the emergency situation. Together, these factors resulted in a scenario where the Skipper was both visually and acoustically impaired, preventing detection and response to the Casualty going overboard. The time between the Skipper

18. See the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005 (as amended by the 2018 regulations).
Regulation 2 specifies: "*suitable personal flotation device*" means a personal flotation device—
(a) which has on it the CE conformity marking.
(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."

moving to the cabin and the turning around was very short. There is no evidence to suggest that the Casualty made any noise in his activities or tried to raise an alarm having gone overboard. Even if he had, the Skipper would not have heard it.

4.7 The Casualty's Ability to Survive in the Water

4.7.1 The Casualty was known to be a good swimmer. While being a swimmer would have initially provided him with a better chance of survival compared to a non-swimmer, it did not eliminate the inherent risks associated with falling into open water. Although a swimmer may have been able to stay afloat longer and attempt to reach safety or signal for help, the potential for disorientation, panic, and exhaustion remained high, particularly if immediate assistance was not available. The Skipper's inability to hear any potential call for help over the noise of the engine would have further hindered the Casualty's chances of alerting others.

4.7.2 Even with the assistance of a PFD, a swimmer could still face significant challenges, especially in adverse conditions such as strong currents, cold water, or waves. Maintaining buoyancy and an appropriate position in the water requires effort, and over time, even a capable swimmer might succumb to exhaustion or inadvertently inhale water, leading to an increased risk of drowning.

4.7.3 Despite being a swimmer, survival was not guaranteed in open water conditions. The initial shock of entering the water, particularly if it was cold, could have an immediate impact on motor function and breathing, severely impairing the Casualty's swimming abilities. Factors such as distance to safety, the strength of the currents, and water temperature, would further influence his ability to survive. Even strong swimmers can quickly become overwhelmed by fatigue, cold water, or panic, which can rapidly reduce their capacity to stay afloat or reach a safe location.

4.7.4 Additionally, being under the influence of alcohol would have adversely impacted the Casualty's ability to survive. Alcohol impairs judgment, co-ordination, and reaction time, which would have further compromised the Casualty's ability to respond effectively to the emergency, regardless of his swimming ability.

4.8 Sea Temperature and Time in the Water

4.8.1 The Casualty's body was recovered from the water approximately one hour after he went over the side. According to the Met Éireann Meteorological Report (see Appendix 7.1), the sea temperature at the time was around 17°C. Although this is not classified as cold water, entering water at this temperature can still induce a reactive physiological response.

- 4.8.2 Cold water is generally defined as water at 15°C or below. While the sea temperature during the incident was recorded at 17°C, which is slightly above this threshold, it is important to note the critical effects on the human body even at this temperature. Based on Chapters 4 and 6 of *Essentials of Sea Survival*¹⁹, initial and short-term responses to immersion in cold water, as well as the longer-term effects of hypothermia, are crucial factors in understanding the casualty's situation.

4.9 Initial and Short-Term Responses

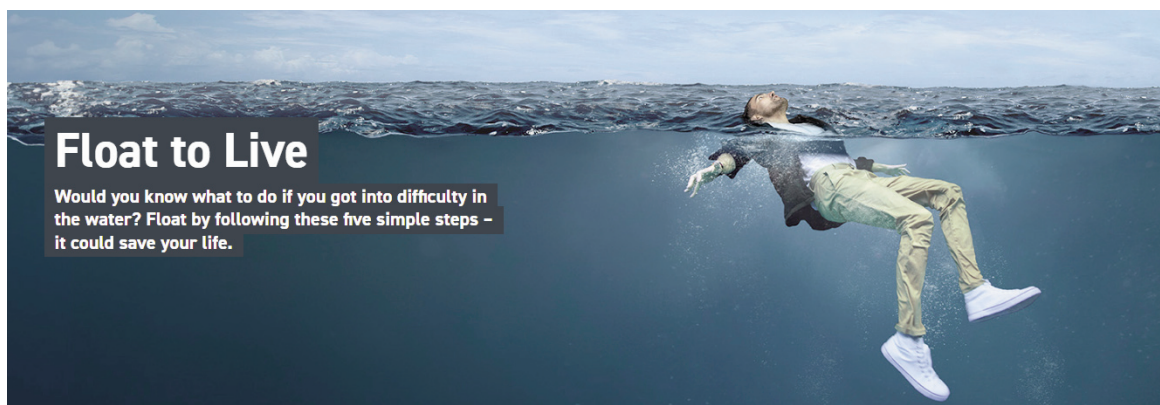
- 4.9.1 The initial response to immersion in cold water is known as cold shock. This reaction involves a sudden drop in skin temperature, significantly affecting circulation and breathing. The body's response begins almost immediately upon immersion, peaking within the first 30 seconds and lasting for two to three minutes. Cold shock is responsible for the majority of immersion deaths, often before hypothermia sets in.
- 4.9.2 The sudden constriction of blood vessels in the skin raises blood pressure as the heart struggles to pump blood through these narrowed vessels. This cardiovascular strain can be fatal in some cases.
- 4.9.3 Upon immersion, an initial gasp of up to two or three litres, close to an adult's total lung capacity, is followed by uncontrollable hyperventilation. This rapid overbreathing can increase the volume of gas exchanged in the lungs tenfold, leading to dizziness, confusion, and a sensation of suffocation, all of which can induce panic.
- 4.9.4 A significant danger during cold water immersion is the dramatic reduction in breath-hold capacity. While a person may normally hold their breath for over a minute, this ability can decrease to less than ten seconds after immersion, putting them at risk of inhaling water in rough or turbulent conditions. Even a small volume of inhaled water (0.25-0.5 litres) can lead to near drowning, especially when considering the volume of air exchanged during the first minute of cold water immersion.
- 4.9.5 Cold water also quickly impairs manual dexterity and handgrip strength, crucial for survival activities. Within minutes, the ability to use one's hands can diminish significantly, compromising the casualty's ability to perform essential tasks.
- 4.9.6 Survivors of the initial cold shock who are not wearing flotation aids may need to swim to safety. However, it is extremely difficult to swim during the first few minutes after immersion in cold water, even for strong swimmers.
- 4.9.7 A common misconception is that saturated clothing drags a person under, leading some to undress in the water, which reduces insulation and increases the risk of

19. Source: Golden, F., & Tipton, M. (2002). *Essentials of sea survival*. Human Kinetics.

drowning. As air escapes from clothing, the individual experiences further lowering in the water, requiring them to lift their head higher to breathe, a struggle exacerbated by small waves on the surface.

4.10 Hypothermia Response

- 4.10.1 If the casualty survives the initial cold shock and short-term effects of immersion, they remain at risk of hypothermia. Symptoms of hypothermia include visible shivering, slurred speech, uncoordinated movements, and impaired decision making, which can lead to loss of consciousness, drowning, or cardiac arrest.
- 4.10.2 The rate of hypothermia onset can be reduced by remaining as motionless as possible in the water and adopting a position that minimizes heat loss. While it may feel colder out of the water, the rate of heat loss is significantly lower in air than in water. If possible, it is crucial to exit the water or at least find a way to float on an object.
- 4.10.3 The importance of remaining as motionless as possible in the water while adopting a position to reduce heat loss is advocated by the RNLI²⁰ with the guidance shown in the photograph below, and described as follows:
- “1. Tilt your head back - with ears submerged.
2. Relax - and try to breathe normally.
3. Move your hands - to help you stay afloat.
4. It’s OK if your legs sink - we all float differently.
5. Spread your arms and legs - to improve stability”.*
- 4.10.4 This position helps maintain stability and manage the effects of cold water immersion.



Photograph showing position to help reduce the effects of cold water shock as advocated by the RNLI.

20. Source: <https://rnli.org/safety/float>

- 4.10.5 As detailed in the Met Éireann Meteorological Report Inner Galway Bay (see Appendix 7.1), the sea temperature on the day of the incident was 17°C. Upon entering the water, the Casualty likely experienced cold shock, which could have impacted his ability to control his breathing and respond to the situation.
- 4.10.6 The MCIB's analysis cannot conclude that cold water immersion, despite the sea temperature being slightly above the cold water threshold, contributed to this marine casualty event as there is no evidence as to how long the Casualty was in the water before he drowned.

5. CONCLUSIONS

- 5.1 It remains unclear as to how the Casualty went overboard, and without any witness account it is unlikely to ever be definitively established.
- 5.2 The consumption of alcohol was a significant contributing factor to the incident and may well have been a causal one. The Casualty's blood ethanol level, as noted by the consultant pathologist, likely impaired his judgment, leading to risky decisions such as removing his PFD and engaging in unsupervised activities. It could have led to him being unconscious and falling over the side.
- 5.3 At the time of the incident, the Casualty was not wearing his non-functioning PFD, despite having apparently donned it earlier in the day according to the Skipper. The Casualty's PFD was found to have an empty CO2 cylinder, meaning it would not have inflated upon activation. This rendered the PFD ineffective as a flotation aid. Had he been wearing, and kept on, the PFD provided it would have made no difference as it would not have inflated so was not a causal or contributory factor.
- 5.4 Aside from the Skipper's PFD, there were no other functioning lifejackets on the boat. Had the Casualty been provided with and wearing a functioning PFD, his chances of survival would have been very significantly improved. A functioning PFD could have kept him afloat and possibly enabled his timely rescue. However, it seems probable that even if the Casualty was wearing a functioning PFD, and assuming he had in fact been wearing the defective PFD, that he might have removed a functioning lifejacket as well. So the clear failure to ensure functioning lifejackets were available was not a factor in this casualty (assuming that the Casualty did not remove the non-functioning PFD because he was aware it was inoperable).
- 5.5 The failure to provide and maintain functioning lifejackets onboard the vessel appears to be a breach of applicable safety regulations, however this is a matter for the prosecuting authorities.
- 5.6 From the time shortly after the fishing concluded to the time the Casualty was recovered from the water, the Casualty would have been in the water for approximately one hour. The sea temperature in the area was around 17°C. While not classified as cold water, this temperature can still induce cold shock and hypothermia. It could have significantly impaired the Casualty's ability to survive (even though he could swim), particularly in the absence of a PFD and with the additional effects of alcohol impairment.

6. SAFETY RECOMMENDATIONS

6.1 Preamble

- 6.1.1 The frequency or effectiveness of the enforcement of a) S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 particularly regarding the mandatory use of Personal Flotation Devices, and b) the enforcement of the Maritime Safety Act 2005 is not readily known. Despite clear legislative provisions, and repeated incidents reported on by the Marine Casualty Investigation Board, instances of non-compliance persist, as evidenced by this incident where the functioning Personal Flotation Devices were not available, and where the Casualty was not wearing a Personal Flotation Device at the time of the incident.
- 6.1.2 Although the Department of Transport continues to issue Marine Notices, including Marine Notices to remind maritime users of their legal obligations, the impact of these efforts is unclear especially in the more unregulated recreational sector such as here with non-club recreational angling.
- 6.1.3 The Marine Casualty Investigation Board does not have access to data on inspections, fines, or legal actions taken in respect of non-compliance with S.I. No. 921 of 2005 Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (as amended) or the two related Regulations. Given that the repeated widespread safety advice and the very obvious safety step of wearing a Personal Flotation Device is flouted in so many Marine Casualty Investigation Board investigations does raise the question as whether greater enforcement by means of prosecutions is needed as with motor offences. Failure to comply with any of the Regulations can result in a fixed payment of €150 issued by an authorised officer²⁰ and/or prosecution proceedings which, on summary conviction, can lead to a fine of up to €5,000.
- 6.1.4 It is not for the Marine Casualty Investigation Board to express a view as to whether there has been a breach of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 S.I. No. 921 of 2005 (as amended), the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012); the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 (S.I. No. 400 of 2018). 19. EN ISO 12 and/or Maritime Safety Act 2005 (No. 11 of 2005).

6.2 Recommendations to the Owner/Skipper of the vessel the Lady Pexia:

6.2.1 The Owner/Skipper should:

- i) familiarise themselves with the regulations in respect of Personal Flotation

20. Authorised Officers include members of the Garda Síochána, Naval Service, Harbour Masters and members of the Irish Maritime Administration who are authorised by the Minister.

Devices including the revised Code of Practice for the Safe Operations of Recreational Craft and with the content of Marine Notices;

- ii) ensure Personal Flotation Devices are regularly inspected, serviced, maintained in accordance with manufactures requirements, including checking expiry dates on the Personal Flotation Device and where applicable, the automatic inflating devices,
- iii) ensure that Personal Flotation Devices are worn at all times by all persons onboard.

6.2.2 The owner should familiarise themselves with the law with regard to the prohibition on the consumption of alcohol and/or drugs and remember that it is illegal for anyone in command or control of a vessel, or performing related tasks, to allow a person onboard to consume alcohol or drugs in a way that could compromise safety, cause disturbances, or pose a nuisance on the vessel or in Irish waters.

6.3 Recommendations to the Minister for Transport:

6.3.1 The Minister for Transport should:

- i) review the effectiveness of the Personal Flotation Device enforcement regime and consider ways in which inspections for the mandatory wearing of Personal Flotation Devices can be increased.
- ii) consider the merits of engaging in a process with the various Authorised Officer bodies (which include members of An Garda Síochána, Naval Service, Harbour Masters and members of the Irish Maritime Administration who are authorised by the Minister) with regard to enforcement actions including prosecution to deliver safety messages about the consequences of non-compliance with the law and achieve greater safety.

7. APPENDICES

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Appendix 7.1 Met Éireann Meteorological Report Inner Galway Bay



Met Éireann

The Irish Meteorological Service

Climate Services

Glasnevin Hill

Dublin 9

Scirbhísi Aeráide

Cnoc Ghlas Naíon

Baile Átha Cliath 9

Tel: +353-1-8064260

Email: legal@met.ie

Our Ref: WS1730/2311_9

Your Ref: MCIB/330

WEATHER REPORT

Estimated weather and sea state conditions for sea area east of Mutton Island, Galway Bay
(approximate position 53.260, -9.0383)
for the 24 hour period (00:00 to 24:00 UTC) of Friday 25th August 2023

Meteorological Situation:

A northwesterly airflow covered Ireland on Friday 25-August-2023 between a near-stationary area of high pressure (1030hPa) mid-Atlantic and an area of low pressure (1005hPa) to the east. Frontal troughs (occlusions) embedded in the flow tracked southwards over the country during the day.

Wind:

Hour	Description / Beaufort	Wind Direction	Mean Wind Speed (knots)	Maximum Gusts (knots)
00-12 UTC	Light to moderate, force 3 to 4	NW	6 - 15	22
12-24 UTC	Moderate to fresh occasionally strong, force 4 to 6	NW to NNW	12 - 22	30

Weather:

Mist and fog patches during the early morning. Variable cloud, sunny spells by day with isolated showers from mid-morning to late afternoon; some showers around the middle of the day were heavy and blustery. It was mostly dry and rather cloudy in the evening.

Visibility:

Moderate to poor in heavy showers, otherwise good visibility.

Temperature:

13 to 17 degrees Celsius.

Sea State (offshore):

The estimated sea state conditions in Galway Bay: slight (significant wave height of 0.5 to 1m) on a westerly swell; further offshore the sea state was moderate (significant wave height 1.5 to 2 m).

Sea temperature: 17 degrees Celsius.

This report was issued on: 28 November 2023

Met Éireann | Climate Services Division | Enquiries Legal Unit | Email: legal@met.ie

Appendix 7.1 Met Éireann Meteorological Report Inner Galway Bay



Met Éireann

The Irish Meteorological Service

Climate Services

Glasnevin Hill

Dublin 9

Scirbhíse Aeráide

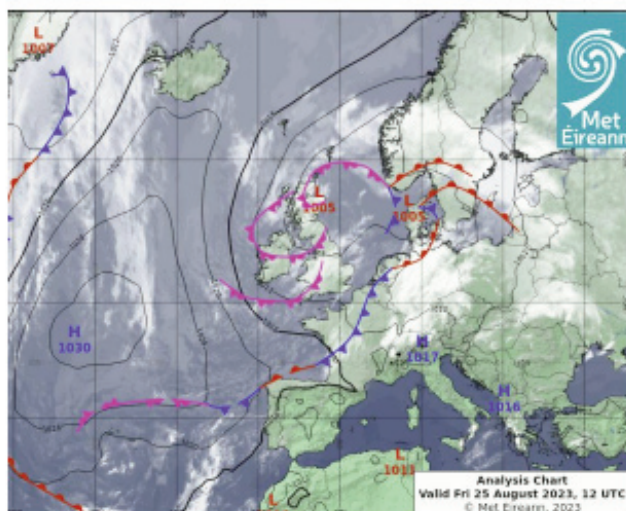
Cnoc Ghlas Naíon

Baile Átha Cliath 9

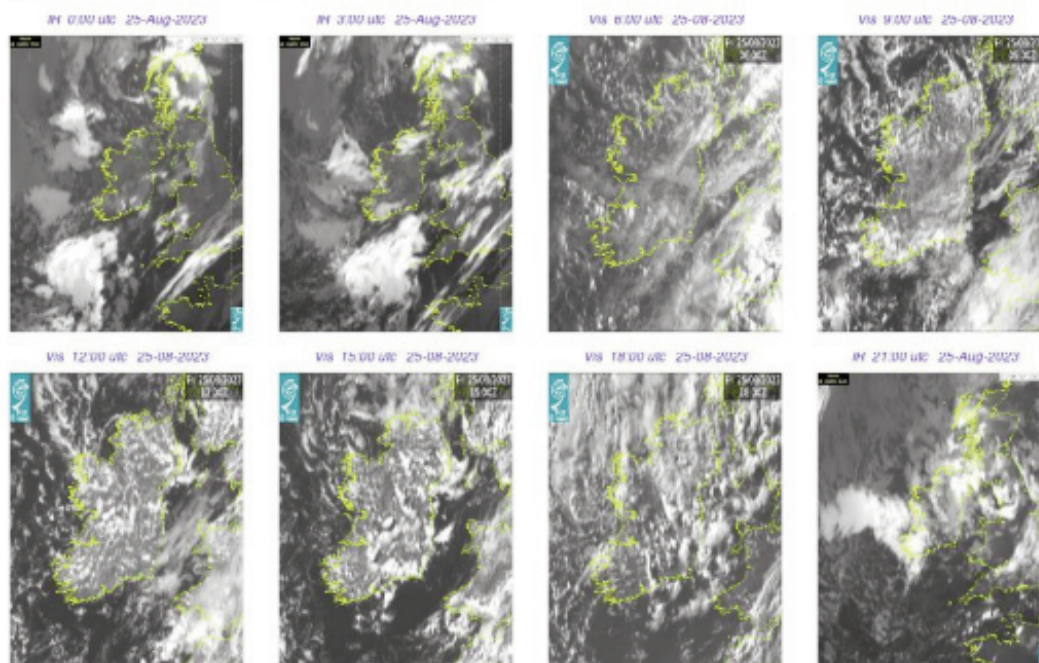
Tel: +353-1-8064260

Email: legal@met.ie

Appendix 1a Analysis Chart 25-August-2023 12 UTC




Appendix 1b Satellite images (3 hourly) 25-August-2023



Met Éireann | Climate Services Division | Enquiries Legal Unit | Email: legal@met.ie

Appendix 7.1 Met Éireann Meteorological Report Inner Galway Bay



24-hour Sea Area Forecast

Updated at 0000 / 0600 / 1200 / 1800

Sea Area Forecast until 0600 Saturday, 26 August 2023

Issued at 0600 Friday, 25 August 2023

1. Gale warning: Nil

Small craft warning: In operation

2. Meteorological situation at 0300: Low pressure of 1005hPa over Scotland slowly drifts away to the east while high pressure of 1029hPa remains centered west of Ireland. Frontal troughs move over the country during the forecast period.

3. Forecast for Irish coastal waters from Carnsore Point to Loop Head to Fair Head

Wind: Northwest force 5 or 6.

Weather: Cloudy with isolated showers.

Visibility: Decreasing moderate in showers.

Forecast for Irish coastal waters from Fair Head to Howth Head to Carnsore Point and the Irish Sea

Wind: West to northwest force 3 to 5.


Weather: Cloudy to fair with scattered showers, some heavy.

Visibility: Decreasing moderate in showers.

Warning of Heavy Swell: Nil

4. Outlook for a further 24 hours until 0600 Sunday 27 August 2023: Fresh to strong northerly winds.

Weather: Cloudy to fair with isolated showers.



Text of Gale Warning	
Nil	

Text of Small Craft Warning	
North to northwest winds will reach force 6 at times on Irish coasts from Valentia to Erris Head to Fair Head.	


Coastal Reports	5 AM Friday, 25 August 2023
Malin Head Automatic	North-Northwest, 17 Knots, Fair, 21 Miles, 1008, Falling slowly
Dublin Airport	West, 9 Knots, Cloudy, 10 Miles, 1010, Falling slowly
Buoy M5 51° 41'N 6° 42'W	West, 10 Knots, Wave ht 0.9 m, The visibility at Tuskar is greater than 10 Miles, 1011, Falling slowly
Roches Point Automatic	Northwest, 2 Knots, Cloudy, 26 Miles, 1011, Falling slowly
Sherkin Island Automatic	West, 11 Knots, Cloudy, 26 Miles, 1012, Falling slowly
Valentia Automatic	Northwest, 8 Knots, Rain shower, 4 Miles, 1012, Falling slowly
Mace Head Automatic	Northwest, 9 Knots, Fair, 10 Miles, 1011, Falling slowly
Belmullet Automatic	North-Northwest, 7 Knots, Fair, 14 Miles, 1011, Falling slowly
Buoy M1 53° 8'N, 11° 12'W	Report not available
Buoy M2 53° 28'N, 5° 26'W	West, 15 Knots, Wave ht 0.9 m, 1009, Falling slowly
Buoy M3 51° 13'N, 10° 33'W	Northwest, 16 Knots, Wave ht: 1.6 m, 1013, Falling slowly
Buoy M4 55° 0'N 10° 0'W	North-Northwest, 12 Knots, Wave ht: 1.6 m, 1010, Falling slowly
Buoy M6 53° 4'N 15° 56'W	North, 19 Knots, Wave ht: 2.2 m, 1018, Falling slowly

Disclaimer: buoy locations are approximate and are not for navigational purposes

Sea Crossings	State of sea until 0600 Sunday 27 August 2023
Dublin - Holyhead	Slight to moderate
Rosslare - South Wales	Slight to moderate
Cork - South Wales	Slight to moderate
Rosslare - France	Slight to moderate
Cork - France	Slight to moderate
Rosslare - Spain	Moderate

Next update before 1300 Friday, 25 August 2023

Appendix 7.1 Met Éireann Meteorological Report Inner Galway Bay



24-hour Sea Area Forecast

Updated at 0000 / 0600 / 1200 / 1800

Sea Area Forecast until 1200 Saturday, 26 August 2023

Issued at 1200 Friday, 25 August 2023

1. Gale warning: Nil

Small craft warning: In operation

2. Meteorological situation at 0900: Low pressure of 1005hPa over the North Sea slowly drifts away to the east while high pressure of 1029hPa remains centered west of Ireland. Frontal troughs move over the country during the forecast period.

3. Forecast for Irish coastal waters from Valentia to Rossan Point to Belfast Lough

Wind: Northerly force 5 or 6 imminent.

Weather: Cloudy with isolated showers.

Visibility: Decreasing moderate in showers.

Forecast for Irish coastal waters from Belfast Lough to Hook Head to Valentia and for the Irish Sea


Wind: West to northwest force 3 or 4 imminent. Soon increasing force 4 or 5. Later reaching force 6 at times.

Weather: Cloudy to fair with scattered showers, some heavy, with thunderstorms possible.

Visibility: Decreasing moderate in showers.

Warning of Heavy Swell: Nil

4. Outlook for a further 24 hours until 1200 Sunday 27 August 2023: Fresh to strong northerly winds, decreasing moderate to fresh overnight Saturday and backing southwesterly. Weather: Cloudy to fair with isolated showers. Rain developing in the west on Sunday morning.



Text of Gale Warning

Nil

Text of Small Craft Warning

North to northwest winds will reach force 6 at times on Irish coasts from Valentia to Erris Head to Fair Head.

Coastal Reports	
Malin Head Automatic	11 AM Friday, 25 August 2023
Dublin Airport	North-Northwest, 10 Knots, Gust 21 Knots, Rain shower, 9 Miles, 1009, Rising slowly
Buoy M5 51° 41'N 6° 42'W	West-Northwest, 12 Knots, Cloudy, 24 Miles, 1009, Steady
Roches Point Automatic	West-Northwest, 12 Knots, Cloudy, 24 Miles, 1009, Steady
Sherkin Island Automatic	Northwest, 16 Knots, Recent rain, 21 Miles, 1011, Steady
Valentia Automatic	West, 10 Knots, Recent drizzle, 21 Miles, 1012, Steady
Mace Head Automatic	North-Northwest, 8 Knots, Cloudy, 18 Miles, 1013, Rising slowly
Belmullet Automatic	Northwest, 16 Knots, Rain shower, 4 Miles, 1011, Steady
Buoy M1 53° 8'N, 11° 12'W	North-Northwest, 9 Knots, Gust 21 Knots, Mod rain shower, 7 Miles, 1011, Steady
Buoy M2 53° 29'N, 5° 26'W	Report not available
Buoy M3 51° 13'N, 10° 33'W	West-Northwest, 12 Knots, Wave ht 0.8 m, 1009, Steady
Buoy M4 55° 0'N 10° 0'W	North-Northwest, 16 Knots, Wave ht. 2 m, 1013, Steady
Buoy M6 53° 4'N 15° 56'W	North-Northwest, 14 Knots, Wave ht. 2 m, 1010, Steady

North, 15 Knots, Gust 25 Knots, Wave ht. 2 m, 1019, Steady

Disclaimer: buoy locations are approximate and are not for navigational purposes

Sea Crossings	
Dublin - Holyhead	State of sea until 1200 Sunday 27 August 2023
Rosslare - South Wales	Slight to moderate.
Cork - South Wales	Slight to moderate.
Rosslare - France	Slight to moderate.
Cork - France	Slight to moderate.
Rosslare - Spain	Moderate, increasing moderate to rough on Sunday.

Next update before 1900 Friday, 25 August 2023

Appendix 7.2 Irish Coast Guard Situation Report

[REDACTED]

From: MRSC Valentia (IRCG)
Sent: Friday 25 August 2023 17:01
To: Transport MRSC Valentia Sitrep; watchkeeper@rnli.org.uk
Subject: MOB GALWAY HARBOIR (UIIN1868/23) - SITREP ONE AND FINAL

Follow Up Flag: Follow up
Flag Status: Flagged

FYI
Regards

[REDACTED]
MRSC Valentia

ROUTINE
25 1343Z AUG 23
FROM MRSC VALENTIA
TO MRSC VALENTIA SITREP GROUP

BT
MOB GALWAY HARBOIR
UIIN1868/23
SAR SITREP ONE AND FINAL

A - IDENTITY OF CASUALTY:
MALE / SHOES / JACKET / JEANS

B - POSITION
53°16.05'N 009°02.95'W

C - SITUATION
MOB LADY VIXA / NIMMOS PIER GALWAY

D - NUMBER OF PERSONS
1

E - ASSISTANCE REQUIRED
LOCATE AND RECOVER

F - COORDINATING RCC
MRSC VALENTIA

G - DESCRIPTION OF CASUALTY
MALE, MATURE PERSON (25-65), NOT WEARING LIFE VEST

Appendix 7.2 Irish Coast Guard Situation Report

H - WEATHER ON SCENE

WIND: 3, NW / SEA: SMOOTH / SWELL: LOW WAVE / AIR TEMP: 16.3°C / WATER TEMP: 15.9°C / VIS: GOOD / PRECIP: SLIGHT / SITREP WEATHER-TIME: 25 1232Z AUG 23

J - INITIAL ACTIONS TAKEN

TASKED R118 / GALWAY L/B / COSTELLO BAY CGU / MAYDAY RELAY BCST / ADVSD FIRE SVC / AGS/ NEOC

K - SEARCH AREA

GALWAY BAY /

L - COORDINATING INSTRUCTIONS

LOCATE AND ASSIST

M - FUTURE PLANS

INCIDENT CLOSED

N. Additional Information

1232 LADY PIXA ADVSD MOB OFF NIMMOS PIER / GALWAY HARBOUR / TASKED R118 / GALWAY L/B / MAYDAY RELAY BCST / ADVSD FIRE SVC / AGS/ NEOC

1245 GALWAY RNLI LAUNCHED ON SVC /

1248 GALWAY RNLI ONSCENE / SEARCH COMMENCES

1250 R118 AIRBORNE SLIGO BASE

1315 R118 ONSCENE / SEARCH COMMENCES / COSTELLO BAY CGU PROCEEDING

1321 R118 ADVSD VISUAL ON TARGET / ADVSD GALWAY L/B

1326 EJK ADVSD R115 (UIIN 1867) ON GUH PAD OF POSSIBLE REQ BY R118

1328 GALWAY L/B ADVSD CAS RECOVERED BY R118 / STOOD DOWN GY L/B / ADVSD R115

1334 R115 DEP GUH PAD / R118 INBOUND / AWAITING AMB / RESSUS TEAM

1352 MAYDAY RELAY CANCEL BCST

1521 R118 DEP GUH / RTB /

1555 R118 BACK AT BASE AND CLOSING

Appendix 7.3 Marine Notice No. 58 of 2020



An Roinn Iompair
Department of Transport

Marine Notice No. 58 of 2020

Notice to all Masters, Owners, Boating Clubs and Users of Pleasure and Recreational Craft.

Two separate fatal incidents involving recreational fishing by persons operating alone

The purpose of this Marine Notice is to draw the attention of all masters, owners, boating clubs and users of pleasure and recreational craft to the Code of Practice for the Safe Operation of Recreational Craft in response to Marine Casualty Investigation Board (MCIB) recommendations contained in two recent MCIB reports concerning separate marine casualties. The full reports into fatal incidents on Lough Mask, Co. Mayo ([Report No. 287](#)), and in Dunmanus Bay, West Cork ([Report No. 294](#)), may be viewed on the website of the MCIB at mcib.ie.

The Code of Practice for the Safe Operation of Recreational Craft is a valuable source of information, advice and best practice guidance for owners, masters, operators and users of a range of pleasure and recreational craft operating in Irish coastal and inland waters. Part A of the Code of Practice outlines the legislative requirements that apply to all recreational craft or specific types or size of craft. Owners and operators must comply with the requirements appropriate to their craft. Part B contains recommended guidelines and best practice for safe operation. This includes Chapter 2, Coastal Operation of Sail and Motor Boats, and Chapter 3, Operation of Sail and Motor Boats on Inland Waterways. Section 2.10 of Chapter 2 contains specific advice relating to sea angling boats while section 3.4 of Chapter 3 contains advice on boat angling on inland waters.

The Department would like to remind the operators of recreational craft of the following advice and recommendations:

- The importance of abiding by the legal requirements in relation to the wearing and carrying of Personal Flotation Devices/Lifejackets. It is a statutory requirement to wear a Personal Flotation Device (PFD) when on board an open craft of less than 7 metres in length overall or whilst on deck onboard a decked craft of less than 7 metres in length overall. Wearing a PFD will increase your chance of survival in the event of entering the water. Please see [Marine Notice No. 32 of 2019](#) (Personal Flotation Device for Pleasure Craft and Personal Watercraft) for further information.

Appendix 7.3 Marine Notice No. 58 of 2020

- The importance of checking current weather forecasts and sea / lake /river conditions prior to departure and to plan your voyage accordingly (see Appendix 6 (Weather, Sea States and Tides) and Appendix 8 of the Code of Practice for an example of a passage planning template).

The Department also wishes to highlight the increased risks involved with single person operation. Particular attention is drawn to the following safety advice:

- Users should carry out a risk assessment of the intended operations and take appropriate actions to reduce/mitigate the inherent risks that arise when nobody else is on-board to render assistance or to raise the alarm.
- When operating single handed, make sure an effective means of quickly re-boarding the boat is available in the event of a person overboard situation occurring, for example, a boarding ladder.
- Ensure that a designated person ashore is aware of your departure and return times, where you are going, and have a procedure in place to raise the alarm if necessary.

The Code of Practice is a free document and hardcopies can be obtained on request, in both English and Irish, from the Maritime Safety Policy Division of the Department at email MarineLeisureSafety@transport.gov.ie.

The Code is also available to view or download from the Department's website at the following link: [Code of Practice for the Safe Operation of Recreational Craft](#).

All recreational craft users are encouraged to familiarise themselves with the Code of Practice and to heed the safety advice and recommendations. Boating Clubs are urged to circulate this Marine Notice to their members.

Safety information and advice is also available on the Department's Safety on the Water Website at the following link: [Safety on the Water](#).

Note: Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,
Department of Transport,
Leeson Lane, Dublin, D02 TR60, Ireland.

07/12/2020

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, MSO@transport.gov.ie
For general enquiries, please contact the Maritime Safety Policy Division,
MaritimeSafetyPolicyDivision@transport.gov.ie
Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: <https://www.gov.ie/transport>

Appendix 7.4 Marine Notice No. 52 of 2023



An Roinn Iompair
Department of Transport

Marine Notice No. 52 of 2023

Notice to all Masters, Owners and Users of Pleasure and Recreational Craft.

Think and Prepare – Important safety advice for owners and users of recreational craft

The Department of Transport wishes to remind all masters, owners and users of recreational craft of the need to think and prepare before going out on the water. All owners and users of recreational craft should follow this **Checklist of Basic Requirements and Advice** both before going on the water and while on the water:

- ✓ **Get training** from an approved training provider in the correct use of the type of craft you wish to use;
- ✓ **Wear a suitable Personal Flotation Device/Lifejacket:** Know about the legal requirements in relation to the wearing and carrying of Personal Flotation Devices/Lifejackets and the need for the proper care and maintenance of such devices. Select the proper type based on activity or boating conditions. See [Marine Notice No. 32 of 2019](#) for further information;
- ✓ **Check current weather forecasts and sea/lake/river conditions prior to departure** and plan your voyage accordingly;
- ✓ **Check for any hazards and risks and Prepare a Passage Plan;**
- ✓ **Avoid operating alone:** There are increased risks involved with single person operation when there is nobody else on board or nearby to help you or to raise the alarm. Make sure you have an effective means of quickly re-boarding the boat in the event that you fall overboard;
- ✓ **Carry out Pre-Departure Safety Checks and Briefing:** Check your craft and safety equipment. All persons on board should know what to do in the event of an emergency, where the safety/emergency equipment is on board, e.g. flares, radio equipment, life jackets, etc., and how to use the equipment;
- ✓ **Tell someone about the plans for your trip:** A designated person ashore should know your departure and return times, where you are going, and what to do to raise the alarm if necessary;
- ✓ **Bring a dependable means of communication:** VHF radio equipment is the recommended method of communication and craft users should be familiar with its use, reference [Marine Notice No. 70 of 2022](#). Mobile phones should not be relied

Appendix 7.4 Marine Notice No. 52 of 2023

on and should only be considered as a back-up means of communication. Where mobile phone use is proposed, the phone should be in a waterproof pouch with a lanyard, be fully charged at all times and the signal strength and charge indicator should be regularly checked while the vessel is underway;

- ✓ **Emergency Beacons:** Consider having a Personal Locator Beacon (PLB) or an Emergency Position Indicating Beacon (EPIRB) as appropriate. See [Marine Notice No. 25 of 2010](#) as amended, [Marine Notice No. 38 of 2013](#) and [Marine Notice No. 70 of 2022](#) for further information, including in relation to registration of PLBs and EPIRBs;
- ✓ **Do not consume alcohol or drugs before or during a trip:** When operating a recreational craft, a person must not be under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol;
- ✓ **Be aware of and recognise the symptoms of fatigue:** Get proper sleep and rest before your journey;
- ✓ **Relax and float:** If you fall into the water, the initial shock of being in cold water can cause you to gasp and panic. Stay calm and relax. Try to float or tread water while you catch your breath. A properly fitted lifejacket will keep your head above water, ensuring you gasp air. Try to get hold of something that will help you float and get as much of your body out of the water as possible. To lessen heat escape, keep your legs together with arms/elbows by your side. Once you are calm, call for help;
- ✓ **Wear suitable clothing and footwear;**
- ✓ **In a marine emergency, raise the alarm on VHF Channel 16 or call 999 or 112 and ask for the Coast Guard.**

Code of Practice for the Safe Operation of Recreational Craft

The Code of Practice for the Safe Operation of Recreational Craft provides information on the legislation that applies to recreational craft, as well as safety advice and best practice operational guidance for owners, masters, operators and users of a range of pleasure and recreational craft operating in Irish coastal and inland waters.

The Code highlights the importance of personal responsibility for all those who take to the water. Each person must take maritime safety seriously, prepare and plan for a safe trip, behave responsibly on the water and be properly equipped to be able to respond to any incidents that may arise.

A revised Code of Practice is being developed following a review of the 2017 edition within the Irish Maritime Directorate and consultation with the public and key stakeholders. An updated edition will be published later in 2023.

The existing edition is available to view or download at www.gov.ie and www.safetyonthewater.ie. For the convenience of those who may only be interested in a particular type of recreational craft, individual chapters of the Code are also available to view or download from the above websites.

Appendix 7.4 Marine Notice No. 52 of 2023

Additional online publications in relation to safety on the water are available at <https://www.gov.ie/en/collection/60fd1-all-safety-on-the-water-booklets/>.

Note: Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,
Department of Transport,
Leeson Lane, Dublin 2, D02 TR60, Ireland.

27/07/2023

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, email: MSO@transport.gov.ie.
For general enquiries, please contact the Maritime Safety Policy Division, email:
MaritimeSafetyPolicyDivision@transport.gov.ie.
Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: www.gov.ie/transport.

Appendix 7.5 Marine Notice No. 11 of 2018 - Prohibitions on the Consumption of Alcohol and/or Drugs



Marine Notice No. 11 of 2018

This Marine Notice supersedes Marine Notice Nos. 56 of 2012 and 15 of 2017

Notice to all owners, masters and users of pleasure and recreational craft and other vessels operating in Irish waters, and boat hire companies

Prohibitions on the consumption of Alcohol and / or Drugs

The purpose of this Marine Notice is to remind the public of the law in relation to being under the influence of alcohol and / or drugs when operating or while on board a recreational craft or any vessel in Irish waters, or on board vessels or objects being towed by recreational craft.

The recently published 2016 Annual Report of the Marine Casualty Investigation Board (MCIB) highlights the fact that alcohol or drug consumption continues to be a factor in marine incidents, including incidents involving recreational craft. Successive MCIB Annual Reports have shown that incidents are occurring where diminished human performance and impairment due to the effects of alcohol and / or drug consumption have been primary causes or contributing factors, leading to the loss of life in some cases. In the recent Annual Report, the MCIB Board reminds all vessel operators of the need to take personal responsibility and to ensure that they are fit to undertake their planned voyage.

The Department of Transport, Tourism and Sport wishes to remind all recreational craft users that it is the responsibility of each individual taking to the water to be mindful of their own safety:

- **YOU** must take personal responsibility for your actions on the water.
- **YOU** must avoid alcohol and drugs before or during a voyage.
- If you fail to operate safely and to comply with the law in relation to alcohol and drug consumption **YOU put your life and your vessel at risk as well as the lives of others**, including members of the rescue services.
- It is against the law to consume alcohol and drugs in circumstances that could affect the safety of others on board or others using Irish waters, or create a disturbance on board or be a nuisance to others using Irish waters.
- Alcohol speeds up the rate of body cooling and thus **increases the risk of hypothermia** in the event that you fall into the water.

Appendix 7.5 Marine Notice No. 11 of 2018 - Prohibitions on the Consumption of Alcohol and/or Drugs

Regulations 8 and 9 of the [Pleasure Craft \(Personal Flotation Devices and Operation\) \(Safety\) Regulations 2005](#) [S.I. No. 921 of 2005], as amended, set out the law regarding the consumption of alcohol or drugs while on board a pleasure craft, including prohibitions on operating a pleasure craft while under the influence. Failure to comply with the law can result in a fixed payment of €150 and/or prosecution proceedings which, on summary conviction, can lead to a fine of up to €5,000. A pleasure craft includes personal watercraft, such as jet skis, and fast power craft.

Sections 28 to 30 of the [Maritime Safety Act 2005](#) (No. 11 of 2005) contain a range of provisions relating to the prohibition on operating or being on board a vessel in Irish waters while under the influence of alcohol or drugs, and the associated penalties. These include the following prohibitions:

1. A person in command or in charge or another member of the crew of a vessel in Irish waters (or an Irish ship in waters anywhere) **must not operate or control** or attempt to operate or control the vessel or carry out any task or duty in relation to the operation or control of the vessel while he or she is under the influence of alcohol or a drug or any combination of drugs, or drugs and alcohol to such an extent as to be incapable of properly controlling or operating the vessel or carrying out the task or duty (section 28).
2. A person on board a vessel in Irish waters (or an Irish ship in waters anywhere) **must not consume alcohol or take a drug** or any combination of drugs or drugs and alcohol while on board the vessel in circumstances which could affect the safety of persons or create a disturbance or serious nuisance on board the vessel or affect the safety of other persons using Irish waters or constitute a nuisance to such persons (section 30).
3. **Failure to comply with the above requirements is an offence** and the person is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both.
4. If a **person in command or in charge or another member of the crew of a vessel** is, while on duty, under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol to such an extent that his or her ability to discharge his or her duties is impaired, he or she commits an offence and is liable on summary conviction to a fine not exceeding €5,000 (section 29).
5. **A person on board a vessel in Irish waters (or on an Irish ship in waters anywhere)** who through any deliberate or reckless action or by reason of being under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol puts at risk or endangers the safety, security or seaworthiness of the vessel or the lives or safety of persons on board commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or both (section 32).

Irish Maritime Administration
Department of Transport, Tourism and Sport
Leeson Lane, Dublin 2, D02 TR60, Ireland.

20/03/2018

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, tel: +353-(0)1-678 3400.
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.
Written enquiries concerning Marine Notices should be addressed to:
Maritime Safety Policy Division, Dept. of Transport, Tourism and Sport, Leeson Lane, Dublin, D02 TR60, Ireland.
email: marinenotices@dtas.ie or visit us at: www.dttas.ie

Appendix 7.6 Marine Notice No. 32 of 2019 (Amended on 7 February 2025)



An Roinn Iompair,
Turasóireachta agus Spóirt
Department of Transport,
Tourism and Sport

Marine Notice No. 32 of 2019

Amended 07/02/2025

This Marine Notice replaces Marine Notice Nos. 45 of 2012 and 10 of 2016.

Notice to all owners, masters and users of pleasure craft and personal watercraft

Personal Flotation Devices for Pleasure Craft and Personal Watercraft



1. Purpose

The purpose of this Marine Notice is to highlight the requirements for the carriage, certification, selection and wearing of Personal Flotation Devices for pleasure craft and personal watercraft. The Marine Notice also contains recommendations on correct use for users of Personal Flotation Devices.

2. What is a Personal Flotation Device?

The term “personal flotation device” (PFD) covers all forms of lifejackets and buoyancy aids which, when correctly worn and used in water, provide buoyancy and increase the likelihood of survival.

A PFD is:

- a lifejacket that is  marked¹ or  wheel marked², or
- a buoyancy aid that is  marked.

Tables B and C of this Marine Notice provide further information on the differences between a lifejacket and a buoyancy aid and associated use.

3. Personal Flotation Device Regulations

The *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005* ([S.I. No. 921 of 2005](#)) as amended by the *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012* ([S.I. No. 349 of 2012](#)) and the *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018* ([S.I. No. 400 of 2018](#)), apply to pleasure craft being operated in Irish waters and to:

¹ Lifejackets and buoyancy aids that are marked with the CE conformity marking consisting of the initials ‘CE’ taking the form shown in the specimen in Annex II of Regulation (EC) 765/2008 of 9 July 2008.

² Lifejackets that have the mark of conformity in the form of the wheel mark symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014.

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- any person on board a pleasure craft;
- any person being towed by a pleasure craft, or on board a craft or object of any kind being towed by a pleasure craft.

Table A of this Marine Notice provides further details on the application of the regulations to particular types/size of craft and sets out the carriage, certification and wearing requirements for PFDs on pleasure craft and personal watercraft.

There must be suitable PFDs for everyone on board any pleasure craft.

Failure to comply with the legal requirements – Fixed Payments and Fines:

Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under the PFD regulations, he or she may serve a fixed payment notice in the prescribed form on the person in question. The person who is alleged to have committed the offence may pay **€150** during the period of 21 days from the date of the notice. Failure to pay the €150 within the 21 days will lead to the institution of prosecution proceedings and, on summary conviction, to a fine not exceeding €5,000.

Wear a PFD – A person on board a pleasure craft of less than 7 metres length overall is required to wear a suitable personal flotation device while on board an open craft or while on the deck of decked craft, other than when the craft is made fast to the shore or at anchor.

4. Selection of Personal Flotation Devices

When selecting a PFD, it is very important to select the correct device that is the appropriate size for the person wearing it and is suited to the particular conditions and circumstances in which it will be used. Reference should be made to Tables B, C and D of this Marine Notice, which set out the various PFD performance levels available and their associated description of use.

5. Recommendations for correct use of a Personal Flotation Device

- Users should read and understand the manufacturers' instruction manual when they acquire a new PFD as each device may have specific user instructions.
- **PFDs should be worn over all clothing and not underneath.** This is to ensure that there is sufficient space for the device to inflate and that the user's breathing is not restricted.
- PFDs should be worn in the **correct position** on the torso as per the manufacturer's instructions. Hold-down devices can greatly assist in keeping the PFD in the correct position, as detailed below.

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- Users should be fully **familiar with the operation of their inflatable PFDs** both manually and automatically.
- **Automatically inflatable PFDs**, which operate by means of a soluble bobbin, may activate in error if left in a damp condition. When inflatable PFDs are not being worn, they should be hung to dry vertically to ensure that all moisture drains away from the bobbin. Covers are available which reduce the problem of accidental inflation.
- Whilst not a requirement of the PFD regulations, it is recommended that anyone alone on board a craft should **wear a PFD at all times** regardless of weather conditions, the size of the craft or whether the craft is made fast to the shore or at anchor.
- It is recommended that all persons should wear a PFD at all times while on an open pleasure craft or on the deck of a decked pleasure craft.
- Where PFDs are required to be carried on board a craft, it is recommended that they are stored in a **readily accessible position** which may save time in an emergency situation.
- It is recommended that a PFD should be fitted with **hold-down devices such as crotch straps or thigh straps** which should be worn to maximise lifesaving potential and reduce the risk of the PFD riding up on the user, potentially moving it to an incorrect position. Some PFDs are sold with hold-down devices provided and others are sold with the hold-down device as an optional extra. **It is important that features such as crotch straps are worn correctly, in accordance with the instructions of the manufacturer of the PFD, to ensure that they work as intended.**
- Please see **Appendix 1** of this Marine Notice regarding the effect of **Cold Water Shock** and the benefits of a correctly worn lifejacket.

6. Inspection and Servicing of Personal Flotation Devices

PFDs have a limited lifespan and require regular inspection and servicing in accordance with the manufacturer's instructions. Servicing should only be carried out by the manufacturers or their approved agent.

Users of PFDs should ensure that the device is inspected prior to each use as per the manufacturer's instructions. The inspection, as a minimum, should include:

- Inspection of harness straps/stitching for damage/wear;
- Inspection of external lining for wear/damage;
- Checking that all buckles are correctly adjusted;
- Checking that all zips, buckles, fasteners, webbing straps and lights (if fitted) are functioning correctly;
- Checking all hold-down devices attached to the PFD, if fitted;
- Inflatable lifejackets – refer to manufacturer's user instructions with particular reference to the CO₂ gas firing cylinder;
- Checking any marked expiry dates to confirm that there are no expired components.

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If any concern exists regarding a PFD or a component following a user's inspection, it should not be used and should be brought to an approved service agent for servicing.

This is an information notice which serves to draw attention to the relevant legislation and is not a legal interpretation of the legislation.








7. Code of Practice for the Safe Operation of Recreational Craft

Further safety information for recreational craft users in relation to PFDs and other matters is contained in the Code of Practice for the Safe Operation of Recreational Craft. The Code of Practice is a free document and hardcopies can be obtained on request, in both English and Irish, from the Maritime Safety Policy Division of the Department at email marineleisuresafety@transport.gov.ie.

The Code of Practice is also available to view or download from www.gov.ie at the following link: <https://www.gov.ie/en/publication/66ff7e-safe-operation-of-recreational-craft/> and on www.safetyonthewater.ie.

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Table A - Personal Flotation Devices: Certification, carriage, selection and wearing requirements






LENGTH OVERALL of craft	PFD CERTIFICATION AND CARRIAGE REQUIREMENTS <i>See notes (1) and (2)</i>	SELECTION OF PERSONAL FLOTATION DEVICES	REQUIRED WEARING OF PERSONAL FLOTATION DEVICE		
			PLEASURE CRAFT <i>see note (3)</i>		PERSONAL WATERCRAFT <i>See note (6)</i>
			OPEN CRAFT <i>See note (5)</i>	DECKED CRAFT <i>See note (4)</i>	
Less than 4 metres	 or  For all persons	Refer to Tables B, C and D.	All persons	All persons while on deck	All persons
Less than 7 metres	 or  For all persons	Refer to Tables B, C and D.	All persons	All persons while on deck	Not applicable
7 metres or greater	 or  For all persons	Refer to Tables B, C and D.	All persons under 16 years of age	All persons under 16 years of age while on deck	Not applicable
Over 13.7 metres	 For all persons <i>See note (7)</i>	Refer to Table C.	All persons under 16 years of age	All persons under 16 years of age while on deck	Not applicable
Notes:					
(1) Means lifejackets and buoyancy aids that are marked with the CE conformity marking consisting of the initials 'CE' taking the form shown in the specimen in Annex II of Regulation (EC) 765/2008 of 9 July 2008.					

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- (2) Means lifejackets that have the mark of conformity in the form of the wheel mark symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014.
- (3) Does not apply to:
- a person on board a pleasure craft (other than a personal watercraft), which is not under way, when the person is wearing, putting on, or taking off, scuba diving equipment, or is about to engage in, or has just completed swimming (including snorkelling) from the craft;
 - The PFD regulations do not apply to rowers in boats which are designed and specifically used for rowing in boat races and are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.
- (4) "Decked craft" means a pleasure craft which is not an open craft.
- (5) "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.
- (6) "Personal watercraft" means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull.
- (7) Consideration to be given to the carriage of **CE** marked lifejackets for use on deck in addition to **CS** marked lifejackets.

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Table B - Selection of lifejackets

 LIFEJACKETS (INFLATABLE AND NON-INFLATABLE)	
<i>PERFORMANCE LEVEL</i>	<i>APPLICATION</i>
<p>LEVEL 275</p>  <p>Offshore, extreme conditions, special protective clothing, heavy equipment</p>	<p>This level is intended primarily for offshore use under extreme conditions. It is also of value to those who are wearing clothing which traps air and which may adversely affect the self-righting capacity of the lifejacket. It is designed to ensure that the user is floating in the correct position with his/her mouth and nose clear of the surface of the water.</p>
<p>LEVEL 150</p>  <p>Offshore, foul weather clothing</p>	<p>This level is intended for general application or for use with foul weather clothing. It will turn an unconscious person into a safe position and requires no subsequent action by the user to maintain this position.</p>
<p>LEVEL 100</p>  <p>Sheltered waters, light clothing</p>	<p>This level is intended for those who may have to wait for rescue, but are likely to do so in sheltered water. The device should not be used in rough conditions.</p>
 LIFEJACKETS (INFLATABLE AND NON-INFLATABLE)	
<i>APPLICATION</i>	

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Survival lifejackets that have the mark of conformity in the form of the wheel mark symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014. Refer to Note (7) from Table A.

Table C - Selection of buoyancy aids




 BUOYANCY AIDS	
PERFORMANCE LEVEL	APPLICATION
<p>LEVEL 50</p>  <p>Swimmers only, sheltered waters, help at hand, limited protection against drowning, not a lifejacket.</p>	<p>This level is intended for use by those who are competent swimmers and who are near to bank or shore, or who have help and a means of rescue close at hand. These garments have minimal bulk, but they are of limited use in disturbed water, and cannot be expected to keep the user safe for a long period of time. They do not have sufficient buoyancy to protect people who are unable to help themselves. They require active participation by the user.</p>

Table D - Special purpose lifejackets and buoyancy aids

 SPECIAL PURPOSE LIFEJACKETS AND BUOYANCY AIDS	
PERFORMANCE LEVEL	APPLICATION
<p>LEVEL 275</p> <p>LEVEL 150</p> <p>LEVEL 100</p> <p>LEVEL 50</p>	<p>Lifejackets and buoyancy aids that have different levels of support but have modifications related to special applications for use, e.g. firefighting. These applications shall not relate to essential requirements such as in-water performance, stability and safety in use. The specific conditions for use shall be stated on their label to maintain essential requirements. Users should refer to the manufacturer's documentation for guidance on selecting this type of PFD.</p>

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Irish Maritime Administration,
Department of Transport,
Leeson Lane, Dublin 2, D02 TR60, Ireland.

Amended 07/02/2025

Encl: Appendix 1

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, email: MSO@transport.gov.ie.
For general enquiries, please contact the Maritime Safety Policy Division, email:
MaritimeSafetyPolicyDivision@transport.gov.ie.
Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: www.gov.ie/transport.

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Appendix 1:

Cold water shock kills

Stage 1: Cold shock (3 – 5 minutes)

Stage 2: Swimming failure (3 – 30 minutes)

Stage 3: Hypothermia (after 30 minutes)

Stage 4: Post rescue collapse (during or hours after rescue)

What does a correctly sized and worn lifejacket DO for YOU?

Makes YOU feel safe

Keeps YOU alive

Stops YOU from panicking

Supports YOU even when unconscious

Supports and protects YOU until help arrives

But only if you keep YOUR lifejacket from riding-up!

Remember: It won't work if you don't wear it.

In order to work, a PFD should be worn at all times. Cold water can severely impede your ability to put on and fasten a PFD in the water.

Adverse wind and wave conditions can also make this extremely difficult or you could unexpectedly fall into water and be unable to reach your PFD on board your craft.

SECTION 36 PROCESS

Section 36 of the Merchant Shipping (Investigation of Marine Casualties) Act, 2000

It is a requirement under Section 36 that:

- (1) Before publishing a report, the Board shall send a draft of the report or sections of the draft report to any person who, in its opinion, is likely to be adversely affected by the publishing of the report or sections or, if that person be deceased, then such person as appears to the Board best to represent that person's interest.
- (2) A person to whom the Board sends a draft in accordance with subsection (1) may, within a period of 28 days commencing on the date on which the draft is sent to the person, or such further period not exceeding 28 days, as the Board in its absolute discretion thinks fit, submit to the Board in writing his or her observations on the draft.
- (3) A person to whom a draft has been sent in accordance with subsection (1) may apply to the Board for an extension, in accordance with subsection (2), of the period in which to submit his or her observations on the draft.
- (4) Observations submitted to the Board in accordance with subsection (2) shall be included in an appendix to the published report, unless the person submitting the observations requests in writing that the observations be not published.
- (5) Where observations are submitted to the Board in accordance with subsection (2), the Board may, at its discretion -
 - (a) alter the draft before publication or decide not to do so, or
 - (b) include in the published report such comments on the observations as it thinks fit.

The Board reviews and considers all observations received whether published or not published in the final report. When the Board considers an observation requires amendments to the report, those amendments are made. When the Board is satisfied that the report has adequately addressed the issue in the observation, then no amendment is made to the report. The Board may also make comments on observations in the report.

Response(s) received following circulation of the draft report (excluding those where the Board has agreed to a request not to publish) are included in the following section.

The Board has noted the contents of all observations, and amendments have been made to the report where required.

8. MSA 2000 - SECTION 36 OBSERVATIONS RECEIVED

No correspondence was received on the draft of this report.



Leeson Lane, Dublin 2.
Telephone: 01-678 3485/86.
email: info@mcib.ie
www.mcib.ie

